

## SDA

## NEWSLETTER

The Southern Demographic Association is a scientific and educational corporation operating under the laws of the Commonwealth of Virginia. It is comprised of persons with professional interests in demography and population studies. The SDA Newsletter is compiled and edited by Isaac W. Eberstein, Center for the Study of Population, Florida State University, Tallahassee, FL 32306-4063.

## ANNUAL MEETING

The 1987 meeting of the Southern Demographic Association is scheduled for October 14-16 in Atlanta. Because the hotel originally planned as the meeting site has been sold, the meeting will now be held at the Pierremont Plaza Hotel and Conference Center, 590 W. Peachtree, NW. Room rates are \$45 for a single and \$55 for a double. Registration packets will be mailed to the membership in September.

Abstracts of contributed papers were due on July 15. Any late abstracts or other ideas or suggestions should be sent to Omer Galle, Population Research Center, 1800 Main Building, University of Texas, Austin, TX 78712, as soon as possible.

## WORKSHOP IN POLITICAL REDISTRICTING

Plans have been finalized for a workshop on political redistricting to be held along with the annual meeting in Atlanta. Organized by SDA's Applied Demography Committee, the workshop will cover the following topics:

"The Demographic Issues of Municipal Redistricting," Judith Waldrop, City of Huntsville, Alabama, Planning Department.

"The Georgia Experience: 1970-80," Linda Meggers, Director, Reapportionment Services Unit, Georgia General Assembly, Atlanta.

"The Impact of 1990 Block Data on Redistricting Rural Areas," James Gundlach, Dept. of Sociology, Auburn University, Auburn, Alabama.

In addition, James Gundlach will focus on the various computer systems available for redistricting.

Scheduling for the workshop is not yet finalized. Attendance will be limited to 30 participants, and a \$10 registration fee will be assessed.

Detailed information is available from Judith Waldrop, City of Huntsville Planning Department, PO Box 308, Huntsville, Alabama 35804, phone (205) 532-7353.

All interested persons are invited to attend.

## RFP AVAILABLE

The Demographic and Behavioral Sciences Branch, Center for Population Research, NICHD, will issue a request for proposals dealing with "Social and Behavioral Aspects of Health and Fertility-Related Behavior." The goal of this contract is to obtain assessments regarding the theoretical framework, substantive focus, content and strategy of a large-scale data collection effort focusing on the sexual behavior of both men and women particularly as it relates to contraceptive use and risk to STDs, including AIDS. It is anticipated that one award will be made for a period of approximately 12 months. The RFP will be issued on or about July 1, and responses will be due approximately 60 days thereafter. Copies of the RFP may be obtained by sending written requests to:

Mr. James L. Quinn, Contract Specialist  
Contracts Management Section  
Office of Grants and Contracts  
National Institute of Child Health  
and Human Development  
Room 6C33, Landow Building  
7910 Woodmont Avenue  
Bethesda, Maryland 20892

Requests should cite the RFP number (RFP-NICHD-DBS-87-13) and enclose a self-addressed label.

## FAME AND FORTUNE

Fellowship. The Center for Demographic Studies, Duke University, announces the initiation of a postdoctoral training program on Medical Demography and Social Epidemiology of Aging with five-year support from the National Institute on Aging. The program will focus on advanced methodological and analytic training dealing with research on: (a) the health of minority elderly; (b) international studies of the health of elderly populations in developed and developing countries, and (c) the medical demography of the oldest old. Traineeships for up to two years are available for persons who have completed a MD or a PhD in the fields of epidemiology, biostatistics, demography, and the social sciences. Preceptors include faculty active in the Center for Demographic Studies, the Center for the Study of Aging and Human Development, the Veterans Administration Hospital and the Department of Sociology. Send requests for information and applications to George C. Myers, PhD, Center for Demographic Studies, Duke University, 2117 Campus Drive, Durham, NC 27706, phone (919) 684-6126.

**Census Bureau.** Jeff Passell, the newly appointed Assistant Chief of the Population Division of the US Bureau of the Census, for Estimates and Projections, is looking to hire 4 or 5 persons to work in the following areas: (1) Subnational population projections, including the application of economic models in projections, (2) Population estimates at the national level, (3) Population estimates for places (cities, other incorporated places, etc.), and (4) Questions of census undercount and illegal residents of the US. For information, please call Dr. Passell at (301) 763-7030.

**Bates College.** The Department of Sociology and Anthropology is seeking applications for two tenure-track positions in sociology to begin in the fall of 1988. Applications are sought in the following areas: (1) statistics and research methods and (2) social demography. Appointment will be as Assistant Professor for those who have completed the PhD. The College will consider for appointment at the rank of Instructor applicants who are near to completion of the PhD. A letter of application, curriculum vitae, and the names and addresses of three references should be sent to: Sawyer F. Sylvester, Chair, Department of Sociology and Anthropology, Bates College, Lewiston, Maine 04240. EOE

#### **GUEST COLUMN: SHOULD APPLIED DEMOGRAPHERS TAKE OUT LIABILITY INSURANCE?**

Felix D'Allesandro  
State Office of Financial Management  
Olympia, Washington

In a recent conversation with a prominent demographer I was surprised to learn that in order to start work on a consulting contract, he was required to obtain professional liability insurance. Yet it should not have come as such a surprise. His forecast will influence a marketing decision that will involve the commitment of scarce resources. In a similar vein, every year the disbursement of millions of dollars of public and private funds are tied to official population estimates and forecasts. The stakeholders are becoming more sophisticated and knowledgeable in demographic ways and are better able to mount a serious challenge when dissatisfied with a population determination.

In 1984 the State of Washington found out, as the Census Bureau did in 1980, that the courts are willing to take on the issue of population figures. The Courts have observed that official figures often affect social policy, involve governmental powers and affect large groups of people. The City of Bremerton claimed that our estimate concepts and definitions are arbitrary, capricious, and bureaucratically insensitive to local service needs. Fortunately we prevailed in that case. The observation, that the logic and purposes of the court do not always match those of the population scientist, made by Ian Mitroff, Richard Mason and Vincent Barabba, in their book, The 1980 Census: Policymaking Amid Turbulence, was impressed upon us. The bottom line seems to be that in the courtroom it may not be enough to be technically competent in demographic methods because frequently the case will turn on a non-demographic issue, such as the equitable distribution of funds.

Legal liability has not been a big issue in our field as yet. But, the stakes are getting larger. Individuals and organizations that have committed resources based on professional advice have shown a willingness to ask the courts for redress

when something goes wrong. Although government employees have generally been immune from liability in damage suits where private citizens have faced judicial actions they too may be challenged. Increasingly, demographers are becoming aware of the potential for legal liability each time they release a set of numbers.

#### **Confrontation**

Confrontation is often a way of life for the professional demographer. Our state demographers are increasingly being brought into the policy and budget process. The pressures to produce numbers often push the capabilities of the demographers and strain the analytical abilities of the methods. The short turn around time of most information requests does not always allow for all of the precautions we would like.

Over the last year we found ourselves in several situations where legal action was a distinct possibility. For instance, our annual round of race and ethnic estimates became an important factor in an affirmative action suit against a large state agency. On another occasion the court used the official estimate of the number of Native Americans as a factor to determine the size of a large settlement from the Exxon Corporation. We spent a considerable amount of time working through our estimate process with staff from the state Attorney General's office.

Several of the cities and counties around the state have hired staff demographers or consulting demographers. In the case of the cities each person is worth about \$50.00 of state revenue sharing monies. These applied demographers are coming into our office with very sophisticated surveys and methods and seriously challenging our numbers.

When it comes down to demographer against demographer in the courtroom you may find yourself arguing against data and methods that are basically sound and that you believe in. In a court proceeding, regarding the census number for the city of Detroit, the director of the Census Bureau found himself arguing that demography is much less than a perfect science. The director was forced into this position by the plaintiffs' expert witness, Philip Hauser, a former bureau director and distinguished demographer, who argued strongly that the models of demography were good enough to warrant correcting the raw counts (an issue that will probably reappear in 1990).

#### **The Courts and Professional Liability**

Most of what we can know regarding the courts and professional liability must come from experiences in other fields.

#### **What is involved in a Judicial Challenge?**

A lawsuit is a signal that something has gone wrong. Bremerton asserted that the wrong was the fault of a third party, the State Demographer. The courts have become the instruments for displacing the blame onto a third party. Yet, to prevail, the court must be convinced that the defendant directly injured the plaintiff, either physically or financially. But, proving injury is not sufficient to win in court. It must also be proved that the act was a legal wrong or was conducted in a negligent fashion. Liability is not just because something went wrong, but because it could not have gone wrong without negligence.

The plaintiff's motivation to take an issue to court is not always generated by the expectation of righting a wrong. A suit may be

filed as the only way to get the defendant to take the complaint seriously. For instance, state demographers often get letters and phone calls complaining about or even just asking for the details that went into the development of a set of numbers. We receive communications of this nature regularly and tend to treat them in a routine fashion. Often it is seen as just another call. But, the caller may very well regard it as a serious matter. A phone call to the state certifying office for the purpose of questioning methodology or complaining about results is usually preceded by a considerable amount of homework. When the issue is not given due consideration the caller may be slighted by the lack of seriousness given to the matter.

Then again, sometimes the whole purpose of a suit is to make noise, to catch headlines or to focus public attention. Even if the suit is frivolous it may still work its way through the courts at a considerable cost.

#### How Do the Courts Regard Professionals?

The courts have looked upon professionals as persons with a claim to superior knowledge in a specific field. They have recognized the fact that professionals, as part of their regular work routine, make decisions for others. These decisions, more often than not, are beyond the competency of those for whom they are made.

The court's assessment of a professional's performance will generally turn on whether or not the standards of the discipline have been upheld. The court has recognized that the practitioner must be able to be flexible in the application of data and methods.

The professional demographer is not expected to guarantee an estimate or a forecast. That is, his work is not generally thought of as a product. When you buy a car you get the car with certain guarantees and you are then offered the opportunity, at additional cost, to buy a fuller warranty. The court has not tended to observe this distinction between product and warranty with professionals. The understanding is that the professional will adhere to standards and will undertake his duties carefully.

A suit of malpractice is one protection against incompetence. The court will inquire into the demographer's professional competence to complete the task undertaken. While not expecting strict compliance with a set of rules, the court will be most interested in the particular methodologies chosen, whether alternative research designs were fully considered, and whether the published results were fully documented. It would also be expected that advice had been given regarding the risks or data limitations.

When preparing for the suit brought by the city of Detroit, the bureau, on the advice of its attorney, developed seven criteria to emphasize in establishing the statistical defensibility of its numbers (Mitroff, Mason, & Barabba, p.36).

- 1) The appropriateness of the use to which the results of a statistical procedure will be put.
- 2) The availability of measures for gauging the uncertainty connected with a statistical procedure.

- 3) The listing and verification of the assumptions on which a procedure depends as well as the degree of sensitivity of a procedure to various assumptions.
- 4) The limitations, reliability, and quality of the various data sources that a statistical procedure uses or requires.
- 5) The reproducibility of the results derived from a procedure.
- 6) The timeliness of a procedure -- that is, how quickly results can be produced from it.
- 7) The costliness of a procedure measured against the uncertainty associated with it.

One of the real concerns of many demographers is that the courts will take on technical issues and render binding decisions in areas where they are not competent. The bureau found that the courts are willing to do so. The federal court in Michigan observed that, "A court is not prevented from reviewing the actions of an administrative agency just because the administrative agency acts in a technical field." (Mitroff, Mason & Barabba, p.67) In Philadelphia, another federal court asserted its right to rule noting that "The census is more than a statistic. It is an essential element in the democratic process."

#### **What might the role of Certification be?**

Many members of the Population Association of America have formally taken exception to the American Sociological Association's designation of certified demographer. Even so, ASA certified demographers are now a fact. Those of us without certification may find ourselves competing with certified demographers when looking for work. Beyond that, we may find ourselves in court contending with the work of a certified demographer. With considerable resources at stake the credibility of a demographer will be essential.

Whether certification will move in the direction that it has in other professions is hard to say. Yet the requirements usually considered in a certification process, evidence of being current in the theory and practice of the discipline, evidence of having completed a relevant course of study, and evidence of an adequate level of performance are the same areas covered in a courtroom session to establish professional status.

#### **Is Insurance the Answer?**

"Is insurance the answer?" is no longer a rhetorical question as some consulting demographers have recently found out. As demographers find themselves involved in legal challenges as the defendant rather than expert witness the magnitude of the issue can only increase. Whether or not insurance is purchased it is clear that demographers are going to have to take that extra step to insure against negligence. A regular upgrading of skills, testing of methods and following of legal precedence will have to become the norm for practicing demographers.

Demography is an evolving discipline and its methods are frequently undergoing change. The recent sophistication of methods and information technology is an important contributing factor to legal challenges. Demographers are now attempting estimates and forecasts that would not have even been attempted with a ten-key calculator and a columnar pad.

That the legal basis of the numbers is now a major consideration in all applied work is an indication that demography has come of age.

**EDITOR'S NOTE**

Thanks to Felix D'Allesandro for contributing the "Guest Column" for this issue.

All news and announcements of interest to SDA members will be published without charge, subject to space constraints. A special request is made for news about association members (new publications, grants, other awards, job changes, tenure/promotion, etc.). Please ask the person responsible for institutional publicity to include the SDA Newsletter on standard mailing lists. Deadlines and publication dates for each issue are below:

Issue Date	Deadline	Publication
Fall	Sept. 15	Oct. 15
Winter	Dec. 15	Jan. 15
Spring	March 15	April 15
Summer	June 15	July 15

Please mail items for inclusion and/or suggestions to Isaac W. Eberstein, Center for the Study of Population, Bellamy 659, Florida State University, Tallahassee, FL 32306-4063; (904) 644-1762.

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