



# MIDDLESEX MULTI-DOOR COURTHOUSE EVALUATION PROJECT

## FINAL REPORT EXECUTIVE SUMMARY

March 1992

Prepared by: [illegible]  
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**MIDDLESEX  
MULTI-DOOR COURTHOUSE  
EVALUATION PROJECT**

**FINAL REPORT\*  
EXECUTIVE SUMMARY  
March, 1992**

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**State Justice Institute  
Grant No. SJI-90-03C-E-046**

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EXECUTIVE SUMMARY**

## **INTRODUCTION**

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### **BACKGROUND**

The National Center for State Courts Northeastern Regional Office has conducted an evaluation of the Middlesex Multi-Door Courthouse (Cambridge, Massachusetts). The evaluation was funded through a State Justice Institute grant awarded to the National Center for Citizen Participation in the Administration of Justice for the purpose of conducting such an evaluation.

This executive summary includes a description of the Middlesex Multi-Door Courthouse (MMDC), a brief explanation of the research design used in the evaluation, and a synopsis of the findings and conclusions that are contained in the complete evaluation report, including tables in which experimental and control group means are compared. Readers are encouraged to review the complete evaluation report in order to understand more fully the findings and data analysis involved in the evaluation.

Planning for the Middlesex Multi-Door Courthouse was initiated outside the court system by a small group of people who developed the demonstration project, raised most of the money for its implementation, and continues to oversee its operation. Although the impetus for the MMDC did not come from the judiciary, court leaders were encouraging and supportive. From the beginning, the MMDC was planned as a court-annexed program and organized with the understanding that successful performance would lead to formal integration within the Massachusetts Trial Court.

The initial planning group, augmented by representatives from the court, the bar associations, and others, was recognized by the court as the MMDC Steering Committee and authorized to oversee the operation of the experimental program. In 1989, a grant from the National Institute for Dispute Resolution enabled the Steering Committee to hire an executive director to implement and manage the project. Other foundation grants funded additional staff and most operating costs. The Trial Court provided office and conference space in the courthouse and covers some basic operating expenses such as postage and telephone.

Pools of experienced neutrals were established by the MMDC. A committee of litigators and attorneys practicing in the area of dispute resolution was formed to develop the standards and application procedures for case evaluators. After establishing minimum standards for applicants, the committee reviewed applicants and selected a pool of attorneys with the requisite skills, background, expertise, and reputation to become case evaluators for the MMDC. Mediators were selected through a process based on observation of performance, experience, and training. Arbitrators were selected based on experience and content area specialization.

The Trial Court's severe budget constraints make it necessary for the MMDC to charge both an administrative fee (\$50 per party) and a neutral's fee (\$150 per hour split among the parties) for each case that enters a dispute resolution process. The administrative fees become part of the MMDC's revenue stream; the neutrals' fees go to the mediator, arbitrator, or case evaluator.

In March of 1990, the MMDC opened its doors to civil cases in the Superior Court in Cambridge, Massachusetts. In October 1990, this State Justice Institute evaluation project began. During 1991, the MMDC processed cases, collected extensive data, and made plans to streamline its processing of Superior Court cases and to organize a pilot project in the Probate and Family Court. In July of 1992, the court system is expected to assume more of the responsibility for funding and operating the MMDC. Plans for expanding the MMDC to other court departments and to other counties are under consideration.

## **DESCRIPTION OF THE MIDDLESEX MULTI-DOOR COURTHOUSE**

The Middlesex Multi-Door Courthouse is a court-annexed program in Cambridge, Massachusetts created to provide a coordinated approach to dispute resolution within the administrative structure of the Trial Court. The MMDC is designed to screen cases and refer them to the most appropriate dispute resolution process. Through its individual case screening and tracking procedures, the MMDC performs a case management function within the court system. The multi-door courthouse concept has been implemented successfully in only a few jurisdictions throughout the country.

The "doors" in the title refer to the various dispute resolution processes available for entry through the MMDC's screening and referral procedures. The dispute resolution processes available through the Middlesex Multi-Door Courthouse include case evaluation, mediation, standard arbitration, and complex case management. Other options, such as summary jury trial and mini-trial, are available for coordination through the MMDC.

The MMDC has been operating in the Superior Court, handling civil cases including tort, contract, real property, and general equity, among others. The Superior Court is the general jurisdiction court department within the Trial Court of the Commonwealth of Massachusetts. Cases with less than \$25,000 at issue are by statute filed in or transferred to District Court.

The MMDC is operated by a combination of professional and clerical staff. The professional staff consists of an executive director and an assistant director. The clerical staff includes a full-time administrative assistant and a part-time data entry clerk.

Careful screening and matching of cases to dispute resolution processes is a key to the success of the MMDC. The MMDC process begins with a mandatory case screening conference. During this conference, counsel review the various aspects of the case with a professional staff member to explore the status of the cases in terms of discovery and settlement history as well as to discuss the various dispute resolution options available. After this mutual exploration of the issues and options, the screener recommends the most appropriate dispute resolution process for the case. However, the final choice of the dispute resolution option remains that of the litigants and their counsel. Although attendance at the screening conference is mandated by a judicial order, election of any dispute resolution process is voluntary.

Dispute resolution conferences are held at the MMDC offices in the courthouse. These conferences are scheduled at the convenience of all parties and may occur as soon as one day after the screening conference or several months later. Case evaluation conferences in which there are only two parties generally last one and one-half hours, while the length of other processes varies considerably depending on the case issues and number of parties.

During the evaluation period, cases processed in the Middlesex Multi-Door Courthouse were randomly selected from the trial list at 6.5 months after filing or were referred by a judge or counsel at any time in the life of the case. The randomly-selected cases were taken from a list of all cases for which both a complaint and answer had been filed. These cases fell under a Massachusetts time standards rule that established event deadlines for civil cases filed after July 1, 1988. Three tracks, were designated with 6-month, 14-month, 24-month (later amended to 36-month) deadlines, for time from initiation to trial or other disposition. The majority of MMDC cases were scheduled for the mandatory screening conference approximately five weeks after selection although cases that were judicially referred from pre-trial conferences were often screened immediately.

During the course of the evaluation project, the MMDC staff screened 1,041 cases with one-third (336 cases) selecting dispute resolution. Of those, 203 cases elected to use case evaluation, 120 selected mediation, 8 selected arbitration, and 5 elected to use complex case management.

## **EVALUATION DESIGN**

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### **EVALUATION FOCUS**

The evaluation of the MMDC conducted by the National Center for State Courts focuses on three substantive areas: case processing *time*; litigant and court *costs and resource requirements*; and participant *satisfaction*. An additional component of the evaluation is the assessment of case screening procedures. A series of data collection instruments was designed, tested, and utilized to provide the information necessary to evaluate the three designated areas.

### **EVALUATION PERIOD**

Cases selected for inclusion in the experimental or control groups were cases opened between July 1, 1990, and September 30, 1991. The data collection instruments were not fully tested and ready for use until December 1990; therefore, the exit survey instruments were not administered to all cases opened during this test period.

### **EXPERIMENTAL DESIGN**

An experimental design was used in this evaluation. This allowed for a comparison of findings for cases in an experimental group (processed by the MMDC) with cases in a control group (processed through traditional court procedures). Experimental- and control-group cases were assigned randomly from a population consisting of a broad variety of case types where both a complaint and answer were filed.

### **DATA COLLECTION METHODS AND INSTRUMENTS**

In order to measure satisfaction, a series of questions was developed in which respondents indicated their degree of agreement or satisfaction using three or five point Likert-type scales (the items are weighted from one to three or one to five representing the range of agreement or satisfaction). MMDC group participants were asked to complete exit surveys at both the screening conference and the

dispute resolution sessions for their cases. The control group attorneys received mailed surveys that included questions pertaining to their satisfaction with the traditional court process.

To measure the respective costs or resource requirements necessary to process cases, both surveys and case file analysis were used. Randomly-selected samples of attorneys for both groups received mailed surveys in which they were asked to indicate total time devoted to the case, with a breakdown of time spent in specific activities. As part of the cost assessment, measures of judicial and court clerk activities were identified and utilized. Judicial activity was measured by determining the total number of motions that were filed and that required judicial review. The total number of motions was determined for each group, with motions for continuances or document requests being excluded (the number of continuances requested and granted for each group was determined and is reported as part of the elapsed time analysis). Court clerk activity was measured by determining the total number of documents filed and processed for experimental and control cases. The activities or amount of time required for a particular activity were compared. For experimental cases, the activities and average amount of time required for case processing in the MMDC were included in the cost comparison.

Case-processing time was determined by noting both the filing and the settlement or disposition dates from docket book analysis for all cases. The median number of days from filing to disposition are calculated and compared. The average number of continuances requested and granted for experimental and control groups also were compared.

Finally, the effectiveness of intake and screening procedures was assessed both quantitatively and qualitatively. An exit survey was used to solicit information from participants about the effectiveness of and satisfaction with the screening process. In addition, the screening conference process was observed and assessed by a member of the evaluation team.

The full evaluation report presents the range of responses for all measures used in the evaluation. Difference of means tests (Student's T tests<sup>1</sup>) were performed on all comparisons between the MMDC (experimental group) and control group cases.

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<sup>1</sup> This test indicates whether any reported difference in means can be due to sampling error rather than a true difference of means in the populations being sampled. The test also provides a two-tailed probability that reflects the level of confidence we have that the difference of means is not sampling error.

## **EVALUATION RESULTS**

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### **CASE PROCESSING AND CASE-DISPOSITION INFORMATION**

The case disposition experience of the Middlesex Multi-Door Courthouse appears to reflect the experience of trial courts throughout the nation in terms of case drop-out rates. The number of cases filed in a court system (either civil or criminal cases) is far greater than the number of cases that eventually result in a trial. At each stage of case processing, a significant number of cases drop out of the system. Case-processing experts have indicated that as many as fifty percent of the cases left in the system drop out at each successive stage.<sup>2</sup>

For the MMDC, the number of cases scheduled for a screening conference from July 1, 1990 through September 30, 1991, was 1,256. At each subsequent stage of processing, a significant number of cases dropped out or opted to return to traditional court. Using this total of 1,256 as the base, the following number of cases remained at each stage:

- o 1,256 cases scheduled for screening;
- o 1,041 cases screened;
- o 336 cases that scheduled a dispute resolution session.

In the MMDC program, attendance at the screening conference is court ordered. Choosing to participate in a particular dispute resolution process is completely voluntary. Settlement rates for cases using dispute resolution average 63% for both mediation and case evaluation. Arbitration is binding, and all 5 cases using the complex case management process were settled. In addition, during the evaluation period, 122 cases settled before screening, 24 settled at screening, and 38 settled at or after follow-up or before dispute resolution, resulting in an overall settlement rate of approximately 28.5% for all cases called for screening.

### **SCREENING CONFERENCE AND CASE-SCREENING PROCEDURES**

A total of 894 screening conference exit surveys were completed during the evaluation period. The results are as follows:

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<sup>2</sup> Professor Ernest C. Friesen, Jr. offers this percentage in seminars on caseload management for the Institute for Court Management.



- o Respondents overwhelmingly indicated that they would recommend the screening process to others (97%);
- o The vast majority of respondents would voluntarily bring another case to the MMDC for a screening conference (94%).

When asked to indicate which, if any, were consequences of participation in the screening conference, respondents most often checked the following items:

- o Provided information about the dispute resolution processes available;
- o Brought the parties together in the same room and provided a chance to communicate, an opportunity which we might not otherwise have had;
- o Offered a forum to discuss settlement;
- o Sharpened the issues in dispute;
- o Assisted us in setting deadlines/dates for discovery;
- o Assisted us in defining discovery issues;
- o Forced us to look at the case earlier;
- o Narrowed the issues in dispute.

The Center staff, following observation of a number of screening conferences and a review of procedures, concludes that the screening conference employed by the Multi-Door Courthouse serves its intended function. The conference facilitates the disposition of cases by helping parties overcome hurdles, such as discovery issues, and educates attorneys about processes and options that are available.

## **SATISFACTION MEASURES**

The findings from the dispute resolution exit surveys and the control group mailed surveys clearly indicate a very positive level of satisfaction regarding both the MMDC program and traditional case processing in the courts. The results for both groups are in the "satisfied/very satisfied" range on five point scales. Nevertheless, the group comparison was quite favorable for the Multi-Door Courthouse process. On all satisfaction measures compared, the MMDC group means are more

favorable than control group means for both plaintiff and defendant respondents as well as total respondents. Tables A and B, located in Appendix A, include the six satisfaction measures for which the experimental and control groups are compared. The respective means are presented for each measure with the Student's T values and two-tailed probabilities. For the satisfaction measures used for both groups, the results are as follows:

- o the MMDC group reported greater satisfaction with manner of case presentation;
- o the manner in which the legal matters were addressed in dispute resolution was rated more positively by the MMDC group than by the control group;
- o the MMDC group indicated greater satisfaction with the manner in which the non-legal issues were addressed;
- o the MMDC group attorneys were more satisfied with the opportunity to participate in structuring the outcome of the case than were control group attorneys;
- o satisfaction with the fairness of the process was rated higher by the MMDC group.

On all measures of satisfaction, MMDC group clients reported satisfaction rates similar to those of the MMDC group attorneys. This included satisfaction with the process and satisfaction with the "neutral" (a mediator, case evaluator, or arbitrator) used in the dispute resolution process.

When asked about participating in the program again, respondents indicated the following:

- o more than 90% of respondents indicated that they would consider using the dispute resolution process again;
- o all categories of respondents indicated that they would be willing to use the neutral again (97% to 100% range).

## **COST MEASURES**

Cost comparisons were based on three areas: attorney time spent on a case; judicial activity required in a case in the form of motions that require court order

responses (excluding continuance requests and requests for documents and information); and court clerk's office activity in the form of number of documents filed and processed per case. Table C, located in Appendix A, includes the experimental and control group means for these cost and resource requirements measures and the respective Student's T values and two-tailed probabilities.

The comparison between the MMDC cases and control-group cases indicates significant differences in the following areas:

- o over 25% more attorney hours were spent on control-group cases than on MMDC group cases;
- o the control group reported more non-attorney hours spent per case by plaintiffs but fewer non-attorney hours were spent by defense;
- o one-third more motions were filed in control-group cases than in MMDC cases;
- o more documents per case were processed by the clerk's office in control-group cases than in MMDC cases.

In reviewing the differences between the MMDC and control-group cases, it is clear that the combination of fewer total average attorney hours, fewer average number of motions, and fewer average number of documents processed for the MMDC group results in measurable savings for participants and the court in the Multi-Door Courthouse process.

## **CASE-PROCESSING TIME MEASURES**

Case-processing time for experimental- and control-group cases was determined by calculating the median time from filing to settlement or other disposition. The dates for both events were established from review of official docket book entries in the Superior Court Clerk's Office for Middlesex County. Table D, located in Appendix A, includes the elapsed time measures with the respective medians or means for the experimental and control groups.

The comparison of the experimental- and control-group cases reveals almost identical case-processing times of 361 and 360 days respectively. However, the first 6.5 months of case processing time occur before a case is selected for the MMDC program or assigned to the control group. The randomly-selected experimental group cases are screened 7.5 to 8.5 months after filing. Therefore, more than one-

half of the median time from filing to settlement or other disposition is elapsed time before the case entered the MMDC program. Participants in approximately one-third of the cases entering the MMDC program elect to go forward with and settle at dispute resolution. Of those that do settle, the median time from filing to disposition is 352 days.

The comparison of continuances for cases in the experimental and control groups indicates that the average total number of continuances requested was three times greater in the control group than in the MMDC group. For continuances granted, the average total was almost twice as great for control-group cases compared with experimental-group cases.

## **CONCLUSIONS**

The findings presented in this evaluation report clearly and consistently indicate that the Middlesex Multi-Door Courthouse has accomplished its objectives. Participant satisfaction is very high, with survey results and comments offered by participants reflecting a greater degree of satisfaction on all measures than control-group cases involved with traditional court procedures. However, none of the findings suggests that respondents in the control group were dissatisfied with traditional court procedures.

Costs of case processing for MMDC cases are quite favorable compared with the control-group cases. Substantially fewer average total attorney hours per case were reported for experimental cases than for control cases. Fewer motions requiring judicial activity and fewer documents requiring clerk office processing were reported filed for experimental cases than for control cases. Case processing and monitoring in the MMDC program requires staff time and resources. This will offset to some degree the savings associated with the measures reported here.

Finally, the median times from filing to settlement or other disposition are virtually identical for experimental- and control-group cases; however, the Middlesex Multi-Door Courthouse does not open experimental cases until 6.5 months after the case is filed in Superior Court. Cases processed through the MMDC program also had fewer continuance requests and fewer continuances granted.

Comments offered by program participants on exit surveys corroborate these findings. Respondents indicate that they felt the program was administered well; that the staff was very competent and professional; and that the neutrals were fair, professional, experienced people who were able to help shape a reasonable solution or at least clarify issues. Interviews with judges who have sent cases to the MMDC

program and neutrals who have participated in the program also produced favorable comments. Judges emphasized the immediacy of screening when counsel are sent to the program. They feel parties are dealt with quickly and effectively. They also indicate that the program is very beneficial to the court as an alternative that can formulate more acceptable or mutually desirable solutions to certain types of conflicts. The hope of at least some judges interviewed is that the program can attract more cases that are appropriate for dispute resolution and can keep more cases in the MMDC once they are screened. Mediators, case evaluators, and arbitrators interviewed expressed many of the same thoughts about their experience with the MMDC program.

## **PROGRAM FUNDING**

Major funding for the operation of the MMDC has been provided by the Office of the Chief Administrative Justice of the Trial Court of Massachusetts, the National Institute for Dispute Resolution, the Charles E. Culpeper Foundation, the Boston Bar Foundation, and the Massachusetts Bar Foundation. Smaller contributions were received from Goodwin Procter & Hoar, Hale and Dorr, Brown Rudnick Freed & Gesmer, and a few other firms in the Boston area. A grant from the State Justice Institute provided funding for the MMDC evaluation project.

## **APPENDIX A: TABLES A-D**

**TABLE A**

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**Comparison of Mean Scores:  
All Respondents, Randomly-Selected Cases****Satisfaction Measures**

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Permitted me to present the case in a manner which met my needs:

<u>Experimental Group Mean</u>	<u>Control Group Mean</u>	<u>T Value</u>	<u>Proba- bility</u>
1.7** (N=66) *	2.2 (N=81)	-3.80	.000

Allowed the legal issues to be presented in a manner which met my needs:

<u>Experimental Group Mean</u>	<u>Control Group Mean</u>	<u>T Value</u>	<u>Proba- bility</u>
1.8 (N=65)	2.4 (N=83)	-3.59	.000

Allowed the non-legal issues to be presented in a manner which met my needs:

<u>Experimental Group Mean</u>	<u>Control Group Mean</u>	<u>T Value</u>	<u>Proba- bility</u>
1.9 (N=65)	2.2 (N=78)	-2.81	.006

\* N equals the total number of respondents that answered this question.

\*\* The means are based on weighted response choices where (1) equals strongly agree or very satisfied and (5) equals strongly disagree or very dissatisfied.

**TABLE B**

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**Comparison of Mean Scores:  
All Respondents, Randomly-Selected Cases**

**Satisfaction Measures (continued)**

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Provided the opportunity to participate in structuring the outcome of the case:

<u>Experimental Group Mean</u>	<u>Control Group Mean</u>	<u>T Value</u>	<u>Proba- bility</u>
2.0** (N* = 62)	2.2 (N = 69)	-1.43	.156

Overall fairness of the dispute resolution process/provided a fair process:

<u>Experimental Group Mean</u>	<u>Control Group Mean</u>	<u>T Value</u>	<u>Proba- bility</u>
1.6 (N = 66)	2.1 (N = 85)	-3.29	.001

Overall, how do you feel about the dispute resolution process utilized for this case/  
overall, how your client feels about the court process:

<u>Experimental Group Mean</u>	<u>Control Group Mean</u>	<u>T Value</u>	<u>Proba- bility</u>
1.7 (N = 65)	2.7 (N = 85)	-7.29	.000

\* N equals the total number of respondents that answered this question.

\*\* The means are based on weighted response choices where (1) equals strongly agree or very satisfied and (5) equals strongly disagree or very dissatisfied.



**TABLE C**

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**Comparison of Mean Scores:  
All Respondents, All Cases**

**Cost and Resource Requirements Measures**

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**Average Total Attorney Hours Per Case:**

<u>Experimental Group Mean</u>	<u>Control Group Mean</u>	<u>T Value</u>	<u>Proba- bility</u>
38.7 (N = 142)	50.1 (N = 70)	-1.65	.101

**Average Total Non-Attorney Hours:**

<u>Experimental Group Mean</u>	<u>Control Group Mean</u>	<u>T Value</u>	<u>Proba- bility</u>
13.0 (N = 38)	14.8 (N = 16)	-0.38	.703

**Average Total Motions Per Case Requiring Judicial Activity:**

<u>Experimental Group Mean</u>	<u>Control Group Mean</u>	<u>T Value</u>	<u>Proba- bility</u>
3.1 (N = 108)	4.1 (N = 94)	-2.26	.025

**Average Total Documents Per Case Processed by Clerk:**

<u>Experimental Group Mean</u>	<u>Control Group Mean</u>	<u>T Value</u>	<u>Proba- bility</u>
13.1 (N = 127)	14.2 (N = 124)	-.95	.342

**TABLE D**

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**Comparison of Median Scores:  
All Respondents, Randomly-Selected Cases**

**Elapsed Time Measures**

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**Median Number of Days - Filing to Disposition:**

<u>Experimental Group Median</u>	<u>Control Group Median</u>
361	360

**Average Number of Continuances Requested:**

<u>Experimental Group Mean</u>	<u>Control Group Mean</u>
1.7	5.5

**Average Number of Continuances Granted:**

<u>Experimental Group Mean</u>	<u>Control Group Mean</u>
1.7	3.1

## **APPENDIX B: MMDC STEERING COMMITTEE AND STAFF**

**MIDDLESEX MULTI-DOOR COURTHOUSE  
STEERING COMMITTEE**

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Florence R. Rubin, Chair  
President, National Center for  
Citizen Participation in the  
Administration of Justice

Henry L. Barr, Esq.\*  
Administrator of Courts (former)  
Office of the Chief Administrative Justice  
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James Dillon, Esq.  
Goodwin, Procter & Hoar

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David O'Connor  
Executive Director  
Massachusetts Office of  
Dispute Resolution

Vincent J. Panico  
O'Neill, Conrigan, Russian,  
Greenberg, & Panico  
(Massachusetts Academy of  
Trial Attorneys)

Frank E. A. Sander, Esq.  
Professor  
Harvard Law School

The Hon. Catherine A. White  
Associate Justice  
Superior Court

• Mr. Barr and Mr. Matz left the Steering Committee in 1992. Ms. Jocelynn Welsh, Esq., Administrative Attorney, replaced Mr. Nesi in 1992 as a representative of the Office of the Chief Justice of the Probate and Family Court Department.

**MIDDLESEX MULTI-DOOR COURTHOUSE  
STAFF\***

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**Executive Director**

**Ericka B. Gray**

**Assistant Director**

**Barbara E. Stedman, Esq.**

**Administrative Assistant**

**Cheryl Patterson-Munroe**

**Data Entry Clerk**

**Lynne E. Cooney**

- Former staff, employed during the period of the evaluation project: Linda L. Stamps, Esq., Assistant Director; Elaine E. Kuligowski and Richard W. Davenport, Administrative Assistants; and Ann B. Ackil, Cooperative Education Law Student.

**Middlesex Multi-Door Courthouse  
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