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### **Consumer Group Condemns Biased New Jersey Corporate Survey**

New York – The Center for Justice & Democracy today condemned a biased and completely self-serving survey bought and paid for by New Jersey corporations seeking liability limits when they commit wrongdoing. Incredibly, the “survey,” entitled *Attitudes Towards Litigation Climate in New Jersey*, stands in complete contradiction to the actual views of corporate CEO’s about New Jersey’s business climate.

While the methodology of this report is unclear, it appears to be based mostly on an on-line “survey” of members of the New Jersey Chamber of Commerce and the Commerce and Industry Association of New Jersey. These are corporate trade associations representing industries that have been sued and found liable, often repeatedly, for wrongdoing – polluters, pharmaceutical companies and the insurance industry, to name a few. No surprisingly, the survey suggests that New Jersey litigation climate is hurting the state in some way.

In direct contradiction to this survey, however, the New Jersey Chamber of Commerce issued a news release on December 13, 2007, about the recent New Jersey Economic Policy Forum and its “survey” of 150 CEO’s of companies “headquartered or deeply entrenched in New Jersey.” The survey asked “their opinions about New Jersey’s business climate.” According to this survey, “[C]ompanies doing business here are committed to stay, and a large number plan to expand,” citing that 92.5% of respondent companies “plan to remain in New Jersey.” They noted, “accessibility, location, workforce, education system and health care were among the key advantages of doing business in New Jersey ... Among the disadvantages of doing business in New Jersey, cost of housing, living, tax levels, and local and state regulations were cited.” The so-called “litigation climate” was not even listed as a factor.

“It is important to distinguish between unbiased polls that truly examine the views of business owners, and ‘push polls’ that are conceived by business lobbyists seeking to demonstrate support for a pre-defined political or legislative agenda,” said Joanne Doroshow, Executive Director of the national consumer rights group, Center for Justice & Democracy. “Even respected pollsters and polling organizations have been criticized for bias in their handling of surveys commissioned by ‘tort reform’ groups like this one,” said Doroshow.

For example, a similar “poll” conducted by Newt Gingrich’s Contract with America pollster Frank Luntz, was roundly criticized for “push-poll” bias. Luntz admitted that he had “counted

people as favoring ‘tort reform’ if they accepted the statement that ‘we should stop excessive legal claims, frivolous lawsuits and overzealous lawyers.’” Diane Colasanto, former President of the American Association for Public Opinion Research, said, “You can’t measure public opinion with leading questions like these.” Similarly, Donald Ferret of the University of Connecticut’s Roper Center said such leading questions “sharply overstate support for the measures in question.”<sup>1</sup>

“The notion that lawmakers must restrict the legal rights of injured consumers in order for a state’s business economy to grow or even survive is one of most sensationalized fictions driving the ‘tort reform’ movement today,” said Doroshow. “At a time when the New Jersey businesses are actually cheering on the state’s business climate, this group has apparently decided this is a good time to trash the state with false and misleading information,” said Doroshow. “The New Jersey Chamber of Commerce and the Commerce and Industry Association of New Jersey need to get back to their mission of helping promote good businesses and stop attacking the very laws that protect consumers and help states and communities grow.”

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<sup>1</sup> See, “The GOP Contract: Luntz Admits Initial Polling was ‘Flawed,’” *The Hotline*, November 14, 1995 (citing November 10, 1995 Knight-Ridder story by Frank Greve.)