

FOCUS GROUPS: THE WHO, WHAT, WHEN, WHERE AND WHY OF THEIR VALUE IN LEGAL RESEARCH

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ABSTRACT

Legal research takes place in an environment where there is continual scrutiny over particular methods of research and the data obtained via these methods. Focus groups have established themselves as a credible method of data collection in many diverse areas of research and are a popular qualitative ethnographic method of undertaking research into legal questions/problems. This paper will examine the theory behind focus groups, their strengths and weaknesses and how they can best be utilised to obtain meaningful data when undertaking legal research questions.

I. INTRODUCTION

A large amount of literature exists on most aspects connected with focus groups, including their value, design, selecting participants and analysing their results, however there is a distinct lack of literature which has a focus on the use of focus groups for legal research. A focus group is an exploratory qualitative method of investigative research used to gain valuable data often in social areas of research in relatively short periods of time. In its most basic form a focus group consists of a select group of individuals being asked a series of questions designed to establish their reactions to certain topic areas. As Brouma states 'In the focus group, a group of people agree to meet with the researcher and to discuss among themselves issues raised by the researcher.'¹

However, the focus group interview is more than just a conversation amongst participants. It is a conversation with a definite and pre-determined purpose. This is a very important distinction that separates the use of a focus group from other more haphazard interviews, conversational based research methodologies or other qualitative research strategies. Fundamentally, unlike qualitative research methodologies which seek to test hypothesis, focus groups aim to understand, rather than measure people. Focus groups aim to provide a: what, how and why of the topics they investigate and as such this may mean that a different type of data is obtained from their usage compared with other quantitative methodologies. This data is often much more descriptive in nature, focusing on what, how and why rather than quantifying things as may be the case via the use of other techniques such as a survey which used a Likert scale to measure participants responses.

II. VALUE OF FOCUS GROUPS

The use of focus groups for conducting qualitative research within social science has a long history.² As a qualitative data method tool, focus groups have established themselves as a

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1 Gary D Bouma, *The Research Process* (Oxford University Press 3rd ed, 1997) 179.

2 Some of the earliest work in social science on focus groups was undertaken by Merton, see for example Robert K Merton & Patricia L Kendall, 'The Focused Interview' (1946) 51 *American Journal of Sociology*, 541 and Robert K Merton *et al*, *The Focused Interview* (Free Press, 1956). For a detailed analysis of the history of this type of information gathering tool see David L Morgan, *Focus groups as qualitative research: Sage University paper series on qualitative research methodologies – Volume 16* (Sage Publications, 1988) especially 11-14.

very credible method of data collection which enables researchers to access rich and complex processes of an individuals lived experiences.³ They combine the strengths of a much longer in-depth interview with the element of participant observation in a group context.⁴ They provide a naturalistic enquiry which studies real world situations and results in the production of a substantial quantity of valuable descriptive data based on participants own experiences using participants own words where other methodologies may fail to gather such levels of detail.

Perhaps simplistically, it is Robson⁵ who captures the essence of the focus group interview when he declares that the ‘interview is a kind of conversation... (but it is) a conversation with a purpose.’⁶ Robson further describes their value by stating that focus groups permit people’s views and feelings to emerge,⁷ not on any amorphous topic that the participant themselves desire, but on one in which the moderator has some control – through their questions.

Merton, Fiske and Kendall provide a more comprehensive statement of the value of the focus group when they state that: ‘The primary objective of the focussed interview is to elicit as complete a report as possible...’⁸ Ary, Jacobs and Razarieh⁹ agree with the suggestion from Merton, Fiske and Kendall that focus groups can be a very valuable methodology for allowing a holistic picture of a research topic to emerge. These authors further state that the focus group interview should be considered of greater value to most other structured research tools because of the flexibility it offers.¹⁰

Focus groups provide a way of gaining deep insight into the construction and transforming of meaning of participants. They not only provide a forum in which participants can list information but they also provide a safe forum in which participants opinions can be heard. As Berg indicates:

The informal group discussion atmosphere of the focus group interview structure is intended to encourage subjects to speak freely and completely about behaviours, attitudes and opinions they possess.¹¹

A properly constructed focus group environment can be mutually stimulating and encourages discussion that allows spontaneous viewpoints to emerge. Ideally it is a flexible research technique that does not limit participants in their choice or range of responses to the questions posed by the moderator. From a legal research perspective, focus groups can result in:

- Cost effective data collection;
- An opportunity to explore a diverse range of topics in which the participants can consider their own views in the context of the views of others present in the group. This social experience results in the production of much richer data;
- An understanding by the moderator of any degrees of consistency or extremity of views amongst the participants;

3 Charles L Briggs, *Learning how to ask: A sociolinguistic appraisal of the role of the interview in social science research* (Cambridge University Press, 1986) 1.

4 For a general critique of the criticisms and accolades given to the use of focus groups as a comprehensive methodology for primary research see particularly David L Morgan & Richard A Krueger, ‘When to use focus groups and why’ in David L Morgan (ed), *Successful focus groups: Advancing the state of the art* (Sage Publications, 1993) 3-19.

5 Colin Robson, *Real World Research: A resource for social scientists and practitioner researchers* (Blackwell, 1995).

6 Ibid 229.

7 Ibid 240.

8 Robert K Merton, Marjorie Fiske & Patricia L Kendall, *The Focused Interview: A Manual of Problems and Procedures* (Free Press, 2nd ed, 1990) 21.

9 Donald Ary, Lucy Chester Jacobs & Asghar Razarieh, *Introduction to Research in Education* (Harcourt Brace, 4th ed, 1990).

10 Ibid 487.

11 Bruce L Berg, *Qualitative Research Methods for the Social Sciences* (Pearson, 2001) 111.

- The opportunity to use open ended questions which permit participants to describe what is important and meaningful to them without being restricted to preconceived ideas/ expectations or closed ended questions;
- An opportunity to further explore or clarify quantitative data collected through other research gathering methods such as a survey.

As the use of focus groups will require the involvement of individual participants, the organiser of the research project will need to obtain the relevant ethics approval for themselves and all other members of the research project. Legal researchers should be especially cognisant that they may be undertaking research into emotionally sensitive and/or highly prejudicial topics and that they will need to take these matters into account in framing their applications for ethical approval to undertake their research project. Although the use of a focus group into legal questions of research would not involve any invasive techniques, it could involve situations where convicted criminals, children or other potentially vulnerable groups may be asked to participate and this may require extra levels of information and potential safeguards to be supplied during the application process; this of course may increase the time taken to obtain ethics approval. The time to gain ethics approval, which could be as short as several weeks but often because of the nature of how ethics committees meet within university establishments, may be several months, should not be underestimated by any person contemplating the use of a focus group.

III. FOCUS GROUP AND STRUCTURE SETTING

The structure of the focus group is an important concept. It is important that there not only exists a credible balance between the characteristics of the participants selected, but there is a real need to identify the optimal number of people to constitute a focus group.

One of the structural areas of concern for the focus group is size; there is considerable debate about the optimal size for these groups.¹² A focus group needs to be manageable for a number of reasons, including the practicality of communicating with a group in a particular setting over a specified time with an appropriate number of moderators. Clearly a number of participants in the hundreds for a focus group is absurd whilst it is also true that too few may prove unresponsive. Figures cited in the literature appear to suggest a range between a minimum of four and a maximum of twelve for an effective focus group. For example Krueger¹³ states that there should be between four and twelve participants, whilst Morgan¹⁴ states that there should be between six and ten participants. The consensus is that the ideal size is somewhere between seven and ten.¹⁵

In legal research the moderator or organiser of the focus group session may struggle to individually cope with any more than ten people in any one session. If necessary and time permits, more than one session can be held. This results in numerous participants views being able to emerge, albeit not from the one same group.

It is also important that any focus group session(s) be held in isolation. The group should be physically isolated from others, so that they are not easily disturbed, distracted or influenced by other events.¹⁶ From a legal research perspective, this could be a highly important issue as the topics for investigation may be sensitive or complex. Researchers unfamiliar with this concept would be wise to be mindful of this or alternatively seek advice from an experienced moderator.

12 On this issue of the size of the focus group see especially Merton *etal*, above n 2, 136-137, Bouma, above n 1, 179 and Morgan, above n 2, 43.

13 Richard A Krueger, *Focus Groups: A practical guide for applied research* (Sage Publications, 2nd ed, 1994) 17.

14 Morgan, above n 2, 43.

15 Krueger, above n 13, 17.

16 Merton, Fiske & Kendall, above n 8, 139-140 discuss some of the spatial requirements for the operation of a focus group interview.

It is also feasible that people undertaking legal research topics for the first time consider using more than one moderator.

There is also debate as to the time needed to make the session as effective as possible.¹⁷ It seems that as few as thirty minutes will be too short to be productive, whilst sessions in excess of two hours may be physically, intellectually and emotionally draining on participants. So it seems that the ideal time lies somewhere around the one hour mark.¹⁸ In legal research the topics being discussed may be more emotionally and/or intellectually demanding than sessions held with respect to other areas of social science. Of course, if necessary for larger research projects, multiple sessions could be organised with the same participants although the logistics of this level of organisation may be problematic.

Additionally it seems almost mandatory, after securing the participants' consent that the session be recorded (either via audio or audio-visual means).¹⁹ This gives the opportunity for the material to be transcribed and for a detailed analysis to be undertaken of the participants' comments. Analysis of the data, with respect to complex/emotive legal issues may prove very difficult if the sessions are not recorded and transcribed for analysis (discussed in detail later in this paper).

IV. SELECTION OF FOCUS GROUP PARTICIPANTS

There is a large corpus of literature dealing with the selection of participants for use in the focus group.²⁰ However, most of it appears to be directed to selection of participants from a marketing point of view. In the marketing field identification and recruiting of the 'right type' of participants seems to be crucial to the success or failure of the focus group.²¹

However, it is submitted that the selection of participants for the purposes of legal research is not as paramount as the selection process identified for the marketing groups. The primary consideration for the selection of participants in any legal research would appear to be that they are in some way connected with the topic of research. Other factors including age, gender, or occupation may not ordinarily be a bar to selection for legal research questions. Indeed a legal researcher may find that there is a limited availability of participants for research questions they wish to examine and they therefore have to accept any and all willing participants. This of course presents a limitation on the data obtained as a result of focus groups and therefore the selection methods for participants would need to be fully disclosed in the reporting of data via this method of research.

A challenge in obtaining participants for focus groups in legal areas is not only identifying willing and eligible participants, but in also ensuring that once identified they attend the prescribed session. Considerable energy will be wasted by the legal researcher if they organise a focus group session and either no one or too small a number of participants attend. Moderators should ensure that they keep in contact with identified participants and send reminders to ensure that they attend the scheduled sessions.

17 Morgan, above n 2, 54-55.

18 Ibid.

19 For a discussion on the merits of audio recording the focus group session see Krueger, above n 13, 111-113. See also Morgan, above n 2, 61-62 who states that whilst audio recording is a necessity, the use of a camera is to be avoided as it tends to be obtrusive and stifles the group's willingness to be open and honest and to believe that the material that they are presenting the researcher with is less likely to remain confidential.

20 See for example Morgan, above n 2 and Krueger, above n 13.

21 See particularly Morgan, above n 2. See also Krueger, above n 13, 91-94 who even attempts to outline the costs associated with the paying of participants for their involvement in the focus group as a way of inducing their participation. He also outlines some of techniques that professional organisations use in selecting participants such as how marketing research companies track down and eliminate potential participants through random telephone calls at 82-86.

The question of inducements must arise when a researcher is asking a participant to make their views known on legal issues, the discussion of which may cause distress to the participant. Unlike marketing focus group sessions which often use cash as an inducement, it is suggested that offering inducements such as free movie tickets or shopping vouchers could be useful in securing participants for questions involving legal research. In this instance the sum of money involved would be not so great to attract inappropriate participants, but not so low as to be insulting to the participant. This of course, would mean that the cost of holding a session is increased to the research, which in terms of legal research projects often operating on limited budgets could be a concern. However the cost to the researcher in not undertaking this measure in terms of wasted time and inconvenience for other effected participants may be worthy of consideration.

V. FOCUS GROUP QUESTIONS

The most critical aspect of the focus group session for legal researchers are the questions that are presented to the group. Here it is imperative that the rationale for the session is achieved. Importantly a distinction must be made between a prescribed list of closed questions simply put to a group for comment and a completely unscripted interview which allows participants' discussion to wander towards different tangents. A balance must be struck. There needs to be some outline of the topic to be discussed but the questions cannot be completely scripted and prescriptive if the focus group is to be of full benefit.

Exemplifying the importance of the design of questions, Krueger²² sequences five types of questions which it is possible to ask in any focus group situation. These are the opening questions, the introductory questions, the transition questions, the key questions and the ending questions.²³ Within these five groups of questions each question can be identified as either being one that is open ended, closed or scale in nature.

Closed questions are defined as those which require very simple answers, often they are suggestive and prompt a particular response, requiring only a yes or no answer. For example, a question such as 'Do you believe that people require knowledge of the law?' is likely to achieve a very minimal, perhaps yes/no type of response. A better and more open ended question is designed to allow the participant an opportunity to further expand and relate their response to their own experiences. So a much broader and perhaps extreme example of the open ended version of the previous closed example might be 'Tell me about your experiences with the law'.

Maykut and Morehouse²⁴ rightly point out that the majority of questions in a focus group interview need to be open-ended, which invite 'the interviewee to participate in a conversation.'²⁵ A series of rigidly prepared closed or scale type questions will not serve the moderator well and will certainly not allow the maximum benefit of a focus group to be achieved.²⁶ Hall and Hall also support the views expressed by Maykut and Morehouse in explicitly stating that by using open ended questions participants are able 'to express themselves more freely than in a structured format.'²⁷ In the context of the aim of focus groups being for the development of a holistic picture of a subject to emerge it can thus be clearly seen that the use of open ended questions throughout the focus group session is of paramount importance.

22 Krueger, above n 13.

23 Ibid 54-55.

24 Pamela S Maykut & Richard E Morehouse, *Beginning Qualitative Research: A philosophic and practical guide* (Falmer Press, 1994).

25 Ibid 88.

26 See especially C Selltiz *et al*, *Research methods in social relations* (Holt, Rinehart & Winston, 1965) 264-265.

27 David Hall & Irene Hall, *Practical Social Research: Project work in the community* (Macmillan, 1996) 191.

It is also important that the moderator does not phrase or present the questions in any way that might be suggestive of an expected response; leading or directive questions are to be avoided. This can be very difficult to achieve when researching legal topics which can be sensitive, emotional or controversial. It can also be further complicated when researching legal questions which may involve dealing with people in vulnerable situations or have experienced crimes being committed against them. This poses a difficult task for any moderator, requiring an ability to distance themselves from their research in order to be able to gauge a more accurate picture of the focus group participants.

Additionally, if the participants are not forthcoming with information, or if their answers are shallow, the use of probes will be appropriate. Probes are questions that are more open ended in nature and tend to move away from the initial question in order to allow participants opportunity to better understand the nature of the question and to draw from their own experiences in answering. For example, if participants were posed the open ended question ‘Tell the group about your experiences with the law’, and responses were minimal or participants were unable to think of examples then perhaps a further probe question would be ‘Can you tell the group about any problems you have encountered in your life’. Further if this also did not prove successful an additional probe such as ‘Tell the group about any problems that your friends have had. What were the outcomes of these experiences?’ This example clearly shows a situation in which the range of possible responses increases as the breadth of the question is gradually increased. Of course, the more distant the probes become from the original question posed the more likely it is that the information obtained is not directly relevant to the research being undertaken, so very careful planning and preparation is needed by the researcher before conducting the focus group session. The researcher needs to have a list of open ended questions and probes ready before beginning their session, but they also need to be flexible to respond to different group dynamics.

VI. SPECIFIC FOCUS GROUP QUESTIONS IN LEGAL RESEARCH

If the questions used in the focus group session are not properly conceived, planned and executed, the data which is obtained may be poor. Quite obviously the questions participants are asked must seek to address the problems/questions the research has as its premise, although there is always potential that participants might not necessarily confine their comments to any one particular research topic.²⁸

The following examples about topics which involve legal research illustrate this point.

If the topic of research was with regard to legal aid and the appropriate interest group was the general public, appropriate open ended questions might include some of the following:

- What do you understand about legal aid?
- Can you tell me about any problems you have had where you have needed to seek legal aid?
- If you were faced with a legal problem what would you do?
- What services do you think are important for legal aid to deliver?

If the topic of research was the role of lawyers in society and the appropriate interest group was the general public, appropriate open ended questions might include some of the following:

- What do you understand by the term ‘lawyer’?
- What do you think the role of a lawyer should be?
- Can you describe the characteristics of a good lawyer?
- Can you indicate some examples of the moral issues lawyers might face in their work?
- Tell the group about a recent court case you’re aware of and how you feel about the lawyer’s role in that case.

²⁸ So important is this that the researcher should seriously consider undertaking a pilot focus group (perhaps with a smaller sample) to refine their questions/group interaction skills before conducting a live focus group(s).

Examining a sustained legal research project which has already been completed with regard to research relating to the knowledge that school teachers had of the law as appropriate to the performance of their professional duties, appropriate open ended questions included²⁹:

- What do you understand by a ‘legal issue’ or ‘legal problem’?
- Can you tell me about any legal issues which affect your daily working lives?
- Can you think of any particular instances in your career which have involved a legal problem or issue.
- If you were presented with a legal problem (for example an assault) what would you do?
- What legal information do you think it is vital for a teacher in the classroom to have?

Another useful example (from a completed PhD project) to illustrate this point with specific reference to legal research involves a project of research completed to examine the impact that television programmes about the law have on the development of beginning law students.³⁰ That project used the following questions with its focus group participants:³¹

- What legal shows have you seen or do you watch on television? Why do you like to watch those ones?
- How would you describe the lawyers on television?
- What distinguishes a good lawyer from a bad lawyer?
- Who is your favourite lawyer on television and why?
- What conflicts or ethical dilemmas arise for television lawyers?
- What does television tell the public about lawyers?

VII. ANALYSING FOCUS GROUP RESULTS

Following a focus group session a number of tasks need to be undertaken in order to develop meaningful data which can then be analysed. Knodel describes this specific process in relation to focus groups as having two essential parts, those being ‘a mechanical one and an interpretive one’.³²

The mechanical process referred to by Knodel is a logical first step in the organisation of material. It involves a transcription of all material that was recorded during a focus group session. This verbatim transcript is checked for accuracy against the original recordings and is refined to remove any stumbles, such as ‘umm’s’, ‘ahh’s’, pauses and repetition which frequently occur during people’s speech but have no bearing on the data which is obtained from the focus group sessions. This information is supplemented by notes that the moderator has made during the conducting of the session. These notes can be very important in the conceptualisation of the information provided by any participant which may not be directly evident from the audio only version of the session. For example, a participant may point to something or smile or shrug their shoulders and each of these events would have a specific and important context to what they have actually said. Thus the transcript which is then produced needs to be supplemented with this information wherever it is available. This process is consistent with the views of Kvale who in particular detail describes not only the practical difficulties of this process but also the dire consequences and limitations on the data gathered if the process is neglected.³³ The aim of this

29 David John Newlyn, [The ‘legalisation’ of education : a study of New South Wales teachers and their professional development needs in the area of law](#) (PhD Thesis, The University of Wollongong, 2007) 75.

30 Cassandra Elizabeth Sharp, *Becoming a lawyer: the transformation of student identity through stories* (PhD Thesis, The University of Wollongong, 2006)

31 Ibid 273.

32 John Knodel, ‘The Design and Analysis of Focus Group Studies: A practical approach’ in Morgan (ed), above n 4, 44.

33 Steiner Kvale, *Interviews: An introduction to qualitative research interviewing* (Sage Publications, 1996) 160-175.

entire process is to produce user-friendly material for coding and analysis, whilst preserving the integrity and accuracy of the information obtained from each of the sessions.

Following the mechanical process is the interpretive stage. This stage can be just as complex and time consuming as the mechanical stage. As Burns describes, the interpretive stage involves taking all of the information provided from the transcript and putting it into manageable and meaningful form.³⁴ This also involves the segmenting of the data or its categorisation.³⁵ This is a continuous process of reducing what can often be an overwhelming amount of raw data into a manageable form. Knodel suggests that these categories be kept as broad as possible and that the key criteria in the categorisation should be with regard to the similarity of the topic that the participants are making a comment upon.³⁶ This author specifically states that material should be categorised 'into analytically distinct segments.'³⁷ The process of categorisation is helped, according to Knodel, because '...topics for analysis are generally dictated by those included in the focus group guidelines.'³⁸

The classification or categorisation of this information is undertaken in order to achieve the intent of the focus group. That is, to allow the most comprehensive picture of the research topic to emerge as possible. Morgan notes this implicitly in stating that the categorisation of the focus group material needs to be consistent with the purpose of the focus group that is '...to understand why...'³⁹ To this end quantification will not be a useful tool in seeking to categorise information.⁴⁰ Reporting on the number of particular responses is a mistake that novice users of focus groups often make. Under no circumstances should the particular responses of focus group participants be counted and/or expressed in percentile form in the reporting of the data obtained.

Implicit in this process is the notion of subjective judgement. It is inevitable that the researcher must use subjective judgement in the choosing of the categories to use to segment the data and then choose which data to include in those categories or even when necessary sub-categories of information should be used. A further element of subjectivity is contained within the notion that the researcher must then select which examples they choose to report upon as providing typical or atypical examples of a particular category of information. It is this very subjectivity, which as Charles and Mertler note, leaves the focus group open to considerable criticism.⁴¹ It is for this very reason it is suggested that the focus group should not be used as the sole method of data gathering in any research project involving legal subjectivity. Instead the focus group should be used as one element in the process of triangulation of data.

VIII. A SPECIFIC EXAMPLE OF CODING/ANALYSIS OF FOCUS GROUP RESULTS IN THE LEGAL RESEARCH FIELD

Using the example described above relating to the open ended questions about the knowledge that school teachers had of the law as appropriate to the performance of their professional duties, we see that the author of this paper indicates three distinct categories of responses emerged relating to the question 'Can you tell me about any legal issues which affect your daily working lives?'⁴² These three categories were an injury to a person, a crime and some other type of work related responsibility. In the reporting of the results for this research project the author indicated

34 Robert B Burns, *Introduction to research methods* (Longman, 4th ed, Sydney, 2000) 430.

35 Ibid

36 Knodel, above n 32, 37.

37 Ibid 45.

38 Ibid 44.

39 David L Morgan, 'Future directions for focus groups' in Morgan (ed), above n 4, 241.

40 Ibid.

41 Craig M Charles & Craig A Mertler, *Introduction to Educational Research* (Allyn & Bacon, 4th ed, 2002) 242.

42 Newlyn, above n 29, 166.

that he coded all of the recorded data into one of these three categories. For example, when we look at the full reporting of the results in this research project we see representative responses reported from the focus group under the category of an injury to a person (specifically injuries to a student participant) such as:

Since my school is involved in a lot of contact sports (rugby union and rugby league) there seems to be a lot of injuries to the boys ... particularly broken bones ... one student has had the same leg broken twice.⁴³

It's not common but I have come across a few accidents of our kids...particularly during work experience...we make it compulsory for them to do the experience so I get really worried when one of them gets injured.⁴⁴

Of course numerous other comments from focus group participants were also reported in that study not only for this category but for the other two categories of responses identified as being relevant to the focus group question which was asked of the participants.

IX. OTHER EXAMPLES OF FOCUS GROUPS USED IN LEGAL RESEARCH TOPICS

The project undertaken by Belknap, Holsinger and Dunn⁴⁵ represents a very good example of how focus groups can be used to successfully undertake research into legal questions and produce a rich data set from small, purposive samples which may not have been as successfully obtained by using other research methodologies. In an effort to better understand the large rates of incarceration of female offenders the authors of that paper undertook eleven separate focus groups across the state of Ohio with both prisoners and the professionals who were responsible for their care and rehabilitation and were able to gather very rich data relating to their topic of research. The authors indicated that the focus groups provided a very effective method of data gathering as they allowed for genuine and close engagement with individuals who may in other circumstances may be difficult to engage with.⁴⁶

The extensive legal research project into sexuality and the politics of violence and safety within the homosexual community of the United Kingdom undertaken by Moran and Skeggs⁴⁷ is a very useful example of a project that not only uses focus groups as a data gathering strategy but also sought to strengthen the credibility of the data obtained by using additional and complementary research tools such as structured interviews and surveys. This process of using multiple research methodologies is referred to as triangulation and is discussed in the next section of this paper. The Moran and Skeggs project used focus groups as a method of engaging with the marginalised homosexual community as a way of establishing individual rapport and to gain trust in the obtaining of data which may not have been forthcoming via the use of other more traditional forms of data gathering techniques such as a survey. Although the project did also use other methodologies such as surveys for data gathering from relevant local government and criminal justice bodies. This different strategy was deemed appropriate for use with the other groups for cost reasons and also for triangulation reasons.

43 Ibid 178.

44 Ibid 179.

45 Joanne Belknap, Kristi Holsinger & Melissa Dunn, 'Understanding Incarcerated Girls: The Results of a Focus Group Study' (1997) 77(4) *The Prison Journal* 381.

46 Ibid 381.

47 Leslie Moran & Beverley Skeggs, *Sexuality and the politics of violence and safety* (Routledge, 2004).

X. TRIANGULATION

Triangulation⁴⁸ is just one of the various multi-method strategies frequently referred to in the literature.⁴⁹ The technique's origins can be traced back to the work of Campbell and Fiske in 1959.⁵⁰ It is a commonly used technique to improve the validity of the research results obtained. In its simplest form triangulation is defined as '...the use of two or more methods of data collection in the study of some aspect of human behaviour.'⁵¹ Triangulation can involve the use of either qualitative or quantitative additional methods of data collection such as surveys or individual interviews; each new method of data collection does not have to come from the same methodological branch of research, but instead is designed to provide a fuller picture of the questions/problems being examined.

One of the most influential articles on the nature and benefits of triangulation is that written by Mathison.⁵² In her article titled *Why Triangulate?* Mathison gives a comprehensive account of the history of triangulation and its benefits. Mathison is categorical in her belief that triangulation is essential for accurate research to be undertaken. She states this quite clearly in the following comments:

Good research practice obligates the researcher to triangulate, that is, to use multiple methods, data sources...to enhance the validity of research findings.⁵³

Mathison further notes that regardless of epistemological or philosophical perspectives:

... it is necessary to use multiple methods and sources of data in the execution of a study in order to withstand critique by colleagues.⁵⁴

Similarly Greene, Caracelli and Graham provide a comprehensive analysis of the benefits of triangulation when they state that:

The core premise of triangulation as a design strategy is that all methods have inherent biases and limitations, so use of only one method to assess a given phenomenon will inevitably yield biased and limited results. However, when two or more methods that have offsetting biases are used to assess a given phenomenon, and the results of these methods converge or corroborate one another, then the validity of enquiry findings is enhanced.⁵⁵

Therefore it can be seen that triangulation is a technique used to give validity to the data collected. In essence it involves the use of different research devices. It is utilised to ensure that sole reliance is not placed upon one source of data. Using triangulation can lead to the strengthening of credibility of the data obtained in undertaking legal research projects by indicating to the reader of research findings that as full a picture as possible of the research topic has been examined.

48 For a more detailed discussion of the theory behind triangulation see particularly Eugene J Webb *et al*, *Unobtrusive measures* (Rand McNally, 1966) especially Chapter 1 and Jennifer C Greene & Charles McClintock, 'Triangulation in evaluation: design and analysis issues' (1985) 9 *Evaluation Review* 523.

49 For a discussion of some of the other methods, see particularly the discussion in Jennifer C Greene, Valerie J Caracelli & Wendy F Graham, 'Toward a conceptual framework for mixed-method evaluation designs' (1989) 11(3) *Educational Evaluation and Policy Analysis* 255, 258-260 where the possibilities of other techniques such as complementarity, initiation, expansion, and practice are discussed.

50 Donald T Campbell & Donald W Fiske, 'Convergent and discriminant validation by the multitrait-multimethod matrix' (1959) 56 *Psychological Bulletin* 81.

51 Robert B Burns, *Introduction to research methods* (Longman, 3rd edition, 1997) 324.

52 Sandra Mathison, 'Why triangulate?' (1988) 17(2) *Educational Researcher* 13.

53 *Ibid* 13.

54 *Ibid*.

55 Greene, Caracelli & Graham above n 49, 256.

XII. CONCLUSION

As Dominowski suggests: ‘research is a fact-finding activity’⁵⁶ so it would be naïve to think that the use of a focus group in legal research is a panacea. Properly conceived, planned and executed, focus groups can be a valuable source of data gathering which is designed to ensure that a holistic picture emerges of the relevant research topics/questions. However, focus groups like all research methodologies draw some controversy.⁵⁷ When researching legal problems/questions if a researcher was to focus exclusively upon quantitative methodologies they would be open to criticism from supporters of qualitative methodologies and vice versa. The use of multiple methods or multiple research strategies reduces the possibility for criticism. As Jick notes, multi-method research is a valuable strategy which allows researchers to ‘...improve the accuracy of their judgements by collecting different kinds of data bearing on the same phenomenon.’⁵⁸

The focus group can be an extremely valuable tool for researching different areas of the law and its use should be promoted to the legal research community. However any researcher who uses it exclusively must fully acknowledge the limitations of their approach in the reporting of their research findings. It would be extremely wise for a researcher in the law discipline to wherever possible/feasible/practical plan to use multiple methods of research activities otherwise they should expect that they will face scrutiny of their findings if they choose to exclusively use the focus group as their sole method of data gathering. Ideally, in any given legal research project a focus group would not be used in isolation as the sole method for gathering data/information on a given topic. The value of triangulation is implicit to the concept of ensuring that the data/information obtained is credible when undertaking legal research questions.

56 Roger L Dominowski, *Research Methods* (Prentice Hall, 1980) 2.

57 Further, all research strategies have limitations. It would be naïve to suggest that any one particular research strategy could comprehensively hope to achieve the accurate recording and reporting of all of the relevant information concerning a particular problem. Instead what is necessary in the choice of a particular methodological stance is to identify an appropriate approach and make its limitations clearly known. For a further discussion on the limitations of all research methodologies see particularly Paul D Leedy, *Practical Research: Planning and design* (Maxwell Macmillan, 5th ed, 1989) at 214-220.

58 Todd D Jick, ‘Mixing qualitative and quantitative methods: Triangulation in action’ in John Van Maanen (ed), *Qualitative Methodology* (Sage Publications, 1983), 136.

