



# MIDDLESEX MULTI-DOOR COURTHOUSE EVALUATION PROJECT

## FINAL REPORT

March 1992

Robert L. Lowe, Project Director  
Susan M. Kelso, Senior Staff Attorney

National Center for State Courts  
Northeastern Regional Office  
Two Dundee Park  
Andover, MA 01810  
(508) 470-1881

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MULTI-DOOR COURTHOUSE  
EVALUATION PROJECT:**

**FINAL REPORT\***

March, 1992

**Project Staff:**

Robert A. Lowe, Project Director  
Lorraine Moore Adams, Senior Staff Associate  
Susan L. Keilitz, Senior Staff Attorney  
Linda L. Walker, Staff Associate

David C. Steelman, Vice President

National Center for State Courts  
Northeastern Regional Office  
Two Dundee Park  
Andover, MA 01810  
508-470-1881

*sent 6/19/92*

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Data entry was a particularly difficult task, given the number of data collection instruments used, the number of data elements, and the limitations of the available computer equipment. Linda Walker, Staff Associate of the Northeastern Regional Office, engineered and supervised this task for the project. She spent many hours planning this process, then making sure the process worked. Grace Nelson spent countless hours entering data and performing statistical analysis. She always responded immediately to emergency requests and carried them out diligently.

Finally, the State Justice Institute provided both funding for this evaluation and helpful suggestions and assistance throughout the planning and implementation of the evaluation. Many organizations contributed to funding the operation of the MMDC. Through their generosity, the MMDC continued its operation throughout the proposed evaluation period.

## **EXECUTIVE SUMMARY**

**MIDDLESEX MULTI-DOOR COURTHOUSE  
EVALUATION PROJECT  
FINAL REPORT  
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. 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.

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.

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.

## **SECTION I : INTRODUCTION**

## **A. OVERVIEW**

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The National Center for State Courts Northeastern Regional Office has conducted an evaluation of the Middlesex Multi-Door Courthouse (Middlesex County, MA). The evaluation is part of 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 report is divided into two sections. Section I includes this overview, a descriptive summary of the Middlesex Multi-Door Courthouse, and a summary of the organization and purpose of the evaluation and the evaluation design. Section II includes the evaluation results. This section includes a discussion of the case disposition and settlement results, the assessment of the screening conference and screening conference procedures, the assessment of satisfaction measures for the experimental and control groups with a comparison of group results, the assessment of cost measures for the experimental and control groups with a comparison of group results, and the assessment of time measures for experimental and control groups with a comparison of results. At the end of this second section, the interviews conducted as part of the evaluation and the overall results of the evaluation are summarized. Samples of all data collection instruments used and all survey results not used to compare the experimental and control groups in the evaluation are included as appendices to the report. Finally, an executive summary is provided at the beginning of the report; and an expanded executive summary that includes the group comparison tables is available as a separate document.

## **B. MIDDLESEX MULTI-DOOR COURTHOUSE**

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### **INTRODUCTION**

The Middlesex Multi-Door Courthouse (MMDC) provides a coordinated approach to dispute resolution within the administrative structure of the Middlesex Superior Court in Cambridge, Massachusetts. This is part of the Trial Court of the Commonwealth of Massachusetts, in which the Superior Court serves as the general jurisdiction 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 serves a vital case management function. The "doors" in the title refer to the dispute resolution options available through the MMDC.

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 provides office and conference space in the courthouse and covers some basic operating expenses such as postage and telephone.

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

In March of 1990, the MMDC opened its doors to civil cases in the Superior Court. 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.

The staff is composed of an Executive Director, an Assistant Director, and an Administrative Assistant, along with a part-time Data Entry Clerk. The MMDC maintains a pool of approximately 25 mediators, 20 case evaluators, and 40 arbitrators on a fee-for-service basis. Student interns and volunteer attorneys assist on special projects. Lists of MMDC Steering Committee, MMDC staff and MMDC neutrals are provided in Appendix A of the report.

A committee of litigators and attorneys practicing in the area of dispute resolution was formed to develop the standards and application form for case evaluators, to review applications, and to select a pool of attorneys who had the requisite skills, background, expertise, and reputation to become case evaluators for the MMDC. The minimum qualifications agreed upon for consideration for the pool included: ten years experience at the bar; seven years trial practice; bench and jury trial experience, including settlement negotiations and trial to conclusion; sixty percent of trial practice in civil area; and twenty percent of trial practice in an area of specialization. Additional experience in teaching or specialized education was considered a plus.

An initial pool of mediators was developed by the MMDC staff based on observation of professional mediators practicing in the area. To complete the pool, more than 100 applications were reviewed and a number of candidates were selected to undergo an interview and role play an observation process. The recommended minimum qualifications included completion of a formal training program in mediation skills, experience as a mediator, content area knowledge applicable to cases handled by the MMDC, and adherence to a facilitative model of mediation. Arbitrators were selected on the basis of experience and content area specialization.

The MMDC is located in the Superior Courthouse in Cambridge, MA in a suite of offices with conference and courtroom facilities available as needed. The MMDC professional staff screens civil cases in a one hour individual case screening conference. All dispute resolution sessions are held in conference rooms in the Courthouse.

Case processing began in March 1990, with more than 80 cases being scheduled each month for screening conferences. Between July 1, 1990 and

September 30, 1991 (the evaluation period), 1,041 cases had been screened. One-third of the cases screened elected to enter one of four dispute resolution processes. Other processes are available as needed.

## **CASE SELECTION**

The MMDC randomly selected and scheduled more than 80 "time standards" cases for screening each month during the evaluation period. A "time standards" order, issued by the Massachusetts Supreme Judicial Court, was implemented on July 1, 1988. All civil cases filed as of that date were assigned to one of three "tracks" with time limits for disposition established for each. Cases filed before that date are termed "inventory" cases.

Judicially-referred and self-referred cases may be either time standards or inventory cases. During the pilot phase of the MMDC project, only time standards cases were randomly selected. A very small number of cases was randomly selected for inclusion as experimental cases, opted out of the MMDC, and was judicially referred at a later time; however, the number is too small to have any impact on the evaluation results.

## **CASE DIVERSION**

Random selection of at least twenty percent of civil cases filed occurred approximately six and one-half months (195 days) after case filing. Half of these cases were scheduled for mandatory screening conferences while the other half were assigned to a control group.

The use of a control group allowed for comparison between groups on a variety of factors, including time from filing to disposition, cost to the courts and to participants, and satisfaction with the process. Those selected for inclusion in the "experimental" group were scheduled for MMDC screening conferences. All cases continued to comply with all time standards deadlines and procedures.

## **CASE TYPES**

Most case types were included in those randomly selected and all case types could be referred by judges or counsel. Approximately half of all civil cases filed in Cambridge Superior Court are torts involving motor vehicle accidents or "slip and fall" claims. The proportion of cases screened by the MMDC staff during the evaluation period reflected the proportion of case types filed. From the beginning of the program through September 31, 1991, for all cases opened in the Multi-Door Courthouse and for which the case type was known at the time of opening, four case

types represent more than seventy percent of all cases. These case types with their respective percentages are as follows: motor vehicle tort negligence, 31.4%; other tort negligence, 22.8%; contract service, labor and materials, 10.1%; and other contract, 7.3%. A complete list of case types included in the program and the number and percent of each type among all cases is provided in Appendix B. In addition to the tort cases, contract, commercial, real estate, construction, medical malpractice, injunctive relief, and other case types were diverted to the MMDC during the evaluation period.

## **ORDER TO SCREENING**

A judicial order was sent to all counsel and pro se litigants for each case selected for screening by the MMDC. A brochure and fee schedule were sent with the order. (A copy of the MMDC fee schedule is provided in Appendix C.)

## **CASE SCREENING**

The individual case-screening conference was held approximately 7.5 months (225 days) after the case was filed in Superior Court for randomly-selected cases. Other cases could be referred by judges or counsel at any time during the life of any case, and a screening conference was held as soon as possible after referral.

Screening conferences are conducted by a professional member of the MMDC staff and one hour is allotted for each case. The screening conference is informal, confidential, and includes a review of the case facts, discussion of legal and non-legal issues, and education regarding the dispute resolution options available through the MMDC.

The use of an individual screening conference allows MMDC staff the opportunity to address issues that affect the case and its movement through the court system. This conference is an effective case management tool. Should a case require additional discovery or time to address other case issues prior to election of a dispute resolution option, a second screening conference may be scheduled.

## **ELECTION OF A DISPUTE RESOLUTION PROCESS**

Although attendance at the screening conference is mandatory, election of a dispute resolution process is voluntary. All options, including trial, are discussed with all parties at the screening conference. The most appropriate option is recommended by the MMDC screener. When a dispute resolution process is elected, parties choose a mutually agreeable date and time.



The MMDC screener selects the neutral for the case. The parties may, without penalty, reject the assignment if there is a conflict of interest or other appropriate reason. The selection is based on the neutral's content-area specialization and style. This matching of neutral to case is a vital element of the success of the process.

When a dispute resolution process is chosen, the initial session fee is invoiced and must be paid in advance. Each party also pays a \$50 administration fee. Fee waivers and reductions are available for clients determined to be indigent by the court. There is no fee charged for the screening conference.

## **DISPUTE RESOLUTION PROGRAMS**

The MMDC coordinates case evaluation, mediation, arbitration, and complex case management, and maintains its own pool of neutrals for each process. Other dispute resolution processes are available for coordination through the MMDC on request. These include, but are not limited to, summary jury trial and mini-trial. Providers of these services are available through the MMDC neutral pool or through private dispute resolution providers.

All processes are confidential. Judges receive information only about case disposition. Designated counsel files the appropriate documentation with the court. Approximately two-thirds of the cases entering case evaluation and mediation settle as a direct result of these process. Arbitration is binding, and all cases that entered the complex case management door settled.

### ***Mediation***

The classic, facilitative mediation model is used by the MMDC mediators. A single mediator assists parties in identifying and prioritizing all the issues in the case and facilitates an exploration of a broad range of options for issue resolution and case disposition. This informal process allows for open communication around all issues and fully involves the parties in the resolution of the case. Litigants are required to be present. The mediators were selected from more than 100 applicants and all have extensive mediation experience, formal and informal training, and content-area specialization.

### ***Case Evaluation***

This process involves an informal, abbreviated presentation of case facts and issues by all parties to an attorney evaluator who is responsible for evaluating the strengths and weaknesses of the case and suggesting a dollar value or range for the

level of damages at which settlement might be appropriate. This advisory opinion is oral and is not disclosed to the judge. Following the issuance of the advisory opinion by the evaluator, the evaluator then facilitates settlement negotiations.

### ***Arbitration***

Standard statutory binding arbitration (M.G.L.C. 251) is available through the MMDC. The arbitration process is the most formal and most closely resembles trial of all the dispute resolution processes. A single arbitrator, or a panel if requested by parties, is assigned by the MMDC. Following the completion of the hearing, an award is issued.

### ***Complex Case Management***

A new dispute resolution process was developed and implemented by the MMDC in the Spring of 1991. The complex case management option provides a skilled attorney with content-area expertise to manage such cases within the court system. Designed for those cases that take an inordinate amount of judicial and other court resources, this process allows for management of discovery issues, use of any dispute resolution process at the appropriate time, and much flexibility in managing the needs of the individual case. The MMDC works closely with the case manager. Cases entering this process may be multi-party, have multiple cases consolidated, or have hotly contested discovery issues.

### ***Other Techniques***

If it is determined that a case could benefit from other dispute resolution processes such as minitrials or summary jury trials, the MMDC will coordinate provision of these options using either members of the MMDC neutral pool or private providers of dispute resolution services.

## **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.

## **C. EVALUATION METHODOLOGY**

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### **PURPOSE OF THE EVALUATION**

The evaluation of the MMDC project is designed to assess the overall effectiveness of the MMDC, the screening and referral processes, and the cost effectiveness of the project. The particular focus of the evaluation is a comparison of experimental and control group cases in three substantive areas: participant satisfaction; litigant and court costs; and elapsed time from filing to disposition. The experimental design will be described in more detail below.

The evaluation is also intended to offer useful information for all jurisdictions interested in developing a multi-door courthouse. The findings include both quantitative research and analysis and qualitative research and analysis. This combination of empirical findings and more subjective information drawn from interviews and participant comments and observations provides a comprehensive assessment of the Middlesex Multi-Door Courthouse.

### **EVALUATION DESIGN**

An experimental design has been used in this evaluation. This means that the same or similar measures are applied to two groups--in this instance groups of cases. One group, the experimental group, is exposed to or experiences a phenomenon that the other group, the control group, does not experience. Otherwise, the groups should be identical in terms of their experiences and influences. In this instance, the phenomenon to which cases in the experimental group were exposed is the Middlesex Multi-Door Courthouse. The measures that were developed and applied to both groups provide indications of the influence of the MMDC in the substantive areas in question. This allows both an assessment of the findings pertaining to the program and a comparison with a control group to determine how the experimental results compare with the control group results.

A series of data-collection instruments were designed and tested and provided the information necessary to conduct the evaluation. All of the instruments used for this evaluation are included in the appendix. As the results of each measure are presented in Section II, the location of the data-collection instrument in the appendices to the report is specified.

The same population of cases was used to select experimental and control group cases. Time standards cases with both a complaint and answer filed and of specific case types (the case types included in the selection process are listed in

Appendix B) were listed each month by the Superior Court Clerk's Office. The total number of cases that could be processed by the MMDC in that month was determined. This number was then doubled, representing the total number of cases to be selected from the population of cases. Systematic random sampling was used, selecting a random start and using the interval calculated by dividing the number of cases necessary by the total number of cases available. Once this list of selected cases was produced, a random start was used to select every other case on the list as an experimental case. The remaining cases became the control cases. The experimental cases were processed in the Middlesex Multi-Door Courthouse; the control cases were processed in traditional court.

In order to measure satisfaction, a series of questions were developed in which respondents were asked to indicate their degree of agreement or satisfaction using either three or five point Likert-type scales.<sup>1</sup> For the experimental group, participants were asked to complete exit surveys at both the screening conference and the dispute resolution sessions. For the control group, attorneys were mailed surveys that included questions pertaining to their respective satisfaction with traditional case processing. The actual wording of each question asked of all respondents is repeated at the top of each table throughout the report in which the results are reported.

In order to measure the respective costs or resource requirements of processing cases, both surveys and case file analysis have been used. For both experimental and control groups, attorneys were asked to indicate the amount of time devoted to a particular case. For both groups, mailed surveys were used in which attorneys were asked to indicate total time and time reported by particular activities. The activities included in each mailed survey are listed in the tables in which the results are presented. In addition to attorney time, the average number of motions filed that required court orders (excluding motions for continuances which are counted separately and motions for documents), the average number of documents filed in the Superior Court Clerk's office, and the average number of continuances requested and granted have each been determined for experimental cases and control cases. While the original evaluation plan was to attach dollar values to this motion activity and document filing, the National Center evaluator has concluded after interviewing both judges and clerk's office administrators that the range of time required for these two items is too great and varies based on too many factors to offer a dollar value based on an average time that would be both reliable and valid. The amount of time that can be involved both in a judge responding to a

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<sup>1</sup> A Likert scale is a summated attitude scale consisting of a series of items (attitude statements) each of which is rated by the respondent to indicate degree of agreement or disagreement. ...The responses are assigned weights, for example: strongly agree, 1, agree, 2, etc. See Theodorson and Theodorson, *Modern Dictionary of Sociology*, (New York: Thomas Y. Crowell Co., 1969).

motion and in a court clerk processing a document will be discussed in the cost assessment section of the report. These findings may then be used by the reader to calculate the possible costs in time and dollars for these activities in their particular jurisdictions. For experimental cases, the activities and amount of time required for the case processing in the Middlesex Multi-Door Courthouse are also included in the cost comparison.

In order to measure case-processing time, the filing and settlement or disposition dates for all cases that have been settled or disposed in each group are determined from docket book analysis. The median number of days from filing to disposition are calculated and compared. The National Center evaluator is aware that there is delay in reporting settlements to the clerk's office for cases in both experimental and control groups. For purposes of analyzing these data, the evaluator is assuming that these delays in reporting settlements should affect both groups of cases similarly. The results of this particular analysis will be somewhat exaggerated, but the effect of this should be similar for both experimental- and control-group cases. Cases in both experimental and control groups are time standards cases, which means that the cases must be scheduled for trial within a certain time period. These guidelines have been in place for several years and should be having the desired result of reducing processing time for all civil cases in Superior Court. These time standard guidelines will be discussed in the section of the report discussing assessment of elapsed time.

Finally, the effectiveness of intake and screening procedures has been assessed both quantitatively and qualitatively. As noted, an exit survey was used to solicit participants' satisfaction with the screening conference. All comments written on these surveys by respondents have been analyzed and are summarized in the report. The comments of all respondents found on all survey instruments are summarized in each applicable section of the report. Lists of screening conference exit survey comments, attorney/pro se litigant dispute resolution exit survey comments, and client dispute resolution exit survey comments are available from the National Center for State Courts. The case-screening procedures were observed and assessed in terms of how well the screening function was being performed and how it might be strengthened.

For all measures used in the evaluation, the range of responses is presented. Where applicable, mean scores are compared and Student's T tests<sup>2</sup> are performed to determine if differences in means can be attributed to sampling error. Respondents' comments have also been reviewed and summarized. These comments corroborate and illustrate the empirical findings reported as well as provide useful suggestions for improvement.

## **PRESENTATION OF THE FINDINGS**

The assessment results are grouped into six subsections in Section II of the report. The first subsection includes a discussion of case processing and case-disposition information. This is provided as introductory material to the evaluation findings and is information that the evaluators felt would be helpful in understanding the number of cases remaining at each stage.

In the subsection pertaining to screening conference and case screening procedures, the assessment of procedures is presented first, followed by the results of the screening exit survey. The results of the screening conference exit questionnaire are presented in six tables. For each table, the question or statement to which the participant is responding is repeated. The results are reported for plaintiff respondents, defense respondents, third party respondents, and total respondents. The number of respondents and the percent of respondents of each category (plaintiff, defendant, third party, and total) is presented. When mean scores are applicable, they are also presented for each category of respondent. An introduction and summary of the findings will precede each set of tables throughout the report.

In the satisfaction measures subsection of Section II, the findings pertaining to experimental-group cases are presented first, followed by the findings pertaining to control group cases and a comparison of experimental- and control-group results. For both experimental- group and control-group cases, the tables presented are the tables later used in the group comparison section. All other tables that present the survey findings are provided in the appendix. All tables presented in the text of the report include the total respondents results. With the exception of attorney hours information in the cost and resource requirements section, the plaintiff/defendant breakdown for respondents is provided in the appendix. For experimental cases, the findings are reported first for attorney/pro se litigant respondents, then for client

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<sup>2</sup> This is a test that determines the probability that the difference of means reported is due to sampling error or is likely to reflect a true difference in population means. The test provides a t value and a two-tailed probability that the reported difference in means could be due to sampling error. For further discussion of the Student's T test, see Hurbert M. Blalock, Jr., *Social Statistics*, (New York: McGraw Hill, 1972).

respondents. While the focus of the comparison of experimental and control group cases is restricted to the cases randomly selected to be included in each group, judicial referrals and self referrals also completed questionnaires. Therefore, the results are reported both for all respondents who completed questionnaires and for respondents representing randomly-selected cases. The group comparisons are restricted to randomly-selected cases. The specific question or statement is repeated on each table and the number of respondents, the percentage of respondents in each category of respondents, and the mean scores for each category of respondents is reported.

For control-group cases in this subsection, the results are reported for total respondents only for those questions used for the group comparison. Tables with plaintiff respondent/defendant respondent breakdown and those with questions not included in the group comparison are provided in the appendix. The questions or statements are presented and the number and percent of respondents selecting each response offered is reported. Mean scores are reported for each category of respondent when applicable.

For tables pertaining to both experimental- and control-group cases, an introduction and summary of the findings precedes the tables. The reporting of T test findings and a discussion and analysis of the results are provided in the group comparison of each subsection of Section II.

In the cost measures subsection of Section II, the findings are presented separately for experimental cases and control cases, followed by the group comparison. For both groups, average attorney hours are presented by specific activity and for total average hours. An introduction and summary of findings precedes the presentation of tables for both groups. For the experimental group, the results are reported for all respondents and are not divided into all respondents and respondents from randomly-selected cases. This is due to the lower response to these billing questions by respondents in the experimental group. The effect of this grouping of respondents is discussed in the introduction to this section of the report.

In addition to information regarding attorney time spent on cases, information regarding the average number of motions requiring judicial orders and average number of documents filed for both experimental- and control-cases is presented. An introduction and summary of findings precedes each table. For experimental cases, the procedures of the Middlesex Multi-Door Courthouse are discussed and assessed in terms of the resources necessary and the number and percent of cases involved at each stage.

In the elapsed time subsection of Section II, the median times from filing to settlement or other disposition are presented for experimental and control groups. In addition, the average number of continuances requested and granted are presented. An introduction and summary of findings precedes the tables. For experimental group cases, only randomly-selected cases are used to calculate the median time and the continuance information. The median time for cases that were processed through a door of the Middlesex Multi-Door Courthouse (and taken from these randomly-selected cases) is also presented.

In the final two subsections of Section II, the results of interviews conducted with justices and neutrals and a summary and conclusions are presented. The summary and conclusions subsection includes evaluator recommendations for the Middlesex Multi-Door Courthouse.

In each group comparison presented for satisfaction measures and cost and resource requirement measures in the respective subsections, the Student's T test has been used to assess the difference of means. This test indicates whether any reported differences in means can be due to sampling error rather than a true difference in the means of the populations being sampled.<sup>3</sup> The test also provides a two-tailed probability that the difference in means is due to sampling error<sup>4</sup> associated with the differences in means for respective measures.

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<sup>3</sup> For further discussion of the Student's T Test, see Hurbert M. Blalock, Jr., *Social Statistics*, (New York: McGraw Hill, 1972).

<sup>4</sup> This probability reflects the level of confidence we have that the difference of means is not sampling error, but is an indicator of a true difference in population means.



## **SECTION II : ASSESSMENT RESULTS**

## A. CASE PROCESSING AND CASE-DISPOSITION INFORMATION

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The case disposition experience of the Middlesex Multi-Door Courthouse reflects the experience of trial courts throughout the nation for both criminal and civil case processing. For both civil and criminal cases, the number of cases that enter a court system is far greater than the number that ultimately goes to trial. At each stage of case processing or at each scheduled event, large numbers of cases drop out of the system, typically because the cases settle or are resolved. Noted analysts of this subject such as Ernest C. Friesen, Jr., indicate in seminars devoted to the issue of caseload management that as many as 50 % of pending cases in the system fall out of the system at each scheduled event. While the actual number and percent may vary from jurisdiction to jurisdiction, the "drop out" is significant. By the time the trial stage is reached, the number and percent of cases originally filed that is still left in the system is extremely small.<sup>5</sup>

In the experience of the Middlesex Multi-Door Courthouse, the number of cases scheduled for a screening conference during the evaluation period (July 1, 1990 through September 30, 1991) was 1,256. At each subsequent stage of the program, there is a significant drop in the number of cases remaining. Using this total number of 1,256 cases for which an order was mailed to appear at a screening conference as the base, the reduction in the number of cases by event is as follows:

- o 1,256 cases scheduled for screening;
- o 1,041 cases screened;
- o 336 cases that had at least one dispute resolution session.

At each of these stages, cases either settled or for other reasons were closed by the MMDC. Regarding settlement, of the 1,256 cases that were scheduled for screening, 358 or 28.5% of these cases settled through the Middlesex Multi-Door Courthouse. Many other cases no doubt settled during this period of time, but the settlement, if it occurred, cannot be attributed directly to the MMDC. This number of 358 cases represents cases that settled during an MMDC scheduled event or were reported settled in follow-up activity.

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<sup>5</sup> See John Goerdt, *The Pace of Litigation in 26 Large Urban Trial Courts: 1987*, (Williamsburg, VA.; National Center for State Courts, 1989) for an analysis and discussion of this issue. He reports that the percentage of civil cases originally filed that are disposed by jury trial for 26 large courts included in the study ranges from less than one percent to nine percent.

As indicated above, case disposition research clearly indicates that every meaningful scheduled event will produce a significant number of settlements. On the other hand, allowing a case to remain open but dormant on a civil docket does not facilitate settlements. One of the significant benefits of the Middlesex Multi-Door Courthouse reported by judges interviewed as part of the evaluation is the immediacy of screening once a case is referred by a judge and the timely processing of a case through the program. For all cases screened in the MMDC, the median time from date of screening conference to date of removal from MMDC files due to final disposition or return to court is 34 days. While this information does not offer any additional insight regarding settlements, this median time does reflect the MMDC efficiency and timely attention referred to by judges in the management and processing of cases. Once a case is opened by the MMDC, the issues are reviewed and discussed promptly through screening conferences and dispute resolution sessions. A case either settles or remains on the Superior Court docket for subsequent action.

The case types of all cases opened by the MMDC during the evaluation period and the respective totals for each type are provided in Appendix B. The selection of particular dispute resolution processes reported by case type is presented in Table 8. This table reveals the following:

- o 91.3% of all motor vehicle negligence tort cases select case evaluation;
- o 74.1% of all other negligence-general liability tort cases select case evaluation;
- o 74.1% of all service, labor and materials contract cases select mediation;
- o 75.0% of all other-contract cases select mediation;
- o 81.4% of all cases that selected case evaluation are either motor vehicle negligence tort cases or other negligence-general liability tort cases;

In order to avoid confusion in Table 1, only the actual numbers for each process and case type are provided with column and row totals. This allows the reader to calculate column and row percentages.

**TABLE 1**

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**Selection of Dispute Resolution Process  
By Case Type****All Cases Opened for Screening with Case Type Identified**

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<u>Case Type</u>	<u>Dispute Resolution Process Selected</u>				<u>Total</u>
	<u>Case Evaluation</u>	<u>Mediation</u>	<u>Arbitration</u>	<u>Complex Case Mgmt.</u>	
Motor Vehicle Negligence Tort	94	5	4	0	103
Other Negligence- General Liability Tort	60	21	0	0	81
Service, Labor & Materials- Contract	5	20	2	0	27
Other- Contract	5	15	0	0	20
Other Types	21	44	1	1	67
No Type Identified	3	10	0	1	14
Total	188	115	7	2	312

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

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### **CASE-SCREENING PROCEDURES**

#### ***Administrative Procedures***

Case-screening conferences are the heart of the Middlesex Multi-Door Courthouse. Cases come into the MMDC via three routes: random assignment, judicial referral and attorney referral. The MMDC administrative assistant is responsible for sending orders to attend the screening conference to the attorneys in the randomly-assigned cases.

The administrative assistant also maintains a weekly schedule for screening conferences. During the term of the evaluation project, a minimum of seventeen time slots were left open each week for the randomly-selected cases. The remaining time slots were filled with self referrals and judicial referrals. Attorneys often come into the MMDC without an appointment directly from a conference or hearing before the referring judge and these cases are usually screened immediately.

Screening conferences are held in the offices of the MMDC. The executive director and the assistant director of the MMDC handle all of the screening conferences. (During some periods of the evaluation project a volunteer attorney and a law student conducted a few of the screenings.) One-hour time slots are scheduled, but the amount of time needed for the screening conference varies according to the complexity of the case and the attorneys' familiarity with the MMDC program. The six screening conferences observed by National Center staff ranged in length from 15 minutes to 45 minutes.

The MMDC maintains the lists of case evaluators, mediators, and arbitrators who participate in the MMDC program. MMDC staff are knowledgeable about the qualifications of the neutrals on these lists and select the neutrals for individual cases from these lists. Criteria used to evaluate candidates include content-area knowledge, past performance and dispute resolution skills.

When the parties elect to participate in a dispute resolution process the MMDC screener obtains an initial date for scheduling the process and transmits this information to the American Arbitration Association (AAA). Under a contract with the MMDC, the AAA provides notices to the parties and counsel of the scheduled dispute resolution sessions, reschedules the sessions if necessary, makes

arrangements for the neutral's services, invoices the parties and collects the fees, and disburses payment to the neutrals.

### *The screening conference*

Both of the screeners observed by the National Center staff followed the same format in conducting the screening conferences. Attorneys first are asked to sign a form that indicates that they appeared for the screening conference. The screener then explains that the purpose of the conference is to discuss the issues in the case and the status of any negotiations, and to explore the feasibility of using a dispute resolution process to help the parties settle all or part of the case. The screener describes the basic format for the conference and stresses that participation in a dispute resolution process is strictly voluntary. The screener also assures the attorneys that the screening conference is confidential and that no report of the substance of the conference will be made to the court. The screener notes that the court will receive notice as to whether the parties had elected to participate in a dispute resolution process.

The attorney for the plaintiff begins the discussion by stating the plaintiff's view of the facts of the case and what the claims are. The defendant's attorney then presents the defendant's perspective on the case. When attorneys for other parties are present, each has an opportunity to participate in the discussion.

The screener prompts the attorneys to present all of their concerns about the case, including who the principals are, what the relationships among the parties are, what attempts to settle the case have been made, what the damage estimates are, and how the damages have been calculated. The screener also ascertains the status of the discovery sought in the case and, if necessary, assists counsel in setting timelines for completing the process. As the discussion proceeds, the screener makes notes about the case, which she later summarizes for the neutral if the parties decide to participate in a dispute resolution process.

After the screener obtains information about the case, she describes the dispute resolution options and addresses any confusion the attorneys might have about the differences among and objectives of the various processes. If one process seems to be appropriate for the case and the case has developed to a stage where the process could be useful, the screener makes a recommendation to the attorneys.

If the attorneys express interest in participating in case evaluation, mediation, or arbitration, the screener presents a list of the neutrals for the respective process and asks the attorneys to advise her of any conflicts of interest they might have with anyone on the list. The screener then explains that the

MMDC will select the neutral for the dispute resolution process. If an attorney asks why the attorneys can not make the selection, the screener states two reasons for this procedure: (1) to more evenly distribute the work of the neutrals so that no single neutral is over burdened; and, (2) to avoid conflicts among counsel over the selection of the neutral and the resulting delay in conducting the dispute resolution process.

When the attorneys agree to participate in a dispute resolution process, the screener tries to set a target date and time for it. If the attorneys must first consult with their clients, the screener sets a date by which the attorneys will communicate with the MMDC to schedule the dispute resolution process. In cases where a dispute resolution process would be premature, the screener offers the attorneys the opportunity to hold another screening conference when the case has progressed further. At the conclusion of the screening conference the attorneys are asked to complete an evaluation form and leave it in a designated box in the MMDC office.

In cases where the attorneys have agreed to participate in case evaluation, mediation, or arbitration, the screener immediately selects up to three neutrals from the respective lists and notes these names in the case file. In making her selection, the screener tries to match the skills and expertise of the neutrals to the subject matter of the case and the dynamics between the parties. The names of the neutrals, the attorneys, the parties and the case are forwarded by fax machine to the American Arbitration Association.

One AAA employee handles all of the MMDC cases. She sends notices to all parties involved in the dispute resolution process on MMDC letterhead and informs the MMDC of the date and time for the dispute resolution process. While the AAA handles the administrative details, MMDC staff address the substantive questions that the parties and their counsel might have about the neutral and the dispute resolution process.

### *Observations of individual screening conferences*

National Center staff observed two screening conferences conducted by the assistant director and four conferences conducted by the executive director. These screening conferences provided the opportunity to see how the screeners deal with a variety of case types, configurations of parties, and levels of attorneys' experience with the MMDC. Each screening conference that was observed is briefly described below.

**Conference 1** The case involved interpretation of a contract and an issue of agency. The case was referred by a judge after the second status conference.

Although the case had been filed only a few months before, the issues were defined and sufficient discovery had been taken to resolve the dispute. The screener recommended mediation because the case involved relationships among three parties and probably would require the skill of a mediator to sort out the interests of all the parties.

**Conference 2** The case was a suit for wrongful death, and involved a companion suit for medical malpractice. The case had been randomly assigned for a screening conference. Because this case was an "average track" case, little discovery had been completed. The screener determined that a dispute resolution process would be premature, but explained to the attorneys what processes might be useful later. She closed the case in the MMDC but left the door open for the attorneys to re-open it.

**Conference 3** The case was a high-dollar dispute between a landlord and a former tenant. One of the issues involved a difference of opinion about the tenants' taste in decorating the leased premises. The case was referred by a judge. The screener recommended mediation because the parties had become very emotionally involved in the dispute.

**Conference 4** The case was a negligence claim of approximately \$5,000. The case had been randomly assigned to the screening conference. The Superior Court had jurisdiction over the case because the defendant was a municipality. The plaintiff's attorney originally suggested mediation, but counsel for the defendant did not agree that the case required mediation, particularly since mediation generally takes longer and, is therefore, more costly than case evaluation. The attorneys both agreed to consider using the case evaluation process after the screener explained to the plaintiff's attorney the difference between case evaluation and mediation. The screener marked her calendar to communicate with the attorneys in 30 days about their clients' interest in participating in case evaluation.

**Conference 5** The case involved a motor-vehicle tort and was referred by a judge. In the course of the screening conference the screener ascertained that the attorneys had some unresolved discovery disputes. She was able to bring the attorneys to an agreement to provide the desired discovery to each other. The screener also cleared up the attorneys' misunderstanding of the purposes of mediation and case evaluation. They agreed to participate in case evaluation in the morning of the day the pre-trial conference was scheduled.

**Conference 6** The case was a motor vehicle tort that was randomly assigned to the screening conference. The plaintiff was present. She was scheduled to have surgery the following morning to correct the injury she had suffered in the



automobile accident. The surgery had a high likelihood of ending the plaintiff's disability and thereby allowing her to determine the full amount of the damages she would claim. Although counsel for the defendant thought that comparative liability was at issue, the parties agreed that they were likely to be able to settle the case when the outcome of the surgery was known. The screener described case evaluation and recommended that the parties try it if they were unable to reach a settlement on their own.

## CONCLUSIONS

The screening conference employed by the MMDC serves its intended function. The conference facilitates the disposition of cases by helping the parties get over hurdles standing in the way of case resolution and educating attorneys about the dispute resolution processes that are available to them. The scheduling of the conference requires the attorneys to look at their case, and the conference focuses the judicial system's attention on the case as well.

The screening conference also has served to instruct the MMDC about the kinds of issues that tend to arise in particular types of cases and the types of dispute resolution processes that appear to be most appropriate for the various types of cases, issues and party dynamics. From the experiences of conducting a great number of screening conferences and chronicling the outcomes of the dispute resolution processes, the staff of the MMDC have learned that all cases do not require a screening conference to determine their amenability to a dispute resolution process. To allow the MMDC to process cases more efficiently and thus serve a higher number of cases, the MMDC staff is developing a protocol for determining if a case is typical of those that have proven to be responsive to one of the dispute resolution processes available through the MMDC. The MMDC would continue to hold screening conferences for those cases that do not lend themselves to a summary review.

Three components of the MMDC appear to account for the success of its screening and referral procedures. First, the screeners are highly competent. They are able to quickly achieve an understanding of the salient issues in the case and the dynamics among the parties. They also are adept at handling the conflicts between the attorneys, educating them about the dispute resolution processes and obtaining their cooperation in completing discovery to move the case along. Second, the MMDC has created and maintained a sufficient pool of qualified neutrals to conduct case evaluation and mediation. It is essential that the neutrals to whom the court entrusts its cases are well qualified and respected by the bar.

Third, the MMDC screeners are familiar with the specialized skills and areas of expertise of the neutrals and therefore can match the skills of the neutral to the needs of the case. Furthermore, by reviewing evaluation questionnaires completed by attorneys following the dispute resolution process, the MMDC screeners remain informed about the attorneys' perspectives of the neutrals' performance and abilities. If the MMDC develops a case screening checklist for certain types of cases, this knowledge can be applied to facilitate the most appropriate assignment of neutrals to cases. Direct referrals to case evaluation without a screening conference are feasible for tort cases.

## **SCREENING CONFERENCE EXIT SURVEY RESULTS**

### ***Introduction***

Once a case has been selected for inclusion in the Middlesex Multi-Door Courthouse, a court order is mailed to all parties involved in the case mandating an appearance at a screening conference as explained above. For many cases, this screening conference may be the only involvement in the Middlesex Multi-Door Courthouse. National Center research indicates that almost all civil cases in general jurisdiction courts settle before going to trial, as noted in subsection A of this section of the report as part of the discussion of case processing. Either due to subsequent settlement or due to one or more parties in a case deciding that alternative dispute resolution is not appropriate for the case, this screening conference may be the first and last contact with MMDC staff. For this reason, the evaluator and MMDC staff decided that it was important to capture the views of the participants in the screening conference.

A total of 894 screening conference exit surveys were completed and submitted to MMDC staff. The results of these surveys are reported here in Tables 2-8.

### ***Findings: Tables 2-8***

The specific questions asked of respondents in the screening conference exit survey are repeated at the top of each table. A copy of the screening conference exit survey is provided as Appendix D. When asked to indicate the consequences of participating in the screening conference as reported in Tables 5 and 6, respondents most frequently checked the following:

- o provided information about dispute resolution process (65.3% of all respondents, 69.1% of plaintiffs, and 61.4% of defendants);
- o brought parties together (48.2 of all respondents, 50.0% of plaintiffs and 47.2% of defendants);
- o offered a forum to discuss settlement (34.1% of all respondents, 36.6% of plaintiffs, and 31.9% of defendants);
- o sharpened issues (24.2 of all respondents, 25.7% of plaintiffs, and 22.7% of defendants).

A total of eleven items were listed for respondents to check all that applied.

When asked if they would recommend the screening process to others, respondents overwhelmingly indicated that they would (Table 7). For all respondents, 96.9% said "yes" to this question. For plaintiff respondents, 97.6% said "yes" to this question; for defendant respondents, 96.4% said "yes." The response was similar to the question, "Would you voluntarily bring one of your cases to the Middlesex Multi-Door Courthouse for a screening conference? (Table 8). For all respondents, 94.0% said "yes" to this question. For the plaintiffs, 95.8% said "yes," while for the defendants, 92.3% said "yes."

**TABLE 2**

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**Experimental-Group Respondents  
Screening Conference Exit Questionnaire  
Responses to the Question:**

**Have you ever participated in a Middlesex Multi-Door Courthouse  
Screening Conference on another case prior to today?**

---

	Yes		No	
	Number	%	Number	%
Plaintiff Respondents (N=350)	123	35.1	227	64.4
Defendant Respondents (N=345)	154	44.6	191	55.4
Third Party Respondents (N=13)	5	38.5	8	61.5
All Respondents (N=708)	282	39.8	426	60.2

**TABLE 3**

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**Experimental-Group Respondents  
Screening Conference Exit Questionnaire  
Responses to the Question:**

**Were there any settlement discussions with opposing counsel  
prior to today on this case?**

---

	Yes		No	
	Number	%	Number	%
Plaintiff Respondents (N=345)	157	45.5	188	54.5
Defendant Respondents (N=342)	149	43.6	193	56.4
Third Party Respondents (N=13)	5	38.5	8	61.5
All Respondents (N=700)	311	44.4	389	55.6

**TABLE 4**

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**Experimental-Group Respondents  
Screening Conference Exit Questionnaire  
Responses to the Question:**

**If yes, did these discussions occur as the result of  
this case being scheduled for a screening conference?**

---

	Yes		No	
	Number	%	Number	%
Plaintiff Respondents (N = 232)	31	13.4	201	86.6
Defendant Respondents (N = 242)	25	10.3	217	89.7
Third Party Respondents (N = 8)	0	-	8	100
All Respondents (N = 482)	56	11.6	426	88.4

**TABLE 5**

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**Experimental-Group Respondents  
Screening Conference Exit Questionnaire  
Responses to the Request:**

**Please check which, if any, are consequences of your participation  
in the screening conference.**

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	All Respondents (N = 707)	
	Checked	%*
Sharpened Issues	171	24.2
Narrowed Issues	112	15.8
Hardened my Position	23	3.3
Softened my Position	21	3.0
Provided Information about DR Process	462	65.3
Forced us to Look at Case Earlier	148	20.9
Assisted us in Discovery	129	18.2
Assisted us in Setting Discovery Dates	126	17.8
Brought Parties Together	341	48.2
Offered a Forum to Discuss Settlement	241	34.1
Other	30	4.2

\*This is the percent of all respondents in each category (plaintiff, defendant, third party) who checked a particular consequence.



**TABLE 6**

**Experimental-Group Respondents  
Screening Conference Exit Questionnaire  
Responses to the Request:**

**Please check which, if any, are consequences of your participation  
in the screening conference.**

	Plaintiff (N=350) Checked %*		Defendant (N=344) Checked %*		Third Party (N=13) Checked %*	
Sharpened Issues	90	25.7	78	22.7	3	23.1
Narrowed Issues	54	15.4	55	15.9	3	23.1
Hardened my Position	6	1.7	16	4.6	1	7.7
Softened my Position	6	1.7	14	4.1	1	7.7
Provided Information about DR Process	242	69.1	212	61.4	8	61.5
Forced us to Look at Case Earlier	63	18.0	82	23.8	3	23.1
Assisted us in Discovery	65	18.6	62	18.0	2	15.4
Assisted us in Setting Discovery Dates	69	19.7	55	15.9	2	15.4
Brought Parties Together	171	48.9	163	47.2	7	53.8
Offered a Forum to Discuss Settlement	128	36.6	110	31.9	3	23.1
Other	10	2.9	19	5.5	1	7.7

\*This is the percent of all respondents in each category (plaintiff, defendant, third party) who checked a particular consequence.

**TABLE 7**

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**Experimental-Group Respondents  
Screening Conference Exit Questionnaire  
Responses to the Question:**

**Would you recommend the screening process to others?**

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	Yes		No	
	Number	%	Number	%
Plaintiff Respondents (N=340)	332	97.6	8	2.4
Defendant Respondents (N=331)	319	96.4	12	3.6
Third Party Respondents (N=13)	12	92.3	1	7.7
All Respondents (N=684)	663	96.9	21	3.1

**TABLE 8**

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**Experimental-Group Respondents  
Screening Conference Exit Questionnaire  
Responses to the Question:**

**Would you voluntarily bring one of your cases to the  
Middlesex Multi-Door Courthouse for a screening conference?**

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	Yes		No	
	Number	%	Number	%
Plaintiff Respondents (N=334)	320	95.8	14	4.2
Defendant Respondents (N=323)	298	92.3	25	7.7
Third Party Respondents (N=11)	10	90.9	1	9.1
All Respondents (N=668)	628	94.0	40	6.0

### ***Respondent Comments***

The comments written on the survey forms and analyzed by the evaluators support these findings. Respondents indicate that they find the conference very helpful in identifying the various options available and bringing parties together, sometimes for the first time. For certain types of cases such as medical malpractice, some respondents indicate that the process just doesn't help the case get resolved. Some respondents indicate that the conference should be held after discovery is completed, yet others indicate that the conference should be held sooner in the process. Many respondents express the view that the screening conference was not only helpful but time- and cost-saving as well. All respondents that commented about the staff found the Middlesex Multi-Door Courthouse screeners to be pleasant, competent, well-organized, and very helpful. Lists of screening conference exit survey comments are available from the National Center for State Courts Northeastern Regional Office.

## **C. SATISFACTION MEASURES**

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Participant satisfaction with the program and the procedures is a major expected benefit of offering an alternative dispute resolution program. Participant ratings of a program or a process in terms of traditional court with which they have been involved is a practical and valid way of evaluating degree of participant satisfaction. The results of applying the various satisfaction measures to attorneys/pro se litigants and clients who participated in the Middlesex Multi-Door Courthouse and attorneys who are involved in control group cases are presented below.

### **EXPERIMENTAL GROUP**

#### **ATTORNEY/PRO SE LITIGANT DISPUTE RESOLUTION EXIT SURVEY RESULTS**

##### ***Introduction***

A total of 216 surveys were completed by attorneys/pro se litigants who participated in the dispute resolution process. The surveys were completed by participants at the close of the process. The results of the analysis of these surveys are reported in Tables 9-14. For these experimental group respondents (as explained in the Evaluation Methodology section of the report), survey results are reported for all respondents (including randomly-selected cases as well as judicial and counsel referrals) and for randomly-selected cases respondents (these cases are those selected with the control group cases). For both of these categories, the results are reported for total respondents. The plaintiff respondents/defendant respondent breakdown for these tables and all the results for other questions included in the surveys but not used in the group comparison are presented in Appendix F. In all tables presented in this report, the specific question asked of respondents is repeated exactly as it was asked in the questionnaire. A copy of the attorney/pro se litigant dispute resolution exit survey is provided in Appendix E of the report.

In order to measure satisfaction, a series of questions were developed in which respondents were asked to indicate their degree of agreement or satisfaction using either three or five point Likert-type scales. The degrees of agreement or satisfaction are weighted from one to five or one to three, with the weights in parentheses after each category of agreement or satisfaction. One is used to

indicate greater agreement or satisfaction and three or five is used to indicate lower agreement or satisfaction. The means reported are calculated using these weights.

For the experimental group, participants were asked to complete exit surveys at the final dispute resolution session. For the control group, attorneys were mailed surveys that included questions pertaining to their respective satisfaction with traditional case processing. The actual wording of each question asked of all respondents is repeated at the top of each table.

***Findings: Tables 9-14***

The results of the analysis of the attorney/pro se litigant dispute resolution exit surveys are quite positive. While plaintiff satisfaction appears to be consistently and slightly greater than defendant satisfaction, both groups of respondents indicate a high degree of satisfaction. This is reflected in the high scores reported in the tables where the total respondents results are presented.

The findings as reported in these tables indicate that:

- o all categories of respondents were quite satisfied with the dispute resolution procedures and their opportunities to have issues discussed and present matters in a manner which met their needs (Tables 9-11);
- o almost all respondents feel the fees charged are fair (Table F-10);
- o at least 70% of all categories of respondents felt that using the dispute resolution process saved some or considerable money (Table F-12);
- o all categories of respondents indicated that the dispute resolution process fit their case (Table F-22);
- o a very high percentage of respondents in all categories indicated they would be willing to use the DR process again (a range of 90.5% to 100% for the four categories, Tables F-24, F-25);
- o very few respondents in all categories expressed any dissatisfaction overall with the DR process utilized (Tables 14, F-6);

- o plaintiffs were more likely than defendants to indicate that the DR process left them much closer to settlement or somewhat closer to settlement (Table F-19);**
- o plaintiffs and defendants view the DR process as having different consequences for their respective cases (Table F-21);**
- o plaintiff respondents are generally more satisfied with the neutral than defendant respondents, although all categories of respondents are satisfied on all measures (Tables F-26, F-27).**

**TABLE 9**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about this dispute resolution process  
in terms of the following areas:**

**Permitted me to present the case in the manner which met my needs.**

	All Respondents (N = 184) Total		Respondents from Randomly-Selected Cases (N = 66) Total	
	N	%	N	%
Very satisfied (1)*	82	44.6	30	45.5
Satisfied (2)	83	45.1	31	47.0
Neither satisfied nor dissatisfied (3)	15	8.2	4	6.1
Dissatisfied (4)	4	2.1	1	1.5
Very dissatisfied (5)	0	-	0	-
	Mean Scores			
	1.7		1.7	

\* The numbers in parentheses following each response category are the weights used to calculate the means. The weights will be presented using this format for all tables.



**TABLE 10**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about this dispute resolution process  
in terms of the following areas:**

**Allowed the legal issues to be addressed in a manner which met my needs.**

	<b>All Respondents (N=181) Total</b>		<b>Respondents from Randomly-Selected Cases (N=65) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
Very satisfied (1)*	62	34.3	25	38.5
Satisfied (2)	84	46.4	28	43.1
Neither satisfied nor dissatisfied (3)	28	15.5	11	16.9
Dissatisfied (4)	7	3.9	1	1.5
Very dissatisfied (5)	0	-	0	-
	<b>Mean Scores</b>			
	1.9		1.8	

\* The numbers in parentheses following each response category are the weights used to calculate the means.

**TABLE 11**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about this dispute resolution process  
in terms of the following areas:**

**Allowed the non-legal issues to be addressed in a manner which met my needs.**

	<b>All Respondents (N = 182) Total</b>		<b>Respondents from Randomly-Selected Cases (N = 65) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
Very satisfied (1)*	71	39.0	24	36.9
Satisfied (2)	89	48.9	28	43.1
Neither satisfied nor dissatisfied (3)	19	10.4	11	16.9
Dissatisfied (4)	3	1.6	2	3.1
Very dissatisfied (5)	0	-	0	-
	<b>Mean Scores</b>			
	1.7		1.9	

\* The numbers in parentheses following each response category are the weights used to calculate the means.

**TABLE 12**

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**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about this dispute resolution process  
in terms of the following areas:**

**Provided the opportunity to participate in structuring the outcome of the case.**

---

	All Respondents (N = 176) Total		Respondents from Randomly-Selected Cases (N = 63) Total	
	N	%	N	%
Very satisfied (1)*	62	35.2	20	31.7
Satisfied (2)	70	39.8	27	42.9
Neither satisfied nor dissatisfied (3)	40	22.7	15	23.8
Dissatisfied (4)	4	2.3	1	1.6
Very dissatisfied (5)	0	-	0	-
	Mean Scores			
	1.9		2.0	

\* The numbers in parentheses following each response category are the weights used to calculate the means.

**TABLE 13**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about this dispute resolution process  
in terms of the following areas:**

**Overall fairness of the dispute resolution process.**

	All Respondents (N = 183) Total		Respondents from Randomly-Selected Cases (N = 65) Total	
	N	%	N	%
Fair (1)*	105	57.4	33	50.8
Neither fair nor unfair (2)	66	36.1	25	38.5
Unfair (3)	12	6.6	7	10.8
Mean Scores				
	1.5		1.6	

\* The numbers in parentheses following each response category are the weights used to calculate the means.

**TABLE 14**


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**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**Overall, how do you feel about the dispute resolution process utilized for this case?**

---

	All Respondents (N=183)		Respondents from Randomly-Selected Cases (N=65)	
	Total		Total	
	N	%	N	%
Very satisfied (1)*	78	42.6	27	41.5
Satisfied (2)	90	49.2	34	52.3
Neither satisfied nor dissatisfied (3)	8	4.4	3	4.6
Dissatisfied (4)	7	3.8	1	1.5
Very dissatisfied (5)	0	-	0	-
	Mean Scores			
	1.7		1.7	

\* The numbers in parentheses following each response category are the weights used to calculate the means.

### ***Respondent Comments***

The comments written on the attorney/pro se litigant exit surveys by respondents also indicate a very high degree of satisfaction, both with the program and with the neutral. Comments consistently refer to the neutral's professionalism, and experience that allowed him/her to focus on the critical issues and offer realistic dollar values, the calm and appropriate demeanor that assisted the discussion of issues, and the fairness and impartiality. Comments about the program typically focused on its usefulness in getting parties together to address issues and consider settlement. Some respondents emphasized the importance of having attorneys present who have the authority to settle a case at the session (the program brochure highlights this as well).

The National Center evaluators prepared a list of all comments written on the attorney/pro se litigant dispute resolution exit surveys. These lists are available at the National Center for State Courts Northeastern Regional Office.

## **CLIENT DISPUTE RESOLUTION PROCESS EXIT SURVEY**

### ***Introduction***

A total of 100 clients completed an exit survey following the dispute resolution process. The results of these surveys are reported in Tables H-1 to H-28, which are presented in Appendix H. Many of the questions asked of attorneys/pro se litigants were also asked of clients, but because clients were not surveyed as part of the control group data collection (their names and addresses were not available in court records), the client survey results are not used in the comparison or analysis using T tests. Therefore the results of these surveys are summarized here. The specific question or statement posed to clients in the survey is repeated at the top of each table in Appendix H. Due to the number of columns required to report the survey results for the various categories of respondents, two tables are necessary to report the results. When this applies, the first of two tables includes the total respondents categories for all respondents (all types of referrals) and randomly-selected case respondents. The second table includes plaintiff and defendant respondents for these broader categories of respondents. A copy of the client dispute-resolution exit survey is provided as Appendix G of the report.

### ***Findings***

The results reported for client dispute resolution exit surveys are also very positive. On several of the measures, the degree of satisfaction expressed is not quite as positive as those expressed by attorneys in the attorney/pro se litigant exit survey. Nevertheless, the responses are consistently positive among all client respondents. The findings indicate that:

- o plaintiffs express a higher degree of satisfaction with the outcome than do defendants (Table H-2);
- o a lower percentage of client respondents compared with attorney/pro se litigant respondents indicate the dispute resolution process left them closer to settlement (Tables F-18, F-19, H-3, H-4);
- o respondents in all categories were consistently very positive regarding the dispute resolution procedures and the respondents' ability to participate and present issues in a manner that met their needs (Tables H-5, H-10);

- o at least 83% of respondents in all categories were very satisfied or satisfied with the fairness of the process with most other respondents indicating they were neither satisfied nor dissatisfied (Tables H-11, H-12);
- o a higher percentage of plaintiffs compared with defendants felt the dispute resolution process fit the particular case (H-14);
- o at least 90% of respondents in all categories indicated they would consider using the dispute resolution process again (Tables H-15, H-16);
- o the level of satisfaction with the overall dispute resolution process is very similar for all categories of respondents (Tables H-17, H-18);
- o all respondents were consistently quite satisfied with the ability, knowledge, and neutrality of the neutral (Tables H-14, H-24);
- o all categories of respondents (97% to 100 % range) indicated they would be willing to use the neutral again (Tables H-27, H-28).



### ***Respondent Comments***

The comments written on the client-dispute resolution exit surveys by respondents also indicate a very high degree of satisfaction with the program and with the neutral. Client comments make it very clear that the neutral made them feel comfortable participating in the process and provided helpful assistance to them. They also refer to the fairness, impartiality, and experience of the neutral and the neutral's ability to help participants focus on key issues. Comments about the program are very similar to the attorney/pro se litigant comments. The comments typically focused on its usefulness in getting parties together to address issues and consider settlement.

The National Center evaluators prepared a list of all comments written on the client dispute resolution exit surveys. These lists are available at the National Center for State Courts Northeastern Regional Office.

## **CONTROL GROUP**

### ***Introduction***

A total of 641 surveys were mailed to all counsel involved in 269 cases. A total of 131 surveys were returned by attorney/pro se litigants in control-group cases. The results of the analysis of these surveys are presented in Tables 15-20. The results are reported for total respondents. The plaintiff respondent/defendant respondent breakdown for these tables and all the results for other questions included in the surveys but not used in the group comparison are presented in Appendix J. The specific question or statement is repeated at the top of each table. A copy of the mailed survey is presented as Appendix I of the report.

In order to measure satisfaction, a series of questions were developed and used for both experimental and control groups in which respondents were asked to indicate their degree of agreement or satisfaction using either three or five point Likert-type scales. The degrees of agreement or satisfaction are weighted from one to five or one to three, with the weights in parentheses after each category of agreement or satisfaction. One is used to indicate greater agreement or satisfaction and three or five is used to indicate lower agreement or satisfaction. The means reported are calculated using these weights.

### ***Findings: Tables 15-20***

The level of satisfaction expressed by control-group respondents is positive, but consistently not as positive compared with experimental-group respondents in the respective categories. The findings indicate that:

- o plaintiffs and defendants rate the amount of time it took the court to process the case virtually the same, with all respondents expressing very little dissatisfaction (Table J-4);
- o both plaintiffs and defendants express satisfaction or are neither satisfied nor dissatisfied with the court procedures and their ability to present their case (Tables 15-18);
- o a greater percentage of plaintiffs compared with defendants express some degree of satisfaction with the court as a fair process with more defendants indicating neither satisfaction nor dissatisfaction (Table 19);

- o defendants had a higher percentage of respondents indicating some degree of satisfaction with the court process providing a reasonable outcome compared with plaintiffs (Table J-6);**
- o a large percentage of all respondents express neither satisfaction nor dissatisfaction overall with the court process (Table 20);**
- o a higher percentage of defendants compared with plaintiffs feel their case might have fared better if it went to trial (if it settled) (Table J-8);**
- o a higher percentage of plaintiffs compared with defendants indicate they would have fared better if they had settled rather than, gone to trial (if the case was tried to conclusion) (Table J-9).**

**TABLE 15**


---

**Control-Group Respondents  
Court Follow-up Questionnaire**

**Responses to the question:**

**How do you feel about the court process in terms  
of the following areas?**

**Permitted me to present the case in the manner  
which met my needs.**

---

	Respondents					
	(N=47) Plaintiff		(N=34) Defendant		(N=81) Total	
	N	%	N	%	N	%
Very satisfied (1)*	11	23.4	4	11.8	15	18.5
Satisfied (2)	23	48.9	17	50.0	40	49.4
Neither satisfied nor dissatisfied (3)	9	19.1	10	29.4	19	23.5
Dissatisfied (4)	3	6.4	2	5.9	5	6.2
Very dissatisfied (5)	1	2.1	1	2.9	2	2.5
Mean Scores						
	2.1		2.4		2.2	

\* The numbers in parentheses following each response category are the weights used to calculate the means. The weights will be presented using this format for all tables.

**TABLE 16**


---

**Control-Group Respondents  
Court Follow-up Questionnaire**

**Responses to the question:**

**How do you feel about the court process in terms  
of the following areas?**

**Allowed the legal issues to be addressed in a manner  
which met my needs.**

---

	Respondents					
	(N=48) Plaintiff		(N=35) Defendant		(N=83) Total	
	N	%	N	%	N	%
Very satisfied (1)*	9	18.8	4	11.4	13	15.7
Satisfied (2)	24	50.0	19	54.3	43	51.8
Neither satisfied nor dissatisfied (3)	7	14.6	8	22.9	15	18.1
Dissatisfied (4)	6	12.5	2	5.7	8	9.6
Very dissatisfied (5)	2	4.2	2	5.7	4	4.8
<b>Mean Scores</b>						
	2.3		2.4		2.4	

\* The numbers in parentheses following each response category are the weights used to calculate the means.

**TABLE 17**


---

**Control-Group Respondents  
Court Follow-up Questionnaire**

**Responses to the question:**

**How do you feel about the court process in terms  
of the following areas?**

**Allowed the non-legal issues to be addressed in a manner  
which met my needs.**

---

	Respondents					
	(N=46) Plaintiff		(N=32) Defendant		(N=78) Total	
	N	%	N	%	N	%
Very satisfied (1)*	9	19.8	3	9.4	12	15.4
Satisfied (2)	22	47.8	18	56.3	40	51.3
Neither satisfied nor dissatisfied (3)	13	28.3	9	28.1	22	28.2
Dissatisfied (4)	2	4.3	1	3.1	3	3.8
Very dissatisfied (5)	0	-	1	3.1	1	1.3
Mean Scores						
	2.2		2.3		2.2	

\* The numbers in parentheses following each response category are the weights used to calculate the means.

**TABLE 18**


---

**Control-Group Respondents  
Court Follow-up Questionnaire**

**Responses to the question:**

**How do you feel about the court process in terms  
of the following areas?**

**Provided the opportunity to participate in structuring the outcome  
of the case.**

---

	Respondents					
	(N=41) Plaintiff		(N=28) Defendant		(N=69) Total	
	N	%	N	%	N	%
Very satisfied (1)*	10	24.4	5	17.9	15	21.7
Satisfied (2)	18	43.9	13	46.4	31	44.9
Neither satisfied nor dissatisfied (3)	11	26.8	9	32.1	20	29.0
Dissatisfied (4)	2	4.9	0	-	2	2.9
Very dissatisfied (5)	0	-	1	3.6	1	1.4
<b>Mean Scores</b>						
	2.1		2.3		2.2	

\* The numbers in parentheses following each response category are the weights used to calculate the means.

**TABLE 19**


---

**Control-Group Respondents  
Court Follow-up Questionnaire**

**Responses to the question:**

**How do you feel about the court process in terms  
of the following areas?**

**Provided a fair process.**

---

	Respondents					
	(N=49) Plaintiff		(N=36) Defendant		(N=85) Total	
	N	%	N	%	N	%
Very satisfied (1)*	14	28.6	7	19.4	21	24.7
Satisfied (2)	25	51.0	18	50.0	43	50.6
Neither satisfied nor dissatisfied (3)	7	14.3	9	25.0	16	18.8
Dissatisfied (4)	2	4.1	1	2.8	3	3.5
Very dissatisfied (5)	1	2.0	1	2.8	2	2.4
Mean Scores						
	2.0		2.2		2.1	

\* The numbers in parentheses following each response category are the weights used to calculate the means.



**TABLE 20**


---

**Control-Group Respondents  
Court Follow-up Questionnaire**

**Responses to the request:**

**If you are an attorney, please indicate:**

**Overall, how your client feels about the court process.**

---

	Respondents					
	(N=47) Plaintiff		(N=38) Defendant		(N=85) Total	
	N	%	N	%	N	%
Very satisfied (1)*	6	2.8	3	7.9	9	10.6
Satisfied (2)	12	25.5	16	42.1	28	32.9
Neither satisfied nor dissatisfied (3)	19	40.4	13	34.2	32	37.6
Dissatisfied (4)	9	19.1	4	10.5	13	15.3
Very dissatisfied (5)	1	2.1	2	5.3	3	3.5
Mean Scores						
	2.7		2.6		2.7	

• The numbers in parentheses following each response category are the weights used to calculate the means.

## **COMPARISON OF GROUP RESULTS: PARTICIPANT SATISFACTION**

The results reported in Tables 21-32 are the comparison of mean scores for those measures included in both the experimental and control groups. The mean scores are taken from the attorney/pro se litigant dispute-resolution exit survey and the mailed court follow-up survey sent to control-group attorneys. For the experimental group, only randomly-selected cases respondents are used for this comparison.

The measures used to compare the mean scores for experimental and control groups and the respective findings are as follows:

- o the dispute resolution process/court process permitted the respondents to present the case in the manner which met their needs (experimental mean = 1.7, control mean = 2.2, Tables 21-22) ;
- o the dispute resolution process/court process allowed the legal issues to be addressed in a manner which met the respondents needs (experimental mean = 1.8, control mean = 2.4, Tables 23-24);
- o the dispute resolution process/court process allowed the non-legal issues to be addressed in a manner which met the respondents needs (experimental mean = 1.9, control mean = 2.2, Tables 25-26);
- o the dispute resolution process/court process provided the opportunity to participate in structuring the outcome of the case (experimental mean = 1.9, control mean = 2.2, Tables 27-28);
- o the overall fairness of the dispute resolution process/ court process (experimental mean = 1.6, control mean = 2.1, Tables 29-30;
- o the respondents' feeling overall about the dispute resolution process utilized/the court process (experimental mean = 1.7, control mean = 2.7, Tables 31-32).

In summary, the findings regarding satisfaction measures indicate that:

- o on all satisfaction measures compared, the experimental group means are more favorable than control group means for both plaintiff and defendant respondents;

- o with eighteen Student's t difference of means tests performed, thirteen of eighteen have probabilities of .05 (two tailed) or less, and all but one of the remaining five have probabilities of .156 or less;**
- o The consistency of the findings between experimental and control groups and the probabilities associated with the t tests combine to indicate a significantly greater degree of satisfaction with the dispute resolution process compared with the court process (both substantively and statistically).**

**TABLE 21**

---

**Comparison of Mean Scores  
Selected Satisfaction Measures  
Randomly Selected Experimental-Group Cases and Control-Group Cases**

**Responses to the question:**

**How do you feel about this dispute resolution process/court process  
in terms of the following areas:**

**Permitted me to present the case in the manner which met my needs.**

---

All Respondents Mean Scores	
Experimental Cases (N* = 66)	Control Cases (N = 81)
1.7	2.2

$t^{**} = -3.80$   
prob. = .000

\*For each category, N= the total number of respondents that answered this question.

\*\*For all Student's t tests reported in this and in the following tables, pooled variance estimates and two-tailed probabilities are used.

**TABLE 22**

---

**Comparison of Mean Scores  
Selected Satisfaction Measures  
Randomly Selected Experimental-Group Cases and Control-Group Cases**

**Responses to the question:**

**How do you feel about this dispute resolution process/court process  
in terms of the following areas:**

**Permitted me to present the case in the manner which met my needs.**

---

Plaintiff Mean Scores		Defendant Mean Scores	
Experimental Cases (N* =32)	Control Cases (N=47)	Experimental Cases (N=34)	Control Cases (N=34)
1.5	2.1	1.9	2.4
t=-3.28 prob.=.002		t=-2.38 prob.=.020	

\*For each category, N= the total number of respondents that answered this question.

**TABLE 23**

---

**Comparison of Mean Scores  
Selected Satisfaction Measures  
Randomly Selected Experimental-Group Cases and Control-Group Cases**

**Responses to the question:**

**How do you feel about this dispute resolution process/court process  
in terms of the following areas:**

**Allowed the legal issues to be addressed in a manner which met my needs.**

---

All Respondents Mean Scores	
Experimental Cases (N* =65)	Control Cases (N=83)
1.8	2.4

t=-3.59  
prob.=.000

\*For each category, N= the total number of respondents that answered this question.

**TABLE 24**

---

**Comparison of Mean Scores  
Selected Satisfaction Measures  
Randomly Selected Experimental-Group Cases and Control-Group Cases**

**Responses to the question:**

**How do you feel about this dispute resolution process/court process  
in terms of the following areas:**

**Allowed the legal issues to be addressed in a manner which met my needs.**

---

Plaintiff Mean Scores		Defendant Mean Scores	
Experimental Cases (N* = 32)	Control Cases (N = 48)	Experimental Cases (N = 33)	Control Cases (N = 35)
1.7	2.3	2.0	2.4
t = -3.23 prob. = .002		t = -1.94 prob. = .057	

\*For each category, N = the total number of respondents that answered this question.

**TABLE 25**

---

**Comparison of Mean Scores  
Selected Satisfaction Measures  
Randomly Selected Experimental-Group Cases and Control-Group Cases**

**Responses to the question:**

**How do you feel about this dispute resolution process/court process  
in terms of the following areas:**

**Allowed the non-legal issues to be addressed in a manner which met my needs.**

---

All Respondents Mean Scores	
Experimental Cases (N* = 65)	Control Cases (N = 78)
1.9	2.2

t = -2.81  
prob. = .006

\*For each category, N = the total number of respondents that answered this question.



**TABLE 26**

---

**Comparison of Mean Scores  
Selected Satisfaction Measures  
Randomly Selected Experimental-Group Cases and Control-Group Cases**

**Responses to the question:**

**How do you feel about this dispute resolution process/court process  
in terms of the following areas:**

**Allowed the non-legal issues to be addressed in a manner which met my needs.**

---

Plaintiff Mean Scores		Defendant Mean Scores	
Experimental Cases (N=32) *	Control Cases (N=46)	Experimental Cases (N=33)	Control Cases (N=32)
1.7	2.2	2.0	2.3
t=-2.73 prob.=.008		t=-1.51 prob.=.136	

\*For each category, N= the total number of respondents that answered this question.

**TABLE 27**

---

**Comparison of Mean Scores  
Selected Satisfaction Measures  
Randomly Selected Experimental-Group Cases and Control-Group Cases**

**Responses to the question:**

**How do you feel about this dispute resolution process/court process  
in terms of the following areas:**

**Provided the opportunity to participate in structuring the outcome of the case.**

---

All Respondents Mean Scores	
Experimental Cases (N* = 62)	Control Cases (N = 69)
1.9	2.2

t = -1.43  
prob. = .156

\*For each category, N = the total number of respondents that answered this question.

**TABLE 28**

---

**Comparison of Mean Scores  
Selected Satisfaction Measures  
Randomly Selected Experimental-Group Cases and Control-Group Cases**

**Responses to the question:**

**How do you feel about this dispute resolution process/court process  
in terms of the following areas:**

**Provided the opportunity to participate in structuring the outcome of the case.**

---

Plaintiff Mean Scores		Defendant Mean Scores	
Experimental Cases (N* =30)	Control Cases (N=41)	Experimental Cases (N=33)	Control Cases (N=28)
1.8	2.1	2.1	2.3
t = -1.78 prob. = .080		t = -.62 prob. = .539	

\*For each category, N = the total number of respondents that answered this question.

**TABLE 29**

---

**Comparison of Mean Scores  
Selected Satisfaction Measures  
Randomly Selected Experimental-Group Cases and Control-Group Cases**

**Responses to the question:**

**How do you feel about this dispute resolution process/court process  
in terms of the following areas:**

**Overall fairness of the dispute resolution process/provided a fair process.**

---

All Respondents Mean Scores	
Experimental Cases (N* = 66)	Control Cases (N = 85)
1.6	2.1

$t = -3.29$   
prob. = .001

\*For each category, N = the total number of respondents that answered this question.

**TABLE 30**

---

**Comparison of Mean Scores  
Selected Satisfaction Measures  
Randomly Selected Experimental-Group Cases and Control-Group Cases**

**Responses to the question:**

**How do you feel about this dispute resolution process/court process  
in terms of the following areas:**

**Overall fairness of the dispute resolution process/provided a fair process.**

---

Plaintiff Mean Scores		Defendant Mean Scores	
Experimental Cases (N = 32)*	Control Cases (N = 49)	Experimental Cases (N = 34)	Control Cases (N = 36)
1.6	2.0	1.7	2.2
t = -2.21 prob. = .030		t = -2.55 prob. = .013	

\*For each category, N = the total number of respondents that answered this question.

**TABLE 31**

---

**Comparison of Mean Scores  
Selected Satisfaction Measures  
Randomly Selected Experimental-Group Cases and Control-Group Cases**

**Responses to the question:**

**How do you feel about this dispute resolution process/court process  
in terms of the following areas:**

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

---

All Respondents Mean Scores	
Experimental Cases (N* =65)	Control Cases (N =85)
1.7	2.7

t = -7.29  
prob. = .000

\*For each category, N= the total number of respondents that answered this question.

**TABLE 32**

---

**Comparison of Mean Scores  
Selected Satisfaction Measures  
Randomly Selected Experimental-Group Cases and Control-Group Cases**

**Responses to the question:**

**How do you feel about this dispute resolution process/court process  
in terms of the following areas:**

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

---

Plaintiff Mean Scores		Defendant Mean Scores	
Experimental Cases (N* =32)	Control Cases (N=47)	Experimental Cases (N=33)	Control Cases (N=36)
1.5	2.7	1.8	2.6
t=-6.13 prob.=.000		t=-4.15 prob.=.000	

\*For each category, N= the total number of respondents that answered this question.

## **D. COST MEASURES**

---

Many costs are associated with processing a case through the court process, including costs both to litigants and the court. Finding means of resolving conflicts in a way that is equally or more satisfying to parties and less costly to both litigants and courts is quite consistent with the objectives of judges and court administrators throughout the nation. Although the main focus in this section will be the number of attorney hours spent on cases in both the experimental and control groups, indicators of resource requirements regarding judicial activity, clerk's office activity, and MMDC activity are also presented and discussed here.

### **EXPERIMENTAL GROUP**

#### ***Introduction***

Case-processing costs and resource requirements were measured using both mailed surveys sent to samples of experimental and control group attorneys and case file analysis. Three cost areas have been analyzed as part of the evaluation. These areas are attorney time spent on a case, judicial activity associated with responding to motions (only motions that resulted in a court order excluding continuance requests and requests for documents and information), and clerk's office activity associated with filing and processing documents. For both experimental and control groups, attorneys were asked to indicate the amount of time devoted to a particular case. Attorneys were asked to indicate total time and time reported by particular activities. The activities included in each survey mailed are listed in the tables in which the results are presented. A total of 2,589 surveys were mailed to experimental group attorneys; 362 surveys were returned. A total of 131 experimental case files were analyzed.

While the original evaluation plan was to attach dollar values to this motion activity and document filing, the National Center evaluator has concluded after interviewing both judges and clerk's office administrators that the evaluation should focus on the measures used and their respective differences between the experimental and control groups. The range of time required for these two items is too great and varies based on too many factors to offer an average time that would be both reliable and valid. The amount of time that can be involved both in a judge responding to a motion and in a court clerk processing a document will be discussed in this section. The findings as presented can then be used by the reader to calculate the possible costs in time and dollars for these activities in their particular



jurisdictions. For experimental cases, the activities and amount of time required for the case processing in the MMDC will also be discussed.

The results of this analysis are presented in Tables 33-35. A copy of the court follow-up questionnaire (attorney hours) is presented in Appendix K. A copy of the case file data-collection instrument is presented in Appendix L of the report.

### ***Judicial Activity Associated with Motions***

With the adoption of Rule 9A of the Rules of Civil Procedure for the Superior Court of Massachusetts, there are no longer sessions devoted to hearing motions in Superior Court. Certain motions still result in hearings before judges, and judges may decide to schedule a hearing to respond to a motion at any time. With this rule, many motions are now handled without hearings. This rule has had different impacts on judges, depending on the judge's approach to motions. Instead of taking ten to thirty minutes to hear a motion during a motion session, some judges may spend several hours preparing a written response to a motion. Other judges may schedule motion hearings regularly. Whether this rule has reduced the number of motions filed by attorneys is debatable. Due to this difference in approach to handling motions under Rule 9A, the National Center evaluator determined that it was not possible to generalize about processing motions in Superior Court using the limited information collected as part of this evaluation. More extensive research is required focusing on motion practices by both attorneys and judges before average time can be estimated and associated time and dollar costs can be calculated. Each judge has a different approach to handling motions. Some hold more hearings than others. This may result in more or less time than is required in writing an order without a hearing. Judges also have their own style of writing orders. For these reasons, the number of motions that required a court order (with the exceptions as noted) is compared here for the experimental and control groups.

### ***Filing and Processing Documents in the Clerk of Court's Office***

For a civil case with only two parties and very little discovery, processing documents is not very time-consuming for the clerk's office. However, as the number of parties increases and the amount of discovery items increases, processing documents becomes more time consuming. As the number of parties increases, the number of copies of orders that must be mailed also increases with the need to prepare envelopes and confirm addresses. For some cases, processing one document may be quite simple or very time-consuming depending on these and other factors. Recently, new software has been installed in the Superior Court. This has reduced dramatically the time required to enter critical information about a

case and respond to telephone inquiries. All the cases being analyzed in this evaluation were processed through the old computer system and manual operation. For these reasons, the average time required to process a document filed is not possible to calculate with the information collected for this evaluation. The number of documents processed will be compared, with the knowledge that a range of time is involved in the reported differences; however, assigning a dollar value to the reported differences is not possible without additional extensive research.

### ***MMDC Case Processing Activity***

Opening and processing a case in the Middlesex Multi-Door Courthouse requires time and staff resources. As a new program, a considerable amount of time and effort was necessary to implement the program. Once established, these administrative costs associated with implementing any new program diminish.. Although a reliable average dollar figure cannot be determined given the start-up requirements and the range of staff involvement for different cases, the average amount of time typically required to select, schedule, and open a case, to screen a case, and to enter case information into the computer is summarized here in order to offer a broad estimate of resource requirements.

The process of selecting cases, generating orders, scheduling events, setting up files, preparing cases for dispute resolution sessions (approximately one-third of cases), and rescheduling cases can take from 30 to 45 minutes per case. Regarding the screening process, preparing and documenting the screening, holding the screening conference, reviewing and discussing the case, briefing and debriefing the neutral (approximately one-third of cases), and following up on the case (approximately two-thirds of cases) can average from 60 to 75 minutes per case. Regarding data entry, opening, updating, and closing a case can average from 15 to 20 minutes per case. Dispute resolution has lasted from one to forty-two hours during the course of the evaluation period. The staff positions responsible for completing these tasks include an administrative assistant, two professional staff, and a data entry clerk. Fee-for-service neutrals provide the actual dispute resolution service.

### ***Findings: Tables 33-35***

Regarding the experimental case results, the findings indicate that:

- o for almost all activities, plaintiff and defendant attorneys report spending about the same amount of time (Table 33);

- o plaintiff attorneys report more average total hours per case than defendant attorneys; (40.9 versus 34.7) (Table 34);**
- o defendant respondents have a greater total non-attorney average total hours (9.5 versus 15.2) (Table 34).**
- o the average total number of motions requiring judicial activity for these experimental cases is 3.1 (Table 35);**
- o the average total number of documents filed and requiring clerk's office processing is 13.1 (Table 35).**

**TABLE 33**

<b>Experimental-Group Respondents Court Follow-up Questionnaire</b>		
<b>Average Attorney Hours by Activity</b>		
<b>Attorney Activity</b>	<b>All Respondents</b>	
	<b>Plaintiff Avg. Hours</b>	<b>Defendant Avg. Hours</b>
Interviewed client	5.0	3.1
Prepared complaint	2.6	2.8
Gathered information/ legal research	9.0	8.9
Arranged medical exams	2.2	6.4
Prepared motions	4.9	4.4
Prepared interrogatories	2.7	2.3
Answered interrogatories	4.2	3.1
Took or amended depositions	9.5	8.1
Discussed settlement outside of court	3.6	3.3
Prepared for dispute resolution	3.1	2.4
Prepared for trial	15.8	11.0
Presented case at trial	8.0	16.2
Engaged in post-trial activities	4.7	3.2
Other	7.9	10.3

**TABLE 34**

---

<b>Experimental-Group Respondents Court Follow-up Questionnaire</b>		
<b>Average Total Attorney Hours, Average Total Non-Attorney Hours</b>		
<hr/>		
All Respondents		
	Plaintiff	Defendant
	Avg. Hours	Avg. Hours
Total attorney hours	40.9	34.7
Total non-attorney hours	9.5	15.2

---

**TABLE 35**

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<b>Experimental-Group Respondents Case File Data Analysis</b>	
<b>Average Total Number of Motions Per Case Requiring Judicial Involvement,* and Average Total Number of Documents Per Case Processed by Clerk's Office</b>	

---

Average Total Number of Motions

3.1

Average Total Number of Documents Processed by Clerk

13.1

• Motions involving continuances or requests for documents are excluded from this total. See the methodology section for a complete explanation.

## **CONTROL GROUP**

### ***Introduction***

The results of the control-group attorney reports of time spent on their cases and the number of motions requiring judicial activity and documents filed and processed by the clerk's office are reported in Tables 36-38. The same reservations expressed about judicial activity associated with motions and clerk's office activity associated with processing documents apply here as well as to experimental-group cases. A total of 642 surveys were mailed to control group attorneys; 131 surveys were returned. A total of 276 control group case files were analyzed.

### ***Findings: Tables 36-38***

The findings indicate that:

- o for the majority of particular attorney activities, plaintiffs and defendants are very similar (Table 36);
- o plaintiff respondents have a higher average total hours than defendant respondents (52.5 versus 45.0) (Table 37);
- o plaintiff and defendant respondents have virtually the same average total non-attorney hours (10.3 versus 10.6) (Table 37);
- o the average total number of motions requiring judicial activity for the control group cases is 4.1 (Table 38);
- o the average total number of documents filed and requiring clerk's office processing is 14.2 (Table 38).

**TABLE 36**

<b>Control-Group Respondents Court Follow-up Questionnaire</b>		
<b>Average Attorney Hours by Activity</b>		
Attorney Activity	All Respondents	
	Plaintiff Avg. Hours	Defendant Avg. Hours
Interviewed client	5.6	6.1
Prepared complaint	4.1	8.0
Gathered information/ legal research	11.8	8.8
Arranged medical exams	6.9	7.7
Prepared motions	6.9	9.3
Prepared interrogatories	3.8	3.7
Answered interrogatories	5.6	4.5
Took or amended depositions	9.8	10.0
Discussed settlement outside of court	6.7	3.7
Prepared for dispute resolution	8.2	7.7
Prepared for trial	13.8	10.6
Presented case at trial	10.7	9.0
Engaged in post-trial activities	8.2	8.5
Other	8.5	10.1

**TABLE 37**

<b>Control-Group Respondents</b> <b>Court Follow-up Questionnaire</b>		
<b>Average Total Attorney Hours Per Case,</b> <b>Average Total Non-Attorney Hours Per Case</b>		
	All Respondents	
	Plaintiff Avg. Hours	Defendant Avg. Hours
Total attorney hours	52.5	45.0
Total non-attorney hours	10.3	10.6

**TABLE 38**

<b>Control-Group Respondents</b> <b>Case File Data Analysis</b>	
<b>Average Total Number of Motions Per Case</b> <b>Requiring Judicial Involvement,*</b> <b>Average Total Number of Documents Per Case</b> <b>Processed by Clerk's Office</b>	

Average Total Number of Motions

4.1

Average Total Number of Documents Processed by Clerk

14.2

\* Motions involving continuances or requests for documents are excluded from this total. See the methodology section for a complete explanation.



## **GROUP COMPARISON: PER-CASE COSTS AND RESOURCE REQUIREMENTS**

The results reported here in Tables 39-41 are the comparison of the mean scores for the experimental- and control-group cases. The mean scores for average total attorney hours, average total non-attorney hours, average total number of motions, and average total number of documents filed and processed are compared.

The findings indicate that:

- o experimental-group plaintiffs and experimental-group defendants have substantially fewer average total attorney hours than control-group plaintiffs and defendants respectively (Tables 39-40);
- o experimental-group plaintiffs have fewer average total non-attorney hours compared with control-group plaintiffs (Tables 39-40);
- o experimental-and control-group defendants have virtually the same average total non-attorney hours (Tables 39-40);
- o the experimental-group cases have fewer average total number of motions requiring judicial activity compared with the control-group cases (3.1 versus 4.1) (Table 41);
- o the experimental-group cases also have fewer average total number of documents filed and requiring clerk's office processing compared with control-group cases (13.1 versus 14.2) (Table 41);
- o the combination of fewer average total attorney hours, fewer motions and fewer documents processed for experimental-group cases results in measurable savings for the court and participants in the Middlesex Multi-Door Courthouse process, although this is offset to some degree by case processing costs in the MMDC that can be expected to diminish as the MMDC expands and per case administrative costs are reduced.

**TABLE 39**

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**Comparison of Average Total Attorney Hours Per Case  
and Average Total Non-Attorney Hours Per Case**

**Experimental-Group Cases and Control-Group Cases  
Average Total Attorney Hours Per Case**

---

All Respondents Mean Scores	
Experimental Cases (N* = 142)	Control Cases (N = 70)
38.7	50.1

t = -1.65  
prob. = .101

**Average Total Non-Attorney Hours Per Case**

All Respondents Mean Scores	
Experimental Cases (N* = 38)	Control Cases (N = 16)
13.0	14.8

t = -.38  
prob. = .703

\* For each category, N = the total number of respondents that answered this question.

**TABLE 40**


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**Comparison of Average Total Attorney Hours Per Case  
and Average Total Non-Attorney Hours Per Case**

**Experimental-Group Cases and Control-Group Cases**

**Average Total Attorney Hours Per Case**

---

Plaintiff Mean Scores		Defendant Mean Scores	
Experimental Cases (N = 70)*	Control Cases (N = 38)	Experimental Cases (N = 77)	Control Cases (N = 34)
40.9	52.5	34.7	45.0
t = -1.11 prob. = .271		t = -1.19 prob. = .237	

**Average Total Non-Attorney Hours Per Case**

Plaintiff Mean Scores		Defendant Mean Scores	
Experimental Cases (N = 17)	Control Cases (N = 36)	Experimental Cases (N = 23)	Control Cases (N = 29)
9.5	10.3	15.2	10.6
t = -.31 prob. = .767		t = 1.24 prob. = .222	

\* For each category, N = the total number of respondents that answered this question.

**TABLE 41**

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**Comparison of Average Total Motions Per Case Requiring Judicial Involvement  
and Average Total Documents Processed Per Case by the Clerk's Office**

---

**Experimental-Group Cases and Control-Group Cases**

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	Experimental Group Cases (N* = 108)	Control Group Cases (N = 94)
Average total motions per case requiring judicial involvement	3.1	4.1

t = -2.26  
prob. = .025

	Experimental Group Cases (N = 127)	Control Group Cases (N = 124)
Average total documents per case processed by clerk	13.1	14.2

t = -.95  
prob. = .342

\* For each category, N = the total number of cases that included this information.

## **E. MEASURES OF ELAPSED TIME**

---

Just as cost and resource requirements necessary to process a case fairly and judiciously are important concerns of judges and court administrators, the time required to process a case is also of concern. Median time from filing to settlement or other disposition is the measure most frequently used by courts when discussing case-processing time. This is due at least in part to the properties of medians and means; means are subject to influence by a small number of extreme values and medians are not. This is the measure used in the Trial Court of the Commonwealth of Massachusetts and the measure used in this evaluation to compare experimental and control groups.

### **EXPERIMENTAL GROUP**

#### *Introduction*

For both experimental- and control-group cases, elapsed time is measured from filing to settlement or other disposition. The potential delay in filing settlement documents with the court has been discussed in the methodology section of the report. The evaluator concludes that any delays should not affect the results reported here for either group in particular. In order to gain additional insight into processing time, the elapsed time for experimental cases that utilize the dispute resolution process has also been calculated and is reported here. This is a subgroup of the randomly-selected experimental cases. The results of this analysis are reported in Table 42.

#### *Findings: Table 42*

For experimental-group cases, the median time from filing in Superior Court to settlement or other disposition is 361 days. The case selection procedures used by the Multi-Door Courthouse bring a case into the program no sooner than 6.5 months (195 days) after filing in Superior Court. This, of course, means that more than one-half of this median time from filing to settlement or other disposition is time that ran before a case entered the MMDC. The median time for cases that become involved in a dispute resolution process at the MMDC is 352 days.

Regarding continuances, the mean number requested and granted for all experimental cases is 1.7. This is the average for all experimental cases analyzed. This includes all cases whether or not they participated in a dispute resolution process.

**TABLE 42**

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**Experimental Group Respondents  
Case File Data Analysis**

**Median Time from Filing to Settlement or Other Disposition  
for All Cases  
and Average Number of Continuances  
Requested and Granted Per Case**

---

**Median Number of Days**

**361**

**Average Total Number of Continuances Requested**

**1.7**

**Average Total Number of Continuances Granted**

**1.7**

## **CONTROL GROUP**

### ***Introduction***

The results of the assessment of elapsed time for control-group cases are reported in Table 43. The median time from filing to settlement or other disposition is reported. For both experimental- and control-group cases, the date recorded in the official docket book in the Superior Court Clerk's Office is the date used for this analysis.

### ***Findings: Table 43***

The median time from filing to settlement or other disposition for control-group cases is reported in the second subsection. For these cases, the median time is 360 days. This finding appears to reflect the intended results of introducing time standard guidelines in 1988 for civil cases in Superior Court in Massachusetts.

Regarding the average number of continuances requested and granted, the average number requested for control-group cases is 5.5. The average number of continuances granted is 3.1. These and all other results reported in Section II of the report will be compared for experimental and control groups in the Conclusions section of the report.

**TABLE 43**

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**Control Group Respondents  
Case File Data Analysis**

**Median Time from Filing to Settlement or Other Disposition  
for All Cases  
and Average Number of Continuances  
Requested and Granted Per Case**

---

Median Number of Days

360

Average Total Number of Continuances Requested

5.5

Average Total Number of Continuances Granted

3.1



## **SUPERIOR COURT TIME STANDARDS**

In 1988, the Supreme Judicial Court of the Commonwealth of Massachusetts issued a standing order pertaining to time standards in the Massachusetts Trial Court. The order for the Superior Court Department is the portion of the order relevant to cases selected for the experimental and control groups for this evaluation. These time standards went into effect on July 1, 1988 and applied to all cases filed on or after that date.

For the Superior Court Department, three case tracks were established for civil cases. These tracks are accelerated track, fast track, and average track. Each track includes time standards for each stage of case processing. For this discussion, the National Center evaluator will address only the time standard from filing to trial for each of the tracks. This is presented as the total number of months from filing to the time a hearing or trial is held for the case.

For the three case tracks, the total amount of time to trial is as follows:

- o accelerated track - 6 months;
- o fast track - 14 months;
- o average track - 36 months (originally 24 months).

Most cases that were selected for inclusion in the Middlesex Multi-Door Courthouse evaluation (both experimental- and control-group cases) were cases assigned to the fast track (14 months). Cases in the accelerated track are typically filed and disposed (6 months) before the time that the MMDC screened cases (6.5 to 7.5 months after filing) during the evaluation period. Average track cases were not excluded from the MMDC program. Self-referrals and judicial-referrals included average track cases and several case types assigned to the average track were included in the random selection.

The results of the elapsed time analysis for both experimental- and control-group cases in this evaluation appear to corroborate other analysis and observations regarding the Superior Court time standards. The available information indicates that the time standards are having the desired effect on cases filed since July 1, 1988. The median times reported in this evaluation clearly reflect the positive influence of time standards on case processing in the Massachusetts Trial Court.

## **GROUP COMPARISON: CASE-PROCESSING TIME**

The results reported in Table 44 are the comparison of the median case-processing times. The findings are virtually identical, with 361 and 360 days for the experimental-group cases and the control-group cases respectively. In light of the 6.5 months (195 days) that transpires before a case enters the Middlesex Multi-Door Courthouse for screening, these results are quite favorable to the MMDC program.

Regarding continuances requested and continuances granted for each group, the findings reflect a significant difference between the groups. For experimental-group cases, an average of 1.7 continuances were requested and 1.7 continuances were granted. For control-group cases, the average number of continuances requested was 5.5; the average number granted was 3.1. The number requested is approximately three times as great for the control group compared with the experimental group. The number of continuances granted is approximately twice as great for the control group compared with the experimental group.

**TABLE 44**

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**Comparison of Median Number of Days  
from Filing to Settlement/Disposition**

---

**Experimental-Group Cases and Control-Group Cases**

---

	<b>Experimental Group Cases (N* = 57)</b>	<b>Control Group Cases (N = 142)</b>
<b>Median number of days</b>	361	360
<b>Average Number of Continuances Requested</b>	1.7	5.5
<b>Average Number of Continuances Granted</b>	1.7	3.1

\*N= the number of cases that have settlement or other disposition dates officially recorded in the Superior Court Clerk's Office

## **F. INTERVIEW RESULTS**

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As part of its qualitative evaluation of the Middlesex Multi-Door Courthouse, the National Center evaluator interviewed both Superior Court justices who have utilized the program by referring cases to it and neutrals who participated in the program. These interviews are summarized in the following two subsections of the Conclusions section.

### **JUDICIAL PERSPECTIVE**

The National Center evaluator interviewed five Superior Court justices who were familiar with and had used the Middlesex Multi-Door Courthouse. The reaction to the MMDC by all the justices was quite favorable. The comments offered during the interviews are grouped below into three areas. These include views and comments regarding attorneys, the benefits of the Middlesex Multi-Door Courthouse (with particular reference to judges), and suggestions regarding the MMDC.

In terms of attorneys, the justices interviewed offered the following observations and comments:

- o almost all attorneys are willing to use the Middlesex Multi-Door Courthouse;
- o attorneys generally are not adverse to settlement--at some point an investment in a case exceeds the ability to charge and collect for services;
- o plaintiff attorneys in particular have a definite interest in settling--if they have a contingency fee arrangement a settlement assures them of receiving a fee;
- o attorneys can be grouped into three categories--those who know about the MMDC and are interested in using it, those who do not know that much about the MMDC and how it functions but are willing to try it, and those who have had a negative experience and do not want to use the MMDC;

- o some attorneys are now asking to be sent to the MMDC--an indication to the justices that the program is beginning to sell itself.

Regarding the benefits of the Middlesex Multi-Door Courthouse, particularly with regard to judicial involvement, the following represents the comments and observations of judges:

- o a key asset of the program is that a case can be screened immediately or scheduled for a screening very quickly;
- o in many instances, a judge can refer parties to MMDC and that same day MMDC staff can hold a screening conference or schedule one if necessary;
- o the MMDC is doing an excellent job of educating attorneys about ADR and should continue this as a vital contribution of the program to the court;
- o the MMDC provides a mechanism to encourage settlement at both the screening conference and dispute resolution process;
- o the MMDC offers a neutral person to help focus on issues and resolve issues, even if a settlement does not result;
- o the MMDC is particularly useful and important to those judges for whom negotiating settlements is not a strength;
- o the MMDC is very useful in helping judges control their dockets and move cases.

Regarding general observations and suggestions, the justices interviewed offered the following comments and observations:

- o the judges would like to send more cases to the MMDC;
- o almost all people prefer to settle a case rather than litigate it in trial--therefore, any mechanism that encourages settlement is appreciated by judges and is important to the functioning of the court system and to parties;

- o some judges feel that every effort should be made to get cases to the Middlesex Multi-Door Courthouse as soon as possible after filing--even if all cases do not settle, the process clarifies issues;
- o if a case is not referred by a judge to the MMDC until the final pre-trial conference, there may not be sufficient time for the MMDC to handle the case properly within the time standards deadlines;
- o in either traditional court or the MMDC's case evaluation process, it is important not to be too high in estimating the value of a case--this could eliminate settlement possibilities.

### **CASE EVALUATOR, MEDIATOR, ARBITRATOR PERSPECTIVE**

The National Center evaluator interviewed eleven neutrals (case evaluators, mediators, and arbitrators) who had provided their services to the Middlesex Multi-Door Courthouse and were familiar with its operation. The reaction to the multi-door program by all the neutrals was quite favorable. The comments offered during the interviews are grouped below into three areas. These include views and comments regarding an overall assessment of the program, reservations or concerns about the program, and recommendations for modification of the program.

Regarding an overall assessment of the program, the views can be summarized as follows:

- o the program is well-organized and well-run;
- o MMDC case evaluators, mediators, and arbitrators are viewed as experienced, knowledgeable, and respected;
- o the screening process is very effective--information gathered in the screening conference is given to neutrals --this is very important;
- o screeners make a real effort to assess the cases carefully;
- o with this type of program, attorneys can only win--plaintiffs get a settlement and defendants avoid accumulating charges;
- o the MMDC staff are effective and professional;

- o the program helps relieve court congestion and provides options that are very important;
- o working with the MMDC is enjoyable;
- o scheduling operates very smoothly;
- o billing and collection of neutral fees by the program rather than by individual neutrals seems to be very effective;
- o the program is helpful in identifying and clarifying issues thereby often facilitating the discovery process;
- o learning about non-legal issues affecting the case and possible settlement from the screeners is extremely helpful.

Regarding concerns or reservations expressed during the interviews, the following summarizes the collective views:

- o some neutrals would like a one- or two-page summary from attorneys a day or two ahead of the dispute resolution session - however, no one wanted to lose the screener's briefing about the information gathered during the screening conference;
- o some felt that the exit questionnaire was too long.

Regarding recommendations for modifying the program, the following was suggested:

- o attorneys should be asked to prepare a one or two-page summary of their case and submit this before the dispute resolution session;
- o parties with full settlement authority should be present at the dispute resolution sessions;
- o certain types of cases (simple two-party torts for instance) could be scheduled for screening sooner than seven to eight months after filing;

## **G. SUMMARY AND CONCLUSIONS**

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### **SUMMARY OF FINDINGS**

The evaluation of the Middlesex Multi-Door Courthouse conducted by the National Center for State Courts clearly indicates that this multi-door courthouse is well-organized, professionally operated, and successful based on the measures incorporated in this evaluation . The findings reported here are quite positive regarding all components of the program.

Regarding the screening procedures, the Center's assessment of this aspect of the program found the screening and referral procedures to be very successful and effective. The evaluator attributes the success of these procedures to three factors: the competence of the screeners; the creation and maintenance of a highly qualified, experienced pool of neutrals; and the screeners' familiarity with the skills and expertise of the neutrals.

The Center's analysis of the screening conference exit surveys corroborates the assessment conducted of the procedures. Respondents reported that the screening conference provided useful information about the dispute resolution processes, brought parties together, offered a forum to discuss settlement, and sharpened issues. Respondents almost unanimously reported that they would recommend the screening process to others. Respondents comments written on the surveys also indicate a very positive view of the procedures by participants.

The results of the experimental group/control group comparison in the three substantive areas of user satisfaction, costs and resource requirements, and elapsed time are also quite favorable. On all measures of participant satisfaction, the experimental group means are more favorable than the control group means for total respondents, plaintiff respondents, and defendant respondents. Among the eighteen Student's T tests performed, thirteen of eighteen have probabilities of .05 or less and only one has a probability greater than .156.

Regarding costs and resource requirements, the comparison of the experimental and control groups reveals fewer attorney hours reported, slightly fewer non-attorney staff hours, fewer motions filed requiring judicial activity, and fewer documents filed for experimental-group cases versus control-group cases. These findings indicate a potential savings in both attorney costs and court resources for MMDC cases. The overhead costs associated with case processing and



monitoring within the MMDC (dispute resolution sessions are paid for by participants) offsets these savings to some degree.

Regarding elapsed time from filing to settlement or other disposition, the findings indicate that the elapsed time is virtually identical. The Middlesex Multi-Door Courthouse does not begin to screen cases until at least 6.5 months (195 days) after they are filed. As a measure of the MMDC's case processing efficiency, the Center evaluator determined the median time from screening to closing of a case (either due to settling or returning to traditional court) is 34 days. The program opens a case, schedules a screening conference, and moves a case to a dispute resolution session without delay. Interviews with judges point to this immediacy of opening a case and talking with parties as a very significant benefit of this program.

Although the number of cases selecting a dispute resolution process after the screening conference is considerably less than those cases for which a screening conference was held, the Center evaluator has analyzed these numbers in light of the national experience with case fall-out. The MMDC experience is similar to the national experience, as reflected in national studies conducted of case processing and case processing delay. These studies indicate that a large number of cases fall out of court systems at every stage of case processing.

The National Center evaluator concludes that the MMDC is now at a stage where it is selling itself, as one judge stated. Educating attorneys about the program's existence and possible benefits takes a considerable amount of time and effort. The Center believes that the program has accomplished this function successfully. The MMDC can now focus on using its knowledge of case types and case needs to assure a proper match of case and dispute resolution process without scheduling a screening conference for each case. The Center evaluator also concludes that screening earlier at least for some types of cases or cases with particular characteristics should be instituted. The MMDC professional staff have gained valuable experience and understanding of differences among cases and should be able to use this experience to schedule screening soon after filing for some cases. The Superior Court time standards appear to be moving cases to trial or settlement at a desirable pace. Delaying submission of a case to the MMDC until shortly before trial may serve to diminish the effectiveness of the MMDC's intervention. This is an area that warrants further consideration now that the program has established itself as a viable and in many respects desirable alternative.

## **CONCLUSIONS**

The findings reported in this evaluation conducted by the National Center for State Courts indicate the Middlesex Multi-Door Courthouse has accomplished

the intended objectives and has proven to be an effective and useful alternative dispute resolution program in Middlesex County, Cambridge, Massachusetts. The measures used by the National Center for State Courts allowed a comparison of experimental- and control-group cases regarding participant satisfaction, costs and resource requirements, and case-processing elapsed time. The comparison produced positive findings for both experimental- and control-group cases. None of the findings suggests dissatisfaction with either the Middlesex Multi-Door Courthouse or traditional court. The comparison and statistical analysis of the mean scores for both groups consistently produced more positive or favorable findings for the experimental-group cases or, for one elapsed time category (median time from filing to settlement or other disposition), no difference.

The evaluation process has identified suggested modifications and enhancements for the program as well. These suggestions emerge from the analysis of the available data and the interviews and observations by the evaluator. The following are suggested as desirable modifications and enhancements for the program:

- o provide for expansion of the program in processing more of the types of cases that appear to be most appropriate for the program based on the evaluation results;
- o incorporate a means of screening, or processing without screening, certain types of cases earlier than six to seven months after filing;
- o expand or modify use of spread sheet software to produce helpful screening and case-management information and use this information to improve the screening and case differentiation process;
- o after some experience with this recommended differentiated case-management approach, determine what cases (by type, characteristics of the case, or some combination) might require a one- or two-page summary sheet prepared by attorneys and submitted in advance to mediators, case evaluators, and arbitrators (this is not necessary for all cases but appears to be desirable for some);

- o continue to provide screening summaries to mediators, case evaluators, and arbitrators, particularly in regard to non-legal issues and particular concerns that would be helpful to know for as many cases as possible.

The National Center for State Courts evaluator does not offer these suggestions and recommendations as an indication of existing problems or significant program weaknesses. To the contrary, the MMDC has established itself in the legal community as a useful, well-organized, well-run program. The initial educational phase of the program has been successful according to the information collected during the evaluation. The MMDC at this stage in its development might want to consider expanded public relations efforts directed at those types of cases or stages of certain types of cases for which the program appears to be most effective.

**APPENDIX A: MEMBERS OF MIDDLESEX  
MULTI-DOOR COURTHOUSE STEERING COMMITTEE,  
STAFF, AND NEUTRALS**

**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  
of the Trial Court

Alice Comack  
Director  
Somerville Mediation Program

Gene Dahmen, Esq.  
Homans, Hamilton, Dahmen & Marshall  
(Boston Bar Association)

James Dillon, Esq.  
Goodwin, Procter & Hoar

Gordon Katz, Esq.  
Widett, Slater & Goldman  
(Massachusetts Bar Association)

David E. Matz, Esq.\*  
The Mediation Group

Craig McEwen  
Professor of Sociology  
Bowdoin College

Anthony R. Nesi, Esq.\*  
Executive Secretary  
Office of the Chief Justice of the  
Probate and Family Court  
Department

David O'Connor  
Executive Director  
Massachusetts Office of  
Dispute Resolution

Vincent J. Panico  
O'Neill, Conragan, 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. Jocelyne 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\***

---

**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  
40 Thorndike Street  
Cambridge, MA 02141  
617-494-0592**

## MIDDLESEX MULTI-DOOR COURTHOUSE

CASE EVALUATORS	MEDIATORS	ARBITRATORS
Hon. C. George Anastos Thomas B. Arnold, Esq. Carol S. Ball, Esq. James P. Barron, Esq. Edward J. Barshak, Esq. Richard E. Brody, Esq. Marcus E. Cohn, Esq. Hon. Theodore A. Glynn William J. Grisct, Jr. Esq. James E. Grumbach, Esq. John D. Hamify, Esq. Claudia Hunter, Esq. Paul F. Leavis, Esq. Elliott J. Mahler, Esq. Patricia S. Nelson, Esq. Vincent Panico, Esq. Jeffrey Petrucelly, Esq. Alan H. Robbins, Esq. Terry P. Segal, Esq. Frank R. Sherman, Esq. Jeffrey S. Stern, Esq. Hon. Mario Umana Hon. James L. Vallely Edwin L. Wallace, Esq. Stephen S. Young, Esq.	Marjorie Aaron, Esq. Thomas B. Arnold, Esq. Maria-Paz Beltran Avery Melissa Brodrick Susan R. Brown Diane Zaar Cochran, Esq. Robert E. Dickinson, Esq. John A. Fiske, Esq. Julie E. Ginsberg, Esq. Eric D. Green, Esq. James Grumbach, Esq. Christopher Kauders, Esq. J. Michael Keating, Esq. Hans R. Loeser, Esq. James E. McGuire, Esq. Patricia W. Moore Theodore H. O'Brien, Esq. Gail Packer Donald E. Paulson, Esq. Carmin C. Reiss, Esq. Frank E.A. Sander, Esq. James W. Savage, Esq. Susan Sekuler, Esq.	Douglas H. Anderson Warren R. Anderson Stanley E. Black Philip G. Boyle, Esq. Timothy Buckalew John Carroll, Esq. Cynthia J. Cohen, Esq. Kathleen M. Curry, Esq. Patrick J. Daly, Esq. Joan Dolan, Esq. Hon. Thomas E. Dwyer Norman J. Fine, Esq. Henry F. Furman, Esq. Martin C. Gideonse, Esq. Michael D. Greenberg, Esq. Charles R. Heurer, Esq. William M. Hogan, Jr., Esq. Eddie J. Jenkins, Esq. Richard Keshian, Esq. Gail M. Leftwich, Esq. Hon. Jacob Lewiton Leonard M. Markir Peter A. Marx, Esq. George Millman William H. Pineo Eugene J. Ratto, Esq. Charles H. Resnick, Esq. Edward L. Richmond, Esq. Howard M. Schott, Esq. Sidney Stamell Henry C. Terry, III, Esq. Allan Wong, Esq. Glenn Wong, Esq.

**APPENDIX B: CASE TYPES INCLUDED  
IN CASE SELECTION PROCESS**



**CASE TYPES TO BE INCLUDED IN RANDOM REFERRAL TO MMDC  
SCREENING CONFERENCE**

<u>Case Type</u>	<u>Number Referred to MMDC</u>
<u>Contract</u>	
A01 Service, labor & materials	131
A02 Goods sold & delivered	19
A03 Commercial paper	40
A08 Sales or lease of real estate	38
A99 other	94
<u>Tort</u>	
B03 Motor vehicle negligence	403
B04 Other negligence - general liability	293
B05 Products liability	20
B06 Malpractice - medical	38
B07 Malpractice - other	18
B08 Wrongful death	18
B15 Defamation (libel/slander)	4
B99 Other	51
<u>Real Property</u>	
C02 Zoning appeal, G.L.c. 40A	3
C04 Foreclosure of mortgage	1
<u>Equitable Remedies</u>	
D01 Specific performance of contract	8
D02 Reach and apply, G.L.c.214,s.3(6)-(9)	9
D06 Contribution or indemnification	3
D07 Imposition of trust	3
D08 Accounting	9
D12 Dissolution of partnership	3
<u>Miscellaneous</u>	
E10 Summary process appeal	8
E17 Civil Rights Act G.L.c.12	7
F02 District Court removal	2
F03 Retransferred after remand finding	1
F04 Appeal from findings of District Court	0
F05 Reactivated after rescript/relief from judgment	0

**CASE TYPES NOT TO BE INCLUDED IN RANDOM REFERRAL TO MMDC  
SCREENING CONFERENCE - THESE TYPES MAY BE SELF-  
OR JUDICIALLY-REFERRED**

<u>Case Type</u>	<u>Number Referred to MMDC</u>
<u>Tort</u>	
B19 Asbestos case	0
<u>Real property</u>	
C01 Land taking (eminent domain)	0
C03 Dispute concerning title	0
C99 Other	8
<u>Equitable remedies</u>	
D08 Minority stockholders suit	1
D13 Declaratory judgment, G.L.c. 231A	4
D99 Other	26
<u>Miscellaneous</u>	
E02 Appeal from administrative agency G.L.c.30A	0
E03 Actions against Commonwealth or municipality	2
E04 Taxpayer's suit, G.L.c. 40,s. 53	0
E05 Confirmation of arbitration awards, G.L.c.251	1
E06 Massachusetts Antitrust Act G.L.c. 93	0
E07 c.112,s. 125 (Mary Moe)	0
E08 Appointment of receiver	1
E09 General contractor's surety bond, G.L.c.149	2
E11 Workers compensation	1
E13 Labor disputes	0
E14 Chapter 123A Petition - S.D.P.	0
E15 Abuse petition, G.L.c.209A	0
E16 Auto surcharge appeal	0
E99 Other	5

## **APPENDIX C: FEE SCHEDULES FOR THE MMDC**

**MIDDLESEX MULTI-DOOR COURTHOUSE**  
**FEE SCHEDULE**

Effective June 1, 1991

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**DISPUTE RESOLUTION PROCESSES:**

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*CASE EVALUATION*  
*MEDIATION*  
*ARBITRATION*  
*COMPLEX CASE MANAGEMENT*  
*SUMMARY JURY TRIALS AND MINI-TRIALS*

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**FEES:**

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<b>ADMINISTRATIVE FEE</b>	<b>\$ 50 PER PARTY</b>
<b>EACH HOUR</b>	<b>\$ 150 SPLIT AMONG PARTIES</b>

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**INITIAL SESSION**

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<b>CASE EVALUATION</b>	-	Minimum time scheduled = 1 hour
<b>MEDIATION &amp; ARBITRATION</b>	-	Minimum time scheduled = 3 hours
<b>OTHER PROCESSES</b>	-	To be discussed at initial screening conference

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**BILLING**

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You will be invoiced in advance for the initial session. Any additional time will be invoiced at the end of each session. Payment must be received in advance of the initial session or the session will not go forward.

**NOTE: THERE IS NO CHARGE FOR THE INITIAL SCREENING CONFERENCE.**

**LATE CANCELLATION, POSTPONEMENT AND  
NO SHOW POLICY**

Cancellations or postponements must be received no later than five business days prior to the scheduled dispute resolution session or late penalties will be imposed. The party canceling/postponing is responsible for notifying all parties in the case. The Middlesex Multi-Door Courthouse will provide notice for all rescheduled sessions.

**LATE PENALTIES FOR CANCELLATIONS AND POSTPONEMENTS:**

**ONE TO FIVE BUSINESS DAYS PRIOR TO SCHEDULED SESSION:  
\$ 50 Administrative Fee per party to be paid by the party initiating the change.**

**LESS THAN ONE FULL BUSINESS DAY PRIOR TO SCHEDULED SESSION:  
\$ 50 Administrative Fee per party plus the standard fee for a full initial session  
paid by the party initiating the change.**

**NO SHOW PENALTIES:**

**ONE PARTY DOES NOT SHOW:** The party who does not show shall be responsible for payment of Administrative Fees for all parties plus the full standard fee for an initial session.

**NONE OF THE PARTIES SHOWS:** Each party will be responsible for payment of the Administrative Fee and their share of the fee for the session as if the session occurred.

**INDIGENCY**

The Middlesex Multi-Door Courthouse will reduce or waive the indigent party's portion of the neutral's fee and the Administrative Fee for any party who has been determined by the Court to be indigent. These arrangements must be made with the Middlesex Multi-Door Courthouse in advance of the initial session for any dispute resolution process scheduled.

## **APPENDIX D: SCREENING CONFERENCE EXIT SURVEY**

**MIDDLESEX MULTI-DOOR COURTHOUSE  
SCREENING CONFERENCE EXIT QUESTIONNAIRE**

This questionnaire is part of an evaluation of the Middlesex Multi-Door Courthouse which is being conducted by the National Center for State Courts under a grant from the State Justice Institute. All responses are confidential and will be reported only as group or aggregate data.

Your cooperation is greatly appreciated. We encourage you to be candid and to offer any suggestions for improving the program. Copies of the final evaluation will be available from the National Center for State Courts and the Multi-Door Courthouse Office.

**CASE CAPTION:**

**DOCKET NO.** \_\_\_\_\_

**DATE:**        \_\_\_\_/\_\_\_\_/\_\_\_\_

**PLEASE INDICATE YOUR RELATIONSHIP TO THE CASE:**

- \_\_\_\_\_ Plaintiff's Attorney
- \_\_\_\_\_ Plaintiff Representing Yourself
  
- \_\_\_\_\_ Defendant's Attorney
- \_\_\_\_\_ Defendant Representing Yourself
  
- \_\_\_\_\_ 3rd Party Defendant's Attorney
- \_\_\_\_\_ 3rd Party Defendant Representing Yourself

1. Have you ever participated in a Middlesex Multi-Door Courthouse Screening Conference on another case prior to today?

\_\_\_\_\_ Yes    \_\_\_\_\_ No

2. Were there any settlement discussions with opposing counsel (or pro se litigant) prior to today on this case?

\_\_\_\_\_ Yes    \_\_\_\_\_ No

If yes, did these discussions occur as the result of this case being scheduled for a Screening Conference?

\_\_\_\_\_ Yes    \_\_\_\_\_ No

(Please turn to back of page)

3. Please check which, if any, are consequences of your participation in the Screening Conference (check all that apply):

☐ Sharpened the issues in dispute  
☐ Narrowed the issues in dispute  
☐ Hardened my position  
☐ Softened my position  
☐ Provided information about the dispute resolution processes available  
☐ Forced us to look at the case earlier than we otherwise would have  
☐ Assisted us in defining discovery issues  
☐ Assisted us in setting deadlines/dates for discovery  
☐ Brought the parties (counsel) together in the same room and provided a chance to communicate - an opportunity which we might not otherwise have had  
☐ Offered us a forum to discuss settlement  
☐ Other (specify) \_\_\_\_\_

4. Would you recommend the Screening Conference process to others?

☐ Yes ☐ No

5. Would you voluntarily bring one of your cases to the Middlesex Multi-Door Courthouse for a Screening Conference?

☐ Yes ☐ No

6. We would appreciate any comments you can offer about the Screening Conference process used by the Middlesex Multi-Door Courthouse:

Thank you for your assistance.



**APPENDIX E: ATTORNEY PRO/SE LITIGANT  
DISPUTE RESOLUTION EXIT SURVEY**

# MIDDLESEX MULTI-DOOR COURTHOUSE

THE COMMONWEALTH OF MASSACHUSETTS • THE TRIAL COURT  
40 Thorndike Street • Cambridge, Massachusetts 02141 • (617) 494-0592



## DISPUTE RESOLUTION EXIT QUESTIONNAIRE ATTORNEY/PRO SE LITIGANT

This questionnaire is part of an evaluation of the Middlesex Multi-Door Courthouse which is being conducted by the National Center for State Courts under a grant from the State Justice Institute. All responses are confidential and will be reported only as group or aggregate data.

Your cooperation is greatly appreciated. We encourage you to be candid and to offer any suggestions for improving the program. Copies of the final evaluation will be available from the National Center for State Courts and the Multi-Door Courthouse Office.

**CASE CAPTION:**

**DOCKET NO.** \_\_\_\_\_

**DATE:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**DISPUTE RESOLUTION PROCESS:**    ☐ Case Evaluation    ☐ Arbitration  
   ☐ Mediation     ☐ Other (Specify)

**PLEASE INDICATE YOUR RELATIONSHIP TO THE CASE:**

<input type="checkbox"/> Plaintiff's Attorney	<input type="checkbox"/> Defendant's Attorney
<input type="checkbox"/> Plaintiff Representing Yourself	<input type="checkbox"/> Defendant Representing Yourself
<input type="checkbox"/> 3rd Party Defendant's Attorney	
<input type="checkbox"/> 3rd Party Defendant Representing Yourself	
<input type="checkbox"/> Other (Specify)	

**HAVE YOU EVER BEEN A PARTICIPANT (NOT A NEUTRAL) IN A DISPUTE RESOLUTION PROCESS (e.g. mediation, case evaluation, etc.) THROUGH THIS OR ANY OTHER PROGRAM BEFORE TODAY?**

☐ Yes     ☐ No

*If yes, was this through:*     ☐ Multi-Door Courthouse     ☐ Other Program

(Please turn to back of page)

-1-

**ALL OF THE FOLLOWING QUESTIONS ARE WRITTEN AS IF ATTORNEYS WILL BE RESPONDING. IF YOU ARE REPRESENTING YOURSELF, PLEASE ANSWER IN THE MANNER THAT INDICATES YOUR FEELINGS AND VIEWS.**

1. In your view, how did your use of the Middlesex Multi-Door Courthouse's services affect the speed of the outcome of this case?

☐ Significantly speeded resolution  
☐ Somewhat speeded resolution  
☐ Did not affect the speed of resolution  
☐ Somewhat delayed resolution  
☐ Significantly delayed resolution  
☐ Not yet known - case has not yet been resolved

2. How do you feel about the fees charged for the Middlesex Multi-Door Courthouse Dispute Resolution Services?

☐ Too High                      ☐ About Right                      ☐ Too Low

3. Please check the category that best describes your views about the cost of dispute resolution compared to the cost of continued litigation in this case:

☐ Using dispute resolution saved a considerable amount of money  
☐ Using dispute resolution saved some money over pursuing litigation  
☐ The cost of using dispute resolution is about the same as it would have cost to continue litigation  
☐ Using dispute resolution cost some more money compared with continuing litigation  
☐ Using dispute resolution cost considerably more money compared with continuing litigation

4. In your opinion, how well did your client do in the outcome of this case compared with your prediction of how well your client would do in court?

☐ Not applicable - case did not settle  
☐ Much better  
☐ Somewhat better  
☐ About the same  
☐ Somewhat worse  
☐ Much worse  
☐ Not sure - unable to predict outcome in court

**PLEASE ANSWER THE FOLLOWING WHETHER OR NOT YOUR CASE SETTLED AS A RESULT OF THE DISPUTE RESOLUTION PROCESS.**

5. How do you feel about the outcome of this dispute resolution process?

☐ Very Satisfied  
☐ Satisfied  
☐ Neither satisfied nor dissatisfied  
☐ Dissatisfied  
☐ Very dissatisfied

6. How satisfied are you with the fairness of the outcome of this dispute resolution process?

- ☐ Very Satisfied
- ☐ Satisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Dissatisfied
- ☐ Very dissatisfied

7. If this case did not settle today, would you say that this process left you:

- ☐ Much closer to settlement
- ☐ Somewhat closer to settlement
- ☐ With no change in settlement status
- ☐ Somewhat further away from settlement
- ☐ Much further away from settlement

8. If your client knew any of the other parties prior to the dispute, please indicate which of the following statements apply:

- ☐ There was no desire to continue the relationship
- ☐ The possibility of continuing a relationship was not addressed
- ☐ Continuation of the relationship was encouraged
- ☐ Continuation of the relationship was discouraged
- ☐ A plan for continuing the relationship was structured
- ☐ A plan for discontinuing the relationship was structured

9. Please check which, if any, of the following are consequences for this case as a result of the dispute resolution process used:

- ☐ Sharpened the issues in dispute
- ☐ Narrowed the issues in dispute
- ☐ Made me more realistic about the strength of the other party's case
- ☐ Made my client more realistic about the strength of the other party's case
- ☐ Forced us to look at the case earlier than we otherwise would have
- ☐ Brought the parties together in the same room and provided a chance to communicate - an opportunity which we might not otherwise have had at this stage of litigation
- ☐ Generated creative settlement options not otherwise considered
- ☐ Made me more realistic about the strength of our case
- ☐ Made my client more realistic about the strength of our case
- ☐ Showed us the vulnerability of the other side if the case would go to trial
- ☐ Showed us the vulnerability of our case if it should go to trial
- ☐ Increased conflict by getting the parties together
- ☐ Hardened positions, making a negotiated outcome more difficult
- ☐ Softened positions, making a negotiated outcome more likely
- ☐ Other (Specify)

10. Please indicate how you feel about this dispute resolution process in terms of the following areas:

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

- ☐ Very satisfied
- ☐ Satisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Dissatisfied
- ☐ Very dissatisfied

b) Allowed the legal issues to be addressed in a manner which met my needs

- ☐ Very satisfied
- ☐ Satisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Dissatisfied
- ☐ Very dissatisfied

c) Allowed the non-legal issues to be addressed in a manner which met my needs

- ☐ Very satisfied
- ☐ Satisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Dissatisfied
- ☐ Very dissatisfied

d) Provided the opportunity to participate in structuring the outcome of the case

- ☐ Very satisfied
- ☐ Satisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Dissatisfied
- ☐ Very dissatisfied

e) Provided a fair process

- ☐ Very satisfied
- ☐ Satisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Dissatisfied
- ☐ Very dissatisfied

11. Do you think this dispute resolution process fit this particular case?

☐ Yes, the process was suitable ☐ No, the process was unsuitable

Please explain why you come to this conclusion, being as specific as possible and noting all factors

12. Would you be willing to consider using this dispute resolution process again?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

13. Overall, how do you feel about the dispute resolution process used for this case?

\_\_\_\_\_ Very satisfied  
\_\_\_\_\_ Satisfied  
\_\_\_\_\_ Neither satisfied nor dissatisfied  
\_\_\_\_\_ Dissatisfied  
\_\_\_\_\_ Very dissatisfied

14. How do you feel about the person assigned to handle your cases in this dispute resolution process in terms of the following areas?

a) Knowledge of the content area of your case

\_\_\_\_\_ Very satisfied  
\_\_\_\_\_ Satisfied  
\_\_\_\_\_ Neither satisfied nor dissatisfied  
\_\_\_\_\_ Dissatisfied  
\_\_\_\_\_ Very dissatisfied

b) Knowledge of the legal issues of your case

\_\_\_\_\_ Very satisfied  
\_\_\_\_\_ Satisfied  
\_\_\_\_\_ Neither satisfied nor dissatisfied  
\_\_\_\_\_ Dissatisfied  
\_\_\_\_\_ Very dissatisfied

c) Neutrality and lack of bias

\_\_\_\_\_ Very satisfied  
\_\_\_\_\_ Satisfied  
\_\_\_\_\_ Neither satisfied nor dissatisfied  
\_\_\_\_\_ Dissatisfied  
\_\_\_\_\_ Very dissatisfied

d) Skill in structuring and guiding the process

\_\_\_\_\_ Very satisfied  
\_\_\_\_\_ Satisfied  
\_\_\_\_\_ Neither satisfied nor dissatisfied  
\_\_\_\_\_ Dissatisfied  
\_\_\_\_\_ Very dissatisfied

15. Do you think this person fit this particular case?

\_\_\_\_\_ Yes, the person was suitable

\_\_\_\_\_ No, the person was unsuitable

Please explain why you came to this conclusion, being as specific as possible and noting all factors

16. Would you be willing to use this person again?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

17. Please provide any comments you wish about the person who handled this case in the dispute resolution process.

18. We welcome all comments in an effort to monitor the quality of the program and to improve its usefulness. Please comment freely.

19. Please indicate any improvements that you might recommend for the Middlesex Multi-Door Courthouse.

We are very interested in evaluating this program fully. Your assistance is greatly appreciated. Please provide the following information if you would be willing to be contacted to answer a few more questions.

Name:

Address:

Daytime Telephone:

*Thank you for your assistance.*  
dreq0206.evl

**APPENDIX F: ATTORNEY PRO/SE LITIGANT DISPUTE  
RESOLUTION  
EXIT SURVEY SATISFACTION MEASURE TABLES**



**TABLE F-1**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about this dispute resolution process  
in terms of the following areas:**

**Permitted me to present the case in the manner which met my needs.**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=94)		(N=90)		(N=32)		(N=34)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Very satisfied (1)*	51	54.3	31	34.4	17	53.1	13	38.2
Satisfied (2)	38	40.4	45	50.0	13	40.6	13	38.2
Neither satisfied nor dissatisfied (3)	4	4.3	11	12.2	2	6.3	7	20.6
Dissatisfied (4)	1	1.1	3	3.3	0	-	1	2.9
Very dissatisfied (5)	0	-	0	-	0	-	0	-
Mean Scores								
	1.5		1.8		1.5		1.4	

• The numbers in parentheses following each response category are the weights used to calculate the means. The weights will be presented using this format for all tables.

**TABLE F-2**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about this dispute resolution process  
in terms of the following areas:**

**Allowed the legal issues to be addressed in a manner which met my needs.**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=92)		(N=89)		(N=32)		(N=33)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Very satisfied (1)	41	44.6	21	23.6	14	43.8	11	33.3
Satisfied (2)	41	44.6	43	48.3	15	46.9	13	39.4
Neither satisfied nor dissatisfied (3)	8	8.7	20	22.5	3	9.4	8	24.2
Dissatisfied (4)	2	2.2	5	5.6	0	-	1	3.0
Very dissatisfied (5)	0	-	0	-	0	-	0	-
<b>Mean Scores</b>								
	1.7		2.1		1.7		2.0	

**TABLE F-3**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about this dispute resolution process  
in terms of the following areas:**

**Allowed the non-legal issues to be addressed in a manner which met my needs.**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=93)		(N=89)		(N=32)		(N=33)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Very satisfied (1)	48	51.6	23	25.8	15	46.9	9	27.3
Satisfied (2)	35	37.6	54	60.7	12	37.5	16	48.5
Neither satisfied nor dissatisfied (3)	10	10.8	9	10.1	5	15.6	6	18.2
Dissatisfied (4)	0	-	3	3.4	0	-	2	6.1
Very dissatisfied (5)	0	-	0	-	0	-	0	-
<b>Mean Scores</b>								
	1.6		1.9		1.7		2.0	

**TABLE F-4**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about this dispute resolution process  
in terms of the following areas:**

**Provided the opportunity to participate in structuring the outcome of the case.**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=89)		(N=87)		(N=30)		(N=33)	
	Plaintiff N	%	Defendant N	%	Plaintiff N	%	Defendant N	%
Very satisfied (1)	41	46.1	21	24.1	14	46.7	6	18.2
Satisfied (2)	29	32.6	41	47.1	9	30.0	18	54.5
Neither satisfied nor dissatisfied (3)	18	20.2	22	25.3	7	23.3	8	24.2
Dissatisfied (4)	1	1.1	3	3.4	0	-	1	3.0
Very dissatisfied (5)	0	-	0	-	0	-	0	-
<b>Mean Scores</b>								
	1.8		2.1		1.8		2.1	

**TABLE F-5**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about this dispute resolution process  
in terms of the following areas:**

**Overall fairness of the dispute resolution process.**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=95)		(N=88)		(N=32)		(N=33)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Fair (1)	62	65.3	43	48.9	16	50.0	17	51.5
Neither fair nor unfair (2)	27	28.4	39	44.3	13	40.6	12	36.4
Unfair (3)	6	6.3	6	6.8	3	9.4	4	12.1
<b>Mean Scores</b>								
	1.4		1.6		1.6		1.6	

**TABLE F-6**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**Overall, how do you feel about the dispute resolution process utilized for this case?**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N = 95)		(N = 88)		(N = 32)		(N = 33)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Very satisfied (1)	53	55.8	25	28.4	16	50.0	11	33.3
Satisfied (2)	37	38.9	53	60.2	15	46.9	19	57.6
Neither satisfied nor dissatisfied (3)	3	3.2	5	5.7	1	3.1	2	6.1
Dissatisfied (4)	2	2.1	5	5.7	0	-	1	3.0
Very dissatisfied (5)	0	-	0	-	0	-	0	-
	Mean Scores							
	1.5		1.9		1.5		1.8	

**TABLE F-7**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**In your view, how did your use of the Middlesex Multi-Door Courthouse's  
services affect the speed of the outcome of this case?**

	All Respondents (N=181)		Respondents from Randomly-Selected Cases (N=62)	
	Total N	%	Total N	%
Significantly speeded resolution (1)	71	39.2	18	29.0
Somewhat speeded resolution (2)	44	24.3	19	30.6
Did not affect speed of resolution (3)	13	7.2	2	3.2
Somewhat delayed resolution (4)	0	-	0	-
Significantly delayed resolution (5)	1	0.6	0	-
Not yet known	52	28.7	23	37.1

TABLE F-8

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

Responses to the question:

**In your view, how did your use of the Middlesex Multi-Door Courthouse's  
services affect the speed of the outcome of this case?**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=92)		(N=89)		(N=30)		(N=33)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Significantly speeded resolution (1)	40	42.5	31	34.8	9	30.0	9	27.3
Somewhat speeded resolution (2)	17	18.5	27	30.3	7	23.3	12	36.4
Did not affect speed of resolution (3)	6	6.5	7	7.9	2	6.7	0	-
Somewhat delayed resolution (4)	0	-	0	-	0	-	0	-
Significantly delayed resolution (5)	0	-	1	1.1	0	-	1	3.0
Not yet known	29	31.5	23	25.8	12	40.0	11	33.3



**TABLE F-9**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**In your view, how did your use of the Middlesex Multi-Door Courthouse's  
services affect the speed of the outcome of this case?**

**Mean Scores for Data in Tables F-7 and F-8**

	<b>All Respondents</b>	<b>Respondents from Randomly-Selected Cases</b>
<b>Total Respondents Mean</b>	<b>1.6</b>	<b>1.6</b>
<b>Plaintiff mean</b>	<b>1.5</b>	<b>1.6</b>
<b>Defendant mean</b>	<b>1.7</b>	<b>1.7</b>

**TABLE F-10**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about the fees charged for the  
Middlesex Multi-Door Courthouse dispute resolution process?**

	<b>All Respondents (N=183) Total</b>		<b>Respondents from Randomly-Selected Cases (N=64) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Too high (1)*</b>	11	6.0	7	10.9
<b>About right (2)</b>	170	92.9	57	89.1
<b>Too low (3)</b>	2	1.1	0	-
<b>Mean Scores</b>				
	2.0		1.9	

**\* The weights are indicated in parentheses.**

**TABLE F-11**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about the fees charged for the  
Middlesex Multi-Door Courthouse dispute resolution process?**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=92)		(N=91)		(N=29)		(N=35)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Too high (1)	6	6.5	5	5.5	4	13.8	3	8.6
About right (2)	86	93.5	84	92.3	25	86.2	32	91.4
Too low (3)	0	-	2	2.2	0	-	0	-
<b>Mean Scores</b>								
	1.9		2.0		1.9		1.9	

**TABLE F-12**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the request:**

**Please check the category that best describes your belief about the cost  
of dispute resolution compared to the cost of litigation.**

	<b>All Respondents (N = 163)</b>		<b>Respondents from Randomly-Selected Cases (N = 58)</b>	
	<b>Total N</b>	<b>%</b>	<b>Total N</b>	<b>%</b>
Using DR saved considerable money (1)	61	37.4	15	25.9
Using DR saved some money (2)	68	41.7	29	50.0
Cost of using DR is about the same (3)	10	6.1	5	8.6
Using DR cost some more money (4)	22	13.4	7	12.1
Using DR cost considerably more money (5)	2	1.2	2	3.4
<b>Mean Scores</b>				
	2.0		2.2	

TABLE F-13

Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants

Responses to the request:

Please check the category that best describes your belief about the cost  
of dispute resolution compared to the cost of litigation.

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=78)		(N=85)		(N=24)		(N=34)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Using DR saved considerable money (1)	39	50.0	22	25.9	9	37.5	6	17.6
Using DR saved some money (2)	26	33.3	42	49.4	10	41.7	19	55.9
Cost of using DR is about the same (3)	5	6.4	5	5.9	2	8.3	3	8.8
Using DR cost some more money (4)	7	9.0	15	17.6	2	8.3	5	14.7
Using DR cost considerably more money (5)	1	1.3	1	1.2	1	4.2	1	2.9
	Mean Scores							
	1.8		2.2		2.0		2.3	

**TABLE F-14**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about the outcome of this dispute resolution process?**

	<b>All Respondents (N = 181) Total</b>		<b>Respondents from Randomly-Selected Cases (N = 64) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Very satisfied (1)</b>	52	28.7	19	29.7
<b>Satisfied (2)</b>	86	47.5	27	42.2
<b>Neither satisfied nor dissatisfied (3)</b>	34	18.8	15	23.4
<b>Dissatisfied (4)</b>	8	4.4	2	3.1
<b>Very dissatisfied (5)</b>	1	0.6	1	1.6
	<b>Mean Scores</b>			
	2.0		2.0	

**TABLE F-15**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about the outcome of this dispute resolution process?**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=93)		(N=88)		(N=31)		(N=33)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Very satisfied (1)	35	37.6	17	19.3	12	38.7	7	21.2
Satisfied (2)	34	36.6	52	59.9	8	25.8	19	57.6
Neither satisfied nor dissatisfied (3)	21	22.6	13	14.8	11	35.5	4	12.1
Dissatisfied (4)	3	3.2	5	5.7	0	-	2	6.1
Very dissatisfied (5)	0	-	1	1.1	0	-	1	3.0
Mean Scores								
	1.9		2.1		2.0		2.1	

**TABLE F-16**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How would you rate the overall fairness of the outcome of this  
dispute resolution process?**

	<b>All Respondents (N = 173) Total</b>		<b>Respondents from Randomly-Selected Cases (N = 60) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Fair (1)</b>	76	43.9	25	41.7
<b>Neither fair nor unfair (2)</b>	65	37.6	19	31.7
<b>Unfair (3)</b>	32	18.5	16	26.7
<b>Mean Scores</b>				
	1.7		1.9	



**TABLE F-17**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How would you rate the overall fairness of the outcome of this  
dispute resolution process?**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=90)		(N=83)		(N=29)		(N=31)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Fair (1)	47	52.2	29	34.9	14	48.3	11	35.5
Neither fair nor unfair (2)	28	31.1	37	44.6	7	24.1	12	38.7
Unfair (3)	15	16.7	17	20.5	8	27.6	8	25.8
Mean Scores								
	1.6		1.9		1.8		1.9	

**TABLE F-18**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**If this case did not settle today, would you say that this  
dispute resolution process left you:**

	<b>All Respondents (N = 135) Total</b>		<b>Respondents from Randomly-Selected Cases (N = 52) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Much closer to settlement (1)</b>	35	25.9	13	25.0
<b>Somewhat closer to settlement (2)</b>	69	51.1	31	59.6
<b>With no change in settlement status (3)</b>	23	17.0	5	9.6
<b>Somewhat further away from settlement (4)</b>	4	3.0	1	1.9
<b>Much further away from settlement (5)</b>	4	3.0	2	3.8
<b>Mean Scores</b>				
	2.1		2.0	

**TABLE F-19**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**If this case did not settle today, would you say that this  
dispute resolution process left you:**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=68)		(N=67)		(N=25)		(N=27)	
	Plaintiff N	%	Defendant N	%	Plaintiff N	%	Defendant N	%
Much closer to settlement (1)	20	29.4	15	22.4	7	28.0	6	22.2
Somewhat closer to settlement (2)	37	54.4	32	47.8	16	64.0	15	55.6
With no change in settlement status (3)	10	14.7	13	19.4	2	8.0	3	11.1
Somewhat further away from settlement (4)	0	-	4	6.0	0	-	1	3.7
Much further away from settlement (5)	1	1.5	3	4.5	0	-	2	7.4
Mean Scores								
	1.9		2.2		1.8		2.2	

**TABLE F-20**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the request:**

**Please check which, if any, of the following consequences the dispute resolution process had for this case.**

	All Respondents (N = 183)		Respondents from Randomly-Selected Cases (N = 66)	
	Check	Total % *	Check	Total %
Sharpened issues	67	36.6	16	24.2
Narrowed issues	54	29.5	24	36.4
Made me more realistic about strength of other parties' case	50	27.3	23	34.8
Made client more realistic about strength of other parties' case	59	32.2	20	30.3
Forced us to look at case earlier	33	18.0	15	22.7

**\*This is the percent of all respondents in each category (all respondents--total, respondents from randomly-selected cases--total) who checked a particular consequence.**

**TABLE F-20**  
(continued)

**Responses to the request:**

Please check which, if any, of the following consequences the dispute resolution process had for this case.

	All Respondents		Respondents from Randomly-Selected Cases	
	Check	Total %	Check	Total %
Brought parties together and provided opportunity to communicate	102	55.7	34	51.5
Generated creative settlement options	1.6	8.7	5	7.6
Made me more realistic about strength of our case	45	24.6	15	22.7
Made my client more realistic about strength of our case	50	27.3	15	22.7
Showed us the vulnerability of the other side if case went to trial	32	17.5	11	16.7
Showed us the vulnerability of our case if the case went to trial	46	25.1	19	28.8

**TABLE F-20**  
(continued)

**Responses to the request:**

**Please check which, if any, of the following consequences the dispute resolution process had for this case.**

	All Respondents		Respondents from Randomly-Selected Cases	
	Check	Total %	Check	Total %
Increased conflict by bringing parties together	0	-	0	-
Hardened positions, making negotiated outcome more difficult	12	6.6	6	4.1
Softened positions, making negotiated outcome more likely	55	30.1	20	36.4
Other	13	7.1	5	7.6

**TABLE F-21**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the request:**

**Please check which, if any, of the following consequences the dispute resolution process had for this case.**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N = 95)		(N = 88)		(N = 32)		(N = 34)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	Check	%*	Check	%*	Check	%	Check	%
Sharpened issues	37	38.9	30	34.1	7	21.9	9	26.5
Narrowed issues	33	34.7	21	23.9	11	34.4	13	38.2
Made me more realistic about strength of other parties' case	24	25.3	26	29.2	10	31.3	13	38.2
Made client more realistic about strength of other parties' case	34	35.8	25	28.1	9	28.1	11	32.4
Forced us to look at case earlier	13	13.7	20	22.5	7	21.9	8	23.5

**\*This is the percent of all respondents in each category (plaintiff, defendant) who checked a particular consequence.**

**TABLE F-21**  
(continued)

**Responses to the request:**

Please check which, if any, of the following consequences the dispute resolution process had for this case.

	All Respondents				Respondents from Randomly-Selected Cases			
	Plaintiff		Defendant		Plaintiff		Defendant	
	Check	%	Check	%	Check	%	Check	%
Brought parties together and provided opportunity to communicate	48	50.5	54	60.7	12	37.5	22	64.7
Generated creative settlement options	7	7.4	9	10.1	0	-	5	14.7
Made me more realistic about strength of our case	25	26.3	20	22.5	7	21.9	8	23.5
Made my client more realistic about strength of our case	35	36.8	15	16.9	10	31.3	5	14.7
Showed us the vulnerability of the other side if case went to trial	15	15.8	17	19.1	2	6.3	3	26.5
Showed us the vulnerability of our case if the case went to trial	24	12.3	22	24.7	9	28.1	10	29.4



**TABLE F-21**  
(continued)

**Responses to the request:**

Please check which, if any, of the following consequences the dispute resolution process had for this case.

	All Respondents				Respondents from Randomly-Selected Cases			
	Plaintiff Check %		Defendant Check %		Plaintiff Check %		Defendant Check %	
Increased conflict by bringing parties together	0	-	0	-	0	-	0	-
Hardened positions, making negotiated outcome more difficult	3	3.2	9	10.1	1	3.1	5	14.7
Softened positions, making negotiated outcome more likely	28	25.9	27	30.3	9	28.1	11	32.4
Other	4	4.2	9	10.1	2	6.3	3	8.8

**TABLE F-22**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you think this dispute resolution process fit this particular case?**

	<b>All Respondents (N = 184)</b>		<b>Respondents from Randomly-Selected Cases (N = 66)</b>	
	<b>Total</b>		<b>Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Suitable</b>	175	95.1	63	95.5
<b>Unsuitable</b>	9	4.9	3	4.5

**TABLE F-23**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you think this dispute resolution process fit this particular case?**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=94)		(N=90)		(N=32)		(N=34)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
<b>Suitable</b>	91	96.8	84	93.3	31	96.9	32	94.1
<b>Unsuitable</b>	3	3.2	6	6.7	1	3.3	2	5.9

**TABLE F-24**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**Would you be willing to use this dispute resolution process again?**

	All Respondents (N = 178)		Respondents from Randomly-Selected Cases (N = 62)	
	Total N	%	Total N	%
Yes	175	98.3	62	100.0
No	3	1.7	0	-

**TABLE F-25**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**Would you be willing to use this dispute resolution process again?**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=93)		(N=85)		(N=30)		(N=32)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Yes	93	100	82	96.5	30	100	32	100.0
No	0	-	3	3.5	0	-	0	-

**TABLE F-26**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about the person assigned to handle your case  
in this dispute resolution process in terms of the following areas:**

**Knowledge of the content area of your case.**

	<b>All Respondents (N = 184) Total</b>		<b>Respondents from Randomly-Selected Cases (N = 66) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Very satisfied (1)</b>	128	69.6	46	69.7
<b>Satisfied (2)</b>	49	26.6	19	28.8
<b>Neither satisfied nor dissatisfied (3)</b>	3	1.6	1	1.5
<b>Dissatisfied (4)</b>	4	2.2	0	-
<b>Very dissatisfied (5)</b>	0	-	0	-
<b>Mean Scores</b>				
	1.4		1.3	

**TABLE F-27**

**Experimental-Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about the person assigned to handle your case  
in this dispute resolution process in terms of the following areas:**

**Knowledge of the content area of your case.**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=95)		(N=89)		(N=32)		(N=34)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Very satisfied (1)	73	76.8	55	61.8	25	78.1	21	61.8
Satisfied (2)	20	21.1	29	32.6	7	21.9	12	35.3
Neither satisfied nor dissatisfied (3)	1	1.1	2	2.2	0	-	1	2.9
Dissatisfied (4)	1	1.1	3	3.4	0	-	0	-
Very dissatisfied (5)	0	-	0	-	0	-	0	-
<b>Mean Scores</b>								
	1.3		1.5		1.2		1.4	

**TABLE F-28**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about the person assigned to handle your case  
in this dispute resolution process in terms of the following areas:**

**Knowledge of the legal issues of your case.**

	<b>All Respondents (N = 183)</b>		<b>Respondents from Randomly-Selected Cases (N = 65)</b>	
	<b>Total</b>		<b>Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
Very satisfied (1)	122	66.7	44	67.7
Satisfied (2)	52	28.4	19	29.2
Neither satisfied nor dissatisfied (3)	3	1.6	2	3.1
Dissatisfied (4)	6	3.3	0	-
Very dissatisfied (5)	0	-	0	-
<b>Mean Scores</b>				
	1.4		1.4	



**TABLE F-29**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about the person assigned to handle your case  
in this dispute resolution process in terms of the following areas:**

**Knowledge of the legal issues of your case.**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=95)		(N=88)		(N=32)		(N=33)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Very satisfied (1)	71	74.7	51	58.0	23	71.9	21	63.6
Satisfied (2)	22	23.2	30	34.1	8	25.0	11	33.3
Neither satisfied nor dissatisfied (3)	1	1.1	2	2.3	1	3.1	1	3.0
Dissatisfied (4)	1	1.1	5	5.7	0	-	0	-
Very dissatisfied (5)	0	-	0	-	0	-	0	-
Mean Scores								
	1.3		1.6		1.3		1.4	

TABLE F-30

Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants

Responses to the question:

How do you feel about the person assigned to handle your case  
in this dispute resolution process in terms of the following areas:

Neutrality/lack of bias.

	All Respondents (N = 174) Total		Respondents from Randomly-Selected Cases (N = 66) Total	
	N	%	N	%
Very satisfied (1)	127	73.0	41	62.1
Satisfied (2)	35	20.1	22	33.3
Neither satisfied nor dissatisfied (3)	8	4.6	2	3.0
Dissatisfied (4)	3	1.7	0	-
Very dissatisfied (5)	1	0.6	1	1.5
Mean Scores				
	1.3		1.5	

**TABLE F-31**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about the person assigned to handle your case  
in this dispute resolution process in terms of the following areas:**

**Neutrality/lack of bias.**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=95)		(N=89)		(N=32)		(N=34)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Very satisfied (1)	74	77.9	53	59.6	24	75.0	17	50.0
Satisfied (2)	19	20.0	26	29.2	8	25.0	14	41.2
Neither satisfied nor dissatisfied (3)	2	2.1	6	6.7	0	-	2	5.9
Dissatisfied (4)	0	-	3	3.4	0	-	0	-
Very dissatisfied (5)	0	-	1	1.1	0	-	1	2.9
<b>Mean Scores</b>								
	1.2		1.6		1.3		1.6	

**TABLE F-32**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about the person assigned to handle your case  
in this dispute resolution process in terms of the following areas:**

**Skill in structuring and guiding the process.**

	<b>All Respondents (N = 183)</b>		<b>Respondents from Randomly-Selected Cases (N = 65)</b>	
	<b>Total</b>		<b>Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
Very satisfied (1)	120	65.6	42	64.6
Satisfied (2)	54	29.5	19	29.2
Neither satisfied nor dissatisfied (3)	7	3.8	4	6.2
Dissatisfied (4)	2	1.1	0	-
Very dissatisfied (5)	0	-	0	-
	<b>Mean Scores</b>			
	1.4		1.4	

**TABLE F-33**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you feel about the person assigned to handle your case  
in this dispute resolution process in terms of the following areas:**

**Skill in structuring and guiding the process.**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=94)		(N=89)		(N=31)		(N=34)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Very satisfied (1)	68	72.3	52	58.4	22	71.0	20	58.8
Satisfied (2)	23	24.5	31	34.8	7	22.6	12	35.3
Neither satisfied nor dissatisfied (3)	3	3.2	4	4.5	2	6.5	2	5.9
Dissatisfied (4)	0	-	2	2.2	0	-	0	-
Very dissatisfied (5)	0	-	0	-	0	-	0	-
<b>Mean Scores</b>								
	1.3		1.5		1.4		1.5	

**TABLE F-34**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you think this person (neutral) fit this particular case?**

	<b>All Respondents (N = 186) Total</b>		<b>Respondents from Randomly-Selected Cases (N = 67) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Suitable</b>	178	95.7	64	95.5
<b>Unsuitable</b>	8	4.3	3	4.5

**TABLE F-35**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**How do you think this person (neutral) fit this particular case?**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=95) Plaintiff		(N=91) Defendant		(N=32) Plaintiff		(N=35) Defendant	
	N	%	N	%	N	%	N	%
Suitable	93	97.9	85	93.4	32	100	32	91.4
Unsuitable	2	2.1	6	6.6	0	-	3	8.6

**TABLE F-36**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**Would you be willing to consider using this person (neutral) again?**

	<b>All Respondents (N = 186) Total</b>		<b>Respondents from Randomly-Selected Cases (N = 66) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Yes</b>	179	96.2	62	93.9
<b>No</b>	7	3.8	4	6.1



**TABLE F-37**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Attorneys/Pro Se Litigants**

**Responses to the question:**

**Would you be willing to consider using this person (neutral) again?**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=96)		(N=90)		(N=32)		(N=34)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Yes	96	100	83	92.2	32	100	30	88.2
No	0	-	7	7.8	0	-	4	11.8

## **APPENDIX G: CLIENT DISPUTE RESOLUTION EXIT SURVEY**

# MIDDLESEX MULTI-DOOR COURTHOUSE

THE COMMONWEALTH OF MASSACHUSETTS • THE TRIAL COURT  
40 Thorndike Street • Cambridge, Massachusetts 02141 • (617) 494-0592

## DISPUTE RESOLUTION EXIT QUESTIONNAIRE CLIENT

This questionnaire is part of an evaluation of the Middlesex Multi-Door Courthouse which is being conducted by the National Center for State Courts under a grant from the State Justice Institute. All responses are confidential and will be reported only as group or aggregate data.

Your cooperation is greatly appreciated. We encourage you to be candid and to offer any suggestions for improving the program. Copies of the final evaluation will be available from the National Center for State Courts and the Multi-Door Courthouse Office.

**CASE CAPTION:**

**DOCKET NO.** \_\_\_\_\_

**DATE:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**DISPUTE RESOLUTION PROCESS:** \_\_\_\_\_ Case Evaluation \_\_\_\_\_ Arbitration  
\_\_\_\_\_ Mediation \_\_\_\_\_ Other (Specify)

**PLEASE INDICATE YOUR RELATIONSHIP TO THE CASE:**

\_\_\_\_\_ Plaintiff \_\_\_\_\_ Defendant  
\_\_\_\_\_ 3rd Party Defendant \_\_\_\_\_ Other (Specify)

**PLEASE ANSWER THE FOLLOWING WHETHER OR NOT YOUR CASE SETTLED AS A RESULT OF THE DISPUTE RESOLUTION PROCESS.**

1. How do you feel about the outcome of this dispute resolution process?

\_\_\_\_\_ Very Satisfied  
\_\_\_\_\_ Satisfied  
\_\_\_\_\_ Neither satisfied nor dissatisfied  
\_\_\_\_\_ Dissatisfied  
\_\_\_\_\_ Very Dissatisfied

(Please turn to back of page)

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2. If this case did not settle today, would you say that this process left you:
- ☐ Much closer to settlement
  - ☐ Somewhat closer to settlement
  - ☐ With no change in settlement status
  - ☐ Somewhat further away from settlement
  - ☐ Much further away from settlement
3. If you knew any of the other parties prior to the dispute, please indicate which of the following statements apply:
- ☐ There was no desire to continue the relationship
  - ☐ The possibility of continuing a relationship was not addressed
  - ☐ Continuation of the relationship was encouraged
  - ☐ Continuation of the relationship was discouraged
  - ☐ A plan for continuing the relationship was structured
  - ☐ A plan for discontinuing the relationship was structured
4. Please indicate how you feel about this dispute resolution process in terms of the following areas:
- a) Permitted me to present the case in a manner which met my needs
- ☐ Very satisfied
  - ☐ Satisfied
  - ☐ Neither satisfied nor dissatisfied
  - ☐ Dissatisfied
  - ☐ Very dissatisfied
- b) Allowed the issues to be addressed in a manner which met my needs
- ☐ Very satisfied
  - ☐ Satisfied
  - ☐ Neither satisfied nor dissatisfied
  - ☐ Dissatisfied
  - ☐ Very dissatisfied
- c) Provided the opportunity to participate in structuring the outcome of the case
- ☐ Very satisfied
  - ☐ Satisfied
  - ☐ Neither satisfied nor dissatisfied
  - ☐ Dissatisfied
  - ☐ Very dissatisfied
- d) Provided a fair process
- ☐ Very satisfied
  - ☐ Satisfied
  - ☐ Neither satisfied nor dissatisfied
  - ☐ Dissatisfied
  - ☐ Very dissatisfied

5. Do you think this dispute resolution process fit this particular case?

\_\_\_\_\_ Yes, the process was suitable \_\_\_\_\_ No, the process was unsuitable

Please explain why you come to this conclusion, being as specific as possible and noting all factors

6. Would you be willing to consider using this dispute resolution process again?

\_\_\_\_\_ Yes \_\_\_\_\_ No

7. Overall, how do you feel about the dispute resolution process used for this case?

\_\_\_\_\_ Very satisfied  
\_\_\_\_\_ Satisfied  
\_\_\_\_\_ Neither satisfied nor dissatisfied  
\_\_\_\_\_ Dissatisfied  
\_\_\_\_\_ Very dissatisfied

8. How do you feel about the person assigned to handle your case in this dispute resolution process in terms of the following areas?

a) Knowledge of the content area of your case

\_\_\_\_\_ Very satisfied  
\_\_\_\_\_ Satisfied  
\_\_\_\_\_ Neither satisfied nor dissatisfied  
\_\_\_\_\_ Dissatisfied  
\_\_\_\_\_ Very dissatisfied

b) Neutrality and lack of bias

\_\_\_\_\_ Very satisfied  
\_\_\_\_\_ Satisfied  
\_\_\_\_\_ Neither satisfied nor dissatisfied  
\_\_\_\_\_ Dissatisfied  
\_\_\_\_\_ Very dissatisfied

c) Skill in structuring and guiding the process

\_\_\_\_\_ Very satisfied  
\_\_\_\_\_ Satisfied  
\_\_\_\_\_ Neither satisfied nor dissatisfied  
\_\_\_\_\_ Dissatisfied  
\_\_\_\_\_ Very dissatisfied

9. Do you think this person fit this particular case?

\_\_\_\_\_ Yes, the person was suitable \_\_\_\_\_ No, the person was unsuitable

Please explain why you come to this conclusion, being as specific as possible and noting all factors

10. Would you be willing to use this person again?

\_\_\_\_\_ Yes \_\_\_\_\_ No

11. Please provide any comments you wish about the person who handled this case in the dispute resolution process.

12. We welcome all comments in an effort to monitor the quality of the program and to improve its usefulness. Please comment freely.

13. Please indicate any improvements that you might recommend for the Middlesex Multi-Door Courthouse.

We are very interested in evaluating this program fully. Your assistance is greatly appreciated. Please provide the following information if you would be willing to be contacted to answer a few more questions.

Name:

Address:

Daytime Telephone:

*Thank you for your assistance.*

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**APPENDIX H: CLIENT DISPUTE RESOLUTION EXIT SURVEY  
SATISFACTION MEASURE TABLES**

**TABLE H-1**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**How do you feel about the outcome of this dispute resolution process?**

	<b>All Respondents (N=92) Total</b>		<b>Respondents from Randomly-Selected Cases (N=48) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Very satisfied (1)*</b>	22	23.9	11	22.9
<b>Satisfied (2)</b>	33	35.9	18	37.5
<b>Neither satisfied nor dissatisfied (3)</b>	27	29.3	18	37.5
<b>Dissatisfied (4)</b>	7	7.6	1	2.1
<b>Very dissatisfied (5)</b>	3	3.3	0	-
<b>Mean Scores</b>				
	2.3		2.2	

**\* The numbers in parentheses following each response category are the weights used to calculate the means. The weights will be presented using this format for all tables.**



**TABLE H-2**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**How do you feel about the outcome of this dispute resolution process?**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N = 63)		(N = 29)		(N = 34)		(N = 14)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Very satisfied (1)	16	25.4	6	20.7	9	26.5	2	14.3
Satisfied (2)	25	39.7	8	27.6	13	38.2	5	35.7
Neither satisfied nor dissatisfied (3)	16	25.4	11	37.9	11	32.4	7	50.0
Dissatisfied (4)	3	4.8	4	13.8	1	2.9	0	-
Very dissatisfied (5)	3	4.8	0	-	0	-	0	-
<b>Mean Scores</b>								
	2.2		2.4		2.1		2.4	

**TABLE H-3**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**If this case did not settle today, would you say that this  
dispute resolution process left you:**

	<b>All Respondents (N=71) Total</b>		<b>Respondents from Randomly-Selected Cases (N=38) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Much closer to settlement (1)</b>	15	21.1	10	26.3
<b>Somewhat closer to settlement (2)</b>	28	39.4	16	42.1
<b>With no change in settlement status (3)</b>	21	29.6	9	23.7
<b>Somewhat further away from settlement (4)</b>	4	5.6	2	5.3
<b>Much further away from settlement (5)</b>	3	4.2	1	2.6
	<b>Mean Scores</b>			
	2.3		2.2	

**TABLE H-4**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**If this case did not settle today, would you say that this  
dispute resolution process left you:**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N = 51)		(N = 20)		(N = 29)		(N = 9)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Much closer to settlement (1)	9	17.6	6	30.0	7	24.1	3	33.3
Somewhat closer to settlement (2)	20	39.2	8	40.0	11	37.9	5	55.6
With no change in settlement status (3)	17	33.3	4	20.0	9	31.0	0	-
Somewhat further away from settlement (4)	4	7.8	0	-	2	6.9	0	-
Much further away from settlement (5)	1	2.0	2	10.0	0	-	1	11.1
Mean Scores								
	2.4		2.2		2.2		2.0	

**TABLE H-5**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**How do you feel about this dispute resolution process  
in terms of the following areas:**

**Permitted me to present the case in the manner which met my needs.**

	<b>All Respondents (N = 93) Total</b>		<b>Respondents from Randomly-Selected Cases (N = 48) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Very satisfied (1)</b>	28	30.1	14	29.2
<b>Satisfied (2)</b>	47	50.5	25	52.1
<b>Neither satisfied nor dissatisfied (3)</b>	14	15.1	6	12.5
<b>Dissatisfied (4)</b>	4	4.3	3	6.1
<b>Very dissatisfied (5)</b>	0	-	0	-
	<b>Mean Scores</b>			
	1.9		2.0	

**TABLE H-6**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**How do you feel about this dispute resolution process  
in terms of the following areas:**

**Permitted me to present the case in the manner which met my needs.**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=65)		(N=28)		(N=36)		(N=12)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Very satisfied (1)	21	32.3	7	25.0	10	27.8	4	33.3
Satisfied (2)	31	47.7	16	57.1	18	50.0	7	58.3
Neither satisfied nor dissatisfied (3)	10	15.4	4	14.3	6	16.7	0	-
Dissatisfied (4)	3	4.6	1	3.6	2	5.6	1	8.3
Very dissatisfied (5)	0	-	0	-	0	-	0	-
	Mean Scores							
	1.9		2.0		2.0		1.8	

**TABLE H-7**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**How do you feel about this dispute resolution process  
in terms of the following areas:**

**Allowed the issues to be addressed in a manner which met my needs.**

	<b>All Respondents (N=82) Total</b>		<b>Respondents from Randomly-Selected Cases (N=47) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Very satisfied (1)</b>	31	37.8	16	34.0
<b>Satisfied (2)</b>	40	48.8	26	55.3
<b>Neither satisfied nor dissatisfied (3)</b>	9	11.0	3	6.4
<b>Dissatisfied (4)</b>	2	2.4	2	4.3
<b>Very dissatisfied (5)</b>	0	-	0	-
	<b>Mean Scores</b>			
	1.8		1.8	

**TABLE H-8**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**How do you feel about this dispute resolution process  
in terms of the following areas:**

**Allowed the issues to be addressed in a manner which met my needs.**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N = 64)		(N = 28)		(N = 35)		(N = 12)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Very satisfied (1)	21	32.8	10	35.7	11	31.4	5	41.7
Satisfied (2)	36	56.3	14	50.0	20	57.1	6	50.0
Neither satisfied nor dissatisfied (3)	6	9.4	3	10.7	3	8.6	0	-
Dissatisfied (4)	1	1.6	1	3.6	1	2.9	1	8.3
Very dissatisfied (5)	0	-	0	-	0	-	0	-
<b>Mean Scores</b>								
	1.8		1.8		1.8		1.8	

**TABLE H-9**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**How do you feel about this dispute resolution process  
in terms of the following areas:**

**Provided the opportunity to participate in structuring the outcome of the case.**

	<b>All Respondents (N = 86) Total</b>		<b>Respondents from Randomly-Selected Cases (N = 44) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Very satisfied (1)</b>	30	34.9	16	36.4
<b>Satisfied (2)</b>	37	43.0	22	50.0
<b>Neither satisfied nor dissatisfied (3)</b>	17	19.8	6	13.6
<b>Dissatisfied (4)</b>	1	1.2	0	-
<b>Very dissatisfied (5)</b>	1	1.2	0	-
	<b>Mean Scores</b>			
	1.9		1.8	



**TABLE H-10**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**How do you feel about this dispute resolution process  
in terms of the following areas:**

**Provided the opportunity to participate in structuring the outcome of the case.**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N = 59)		(N = 27)		(N = 33)		(N = 11)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Very satisfied (1)	21	35.6	9	33.3	11	33.3	5	45.5
Satisfied (2)	26	44.1	11	40.7	17	51.5	5	45.5
Neither satisfied nor dissatisfied (3)	11	18.6	6	22.2	5	15.2	1	9.1
Dissatisfied (4)	0	-	1	3.7	0	-	0	-
Very dissatisfied (5)	1	1.7	0	-	0	-	0	-
<b>Mean Scores</b>								
	1.9		2.0		1.8		1.6	

**TABLE H-11**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**How do you feel about this dispute resolution process  
in terms of the following areas:**

**Provided a fair process.**

	<b>All Respondents (N=93) Total</b>		<b>Respondents from Randomly-Selected Cases (N=48) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Very satisfied (1)</b>	39	41.9	17	35.4
<b>Satisfied (2)</b>	39	41.9	23	47.9
<b>Neither satisfied nor dissatisfied (3)</b>	12	12.9	7	14.6
<b>Dissatisfied (4)</b>	2	2.2	1	2.1
<b>Very dissatisfied (5)</b>	1	1.0	0	-
	<b>Mean Scores</b>			
	1.8		1.8	

**TABLE H-12**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**How do you feel about this dispute resolution process  
in terms of the following areas:**

**Provided a fair process.**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N = 64)		(N = 29)		(N = 35)		(N = 13)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Very satisfied (1)	30	46.9	9	31.0	13	37.1	4	30.8
Satisfied (2)	24	37.5	15	51.7	16	45.7	7	53.8
Neither satisfied nor dissatisfied (3)	9	14.1	3	10.3	6	17.1	1	7.7
Dissatisfied (4)	0	-	2	6.9	0	-	1	7.7
Very dissatisfied (5)	1	1.6	0	-	0	-	0	-
<b>Mean Scores</b>								
	1.7		1.9		1.8		1.9	

**TABLE H-13**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**How do you think this dispute resolution process fit this particular case?**

	<b>All Respondents (N = 87)</b>		<b>Respondents from Randomly-Selected Cases (N = 43)</b>	
	<b>Total</b>		<b>Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Suitable</b>	<b>78</b>	<b>89.7</b>	<b>41</b>	<b>95.3</b>
<b>Unsuitable</b>	<b>9</b>	<b>10.3</b>	<b>2</b>	<b>4.7</b>

**TABLE H-14**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**How do you think this dispute resolution process fit this particular case?**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=59)		(N=28)		(N=31)		(N=12)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Suitable	54	91.5	24	85.7	30	96.8	11	91.7
Unsuitable	5	8.5	4	14.3	1	3.2	1	8.3

**TABLE H-15**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**Would you be willing to consider using this dispute resolution process again?**

	<b>All Respondents (N=92)</b>		<b>Respondents from Randomly-Selected Cases (N=48)</b>	
	<b>Total</b>		<b>Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Yes</b>	<b>85</b>	<b>92.4</b>	<b>45</b>	<b>93.8</b>
<b>No</b>	<b>7</b>	<b>7.6</b>	<b>3</b>	<b>6.3</b>

**TABLE H-16**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**Would you be willing to consider using this dispute resolution process again?**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=62)		(N=30)		(N=34)		(N=14)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Yes	56	90.3	29	96.7	31	91.2	14	100
No	6	9.7	1	3.3	3	8.8	0	-

**TABLE H-17**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**Overall, how do you feel about the dispute resolution process utilized for this case?**

	<b>All Respondents (N = 91) Total</b>		<b>Respondents from Randomly-Selected Cases (N = 47) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Very satisfied (1)</b>	30	33.0	13	27.7
<b>Satisfied (2)</b>	38	41.8	20	42.6
<b>Neither satisfied nor dissatisfied (3)</b>	20	22.0	13	27.7
<b>Dissatisfied (4)</b>	3	3.3	1	2.1
<b>Very dissatisfied (5)</b>	0	-	0	-
	<b>Mean Scores</b>			
	2.0		2.0	



**TABLE H-18**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**Overall, how do you feel about the dispute resolution process utilized for this case?**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=61)		(N=30)		(N=33)		(N=14)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Very satisfied (1)	21	34.4	9	30.0	10	30.3	3	21.4
Satisfied (2)	24	39.3	14	46.7	13	39.4	7	50.0
Neither satisfied nor dissatisfied (3)	15	24.6	5	16.7	10	30.3	3	21.4
Dissatisfied (4)	1	1.6	2	6.7	0	-	1	7.1
Very dissatisfied (5)	0	-	0	-	0	-	0	-
<b>Mean Scores</b>								
	1.9		2.0		2.0		2.1	

**TABLE H-19**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**How do you feel about the person assigned to handle your case  
in this dispute resolution process in terms of the following areas:**

**Knowledge of the content area of your case.**

	<b>All Respondents (N = 90) Total</b>		<b>Respondents from Randomly-Selected Cases (N = 46) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
Very satisfied (1)	47	52.2	27	50.6
Satisfied (2)	37	41.1	16	34.8
Neither satisfied nor dissatisfied (3)	6	6.7	3	6.5
Dissatisfied (4)	0	-	0	-
Very dissatisfied (5)	0	-	0	-
	<b>Mean Scores</b>			
	1.5		1.5	

**TABLE H-20**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**How do you feel about the person assigned to handle your case  
in this dispute resolution process in terms of the following areas:**

**Knowledge of the content area of your case.**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=60)		(N=30)		(N=32)		(N=14)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Very satisfied (1)	29	48.3	18	60.0	16	50.0	11	78.6
Satisfied (2)	27	45.0	10	33.3	13	40.6	3	21.4
Neither satisfied nor dissatisfied (3)	4	6.7	2	6.7	3	9.4	0	-
Dissatisfied (4)	0	-	0	-	0	-	0	-
Very dissatisfied (5)	0	-	0	-	0	-	0	-
<b>Mean Scores</b>								
	1.6		1.5		1.6		1.2	

**TABLE H-21**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**How do you feel about the person assigned to handle your case  
in this dispute resolution process in terms of the following areas:**

**Neutrality and lack of bias.**

	<b>All Respondents (N = 90) Total</b>		<b>Respondents from Randomly-Selected Cases (N = 46) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Very satisfied (1)</b>	55	61.1	28	60.9
<b>Satisfied (2)</b>	26	28.9	14	30.4
<b>Neither satisfied nor dissatisfied (3)</b>	7	7.8	4	8.7
<b>Dissatisfied (4)</b>	1	1.1	0	-
<b>Very dissatisfied (5)</b>	1	1.1	0	-
<b>Mean Scores</b>				
	1.5		1.5	

**TABLE H-22**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**How do you feel about the person assigned to handle your case  
in this dispute resolution process in terms of the following areas:**

**Neutrality and lack of bias.**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=60)		(N=30)		(N=32)		(N=14)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Very satisfied (1)	35	58.3	20	66.7	17	53.1	11	78.6
Satisfied (2)	20	33.3	6	20.0	12	37.5	2	14.3
Neither satisfied nor dissatisfied (3)	4	6.7	3	10.0	3	9.4	1	7.1
Dissatisfied (4)	0	-	1	3.3	0	-	0	-
Very dissatisfied (5)	1	1.7	0	-	0	-	0	-
<b>Mean Scores</b>								
	1.5		1.5		1.6		1.3	

**TABLE H-23**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**How do you feel about the person assigned to handle your case  
in this dispute resolution process in terms of the following areas:**

**Skill in structuring and guiding the process.**

	<b>All Respondents (N=91) Total</b>		<b>Respondents from Randomly-Selected Cases (N=47) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Very satisfied (1)</b>	44	48.4	23	48.9
<b>Satisfied (2)</b>	40	44.0	20	42.6
<b>Neither satisfied nor dissatisfied (3)</b>	6	6.6	4	8.5
<b>Dissatisfied (4)</b>	1	1.1	0	-
<b>Very dissatisfied (5)</b>	0	-	0	-
	<b>Mean Scores</b>			
	1.6		1.6	

**TABLE H-24**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**How do you feel about the person assigned to handle your case  
in this dispute resolution process in terms of the following areas:**

**Skill in structuring and guiding the process.**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N = 61)		(N = 30)		(N = 33)		(N = 14)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Very satisfied (1)	29	47.5	15	50.0	16	48.5	7	50.0
Satisfied (2)	27	44.3	13	43.3	14	42.4	6	42.9
Neither satisfied nor dissatisfied (3)	5	8.2	1	3.3	3	9.1	1	7.1
Dissatisfied (4)	0	-	1	3.3	0	-	0	-
Very dissatisfied (5)	0	-	0	-	0	-	0	-
<b>Mean Scores</b>								
	1.6		1.6		1.6		1.6	

**TABLE H-25**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**Do you think this person (neutral) fit this particular case?**

	<b>All Respondents (N=94) Total</b>		<b>Respondents from Randomly-Selected Cases (N=48) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Yes, person was suitable</b>	91	96.8	48	100.0
<b>No, person was unsuitable</b>	3	3.2	0	-



**TABLE H-26**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**Do you think this person (neutral) fit this particular case?**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N = 64)		(N = 30)		(N = 34)		(N = 14)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Yes, person was suitable	63	98.4	28	93.3	34	100	14	100
No, person was unsuitable	1	1.6	2	6.7	0	-	0	-

**TABLE H-27**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**Would you be willing to use this person (neutral) again?**

	<b>All Respondents (N = 93) Total</b>		<b>Respondents from Randomly-Selected Cases (N = 48) Total</b>	
	<b>N</b>	<b>%</b>	<b>N</b>	<b>%</b>
<b>Yes</b>	91	97.8	48	100.0
<b>No</b>	2	2.2	0	-

**TABLE H-28**

**Experimental Group Respondents  
Dispute Resolution Exit Questionnaire  
for Clients**

**Responses to the question:**

**Would you be willing to use this person (neutral) again?**

	All Respondents				Respondents from Randomly-Selected Cases			
	(N=63)		(N=30)		(N=34)		(N=14)	
	Plaintiff		Defendant		Plaintiff		Defendant	
	N	%	N	%	N	%	N	%
Yes	62	98.4	29	96.7	34	100	14	100
No	1	1.6	1	3.3	0	-	0	-

**APPENDIX I: CONTROL GROUP COURT FOLLOW-UP  
QUESTIONNAIRE**

**MIDDLESEX MULTI-DOOR COURTHOUSE  
ATTORNEY / PRO SE LITIGANT  
COURT FOLLOW-UP QUESTIONNAIRE**

**CASE CAPTION & DOCKET NUMBER**

**DATE:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**PLEASE INDICATE YOUR RELATIONSHIP TO THE CASE:**

____ Plaintiff's Attorney	____ Defendant's Attorney
____ Plaintiff Representing Yourself	____ Defendant Representing Yourself
	____ 3rd Party Defendant's Attorney
	____ 3rd Party Defendant Representing Yourself

1. **PLEASE INDICATE DATE OF DISPOSITION / SETTLEMENT / VERDICT FOR THIS CASE:** \_\_\_\_/\_\_\_\_/\_\_\_\_

2. **PLEASE INDICATE THE DISPOSITION OF THIS CASE:**

____ Jury Trial Verdict	
____ Bench Trial Verdict	
____ Settled:	____ After Trial Ended
	____ During Trial
	____ Before Trial Began
	____ After Final Pre-Trial Date Set
	____ After Preliminary Pre-Trial Date Set
	____ After or During Motion Hearings
	____ Before Any Court Appearances
	____ Scheduled

**IF SETTLED, PLEASE INDICATE WHETHER ANY OF THE FOLLOWING WERE USED:**

\_\_\_\_ Arbitration by Private Provider (AAA, Endispute, ADR, Inc., etc.)  
\_\_\_\_ Mediation to Agreement by Private Provider  
\_\_\_\_ Court Conciliation or dispute resolution other than Multi-Door Courthouse  
\_\_\_\_ Other Structured Process (specify) \_\_\_\_\_  
\_\_\_\_ Other (specify) \_\_\_\_\_  
\_\_\_\_\_

3. **IF THE CASE WAS TRIED TO CONCLUSION, PLEASE INDICATE OUTCOME:**

\_\_\_\_ Plaintiff's Verdict      \_\_\_\_ Defendant's Verdict

**-OVER-**

-1-

4. **PLEASE INDICATE THE TERMS OF THE DISPOSITION OF THE CASE INCLUDING THE DOLLAR VALUE AS WELL AS NON-MONETARY PROVISIONS:**

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(YOU MAY ALSO ATTACH A COPY OF ANY SETTLEMENT AGREEMENT OR OTHER DOCUMENT WHICH INDICATES THE TERMS OF THE CASE DISPOSITION)

5. **IF YOU ARE AN ATTORNEY, PLEASE INDICATE BELOW WHICH ACTIVITIES YOU ENGAGED IN PERTAINING TO THIS CASE AND THE THE NUMBER OF HOURS THIS ACTIVITY REQUIRED.**

<input type="checkbox"/> Interviewed client	<input type="checkbox"/> hours
<input type="checkbox"/> Prepared complaint	<input type="checkbox"/> hours
<input type="checkbox"/> Gathered information/Legal research	<input type="checkbox"/> hours
<input type="checkbox"/> Arranged medical exams	<input type="checkbox"/> hours
<input type="checkbox"/> Prepared motions	<input type="checkbox"/> hours
<input type="checkbox"/> Prepared interrogatories	<input type="checkbox"/> hours
<input type="checkbox"/> Answered interrogatories	<input type="checkbox"/> hours
<input type="checkbox"/> Took or amended depositions	<input type="checkbox"/> hours
<input type="checkbox"/> Discussed settlement outside of court	<input type="checkbox"/> hours
<input type="checkbox"/> Prepared for dispute resolution	<input type="checkbox"/> hours
<input type="checkbox"/> Prepared for trial	<input type="checkbox"/> hours
<input type="checkbox"/> Presented case at trial	<input type="checkbox"/> hours
<input type="checkbox"/> Engaged in post-trial activities	<input type="checkbox"/> hours
<input type="checkbox"/> Other (please specify) _____	<input type="checkbox"/> hours

Total Hours: \_\_\_\_\_ Attorney hours \_\_\_\_\_ Non-attorney hours

6. **DID EITHER SIDE BRING ANY MOTIONS RELATED TO DISCOVERY?** \_\_\_\_\_ Yes \_\_\_\_\_ No

7. **WHAT ARE YOUR THOUGHTS ABOUT THE AMOUNT OF TIME IT TOOK FOR THE COURT TO PROCESS THIS CASE FROM DATE OF FILING THROUGH DATE OF DISPOSITION?**

☐ Very quick with no delays  
☐ Moderately quick with few delays  
☐ Average  
☐ Moderately slow with some delays  
☐ Very slow with many delays

8. **HOW DO YOU FEEL ABOUT THE COURT PROCESS IN TERMS OF THE FOLLOWING AREAS?**

a) Overall time from filing to resolution

☐ Very satisfied  
☐ Satisfied  
☐ Neither satisfied nor dissatisfied  
☐ Dissatisfied  
☐ Very dissatisfied

**-TURN TO NEXT PAGE PLEASE-**

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b) Permitted me to present the case in the manner which met my needs

- ☐ Very satisfied
- ☐ Satisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Dissatisfied
- ☐ Very dissatisfied

c) Allowed the legal issues to be addressed in a manner which met my needs

- ☐ Very satisfied
- ☐ Satisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Dissatisfied
- ☐ Very dissatisfied

d) Allowed the non-legal issues to be addressed in a manner which met my needs

- ☐ Very satisfied
- ☐ Satisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Dissatisfied
- ☐ Very dissatisfied

e) Provided the opportunity to participate in structuring the outcome of the case

- ☐ Very satisfied
- ☐ Satisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Dissatisfied
- ☐ Very dissatisfied

f) Provided a fair process

- ☐ Very satisfied
- ☐ Satisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Dissatisfied
- ☐ Very dissatisfied

g) Provided a reasonable outcome

- ☐ Very satisfied
- ☐ Satisfied
- ☐ Neither satisfied nor dissatisfied
- ☐ Dissatisfied
- ☐ Very dissatisfied

**9. IF YOU ARE AN ATTORNEY, PLEASE INDICATE:**

a) Overall, how your client feels about the outcome of this case

\_\_\_\_\_ Very satisfied  
\_\_\_\_\_ Satisfied  
\_\_\_\_\_ Neither satisfied nor dissatisfied  
\_\_\_\_\_ Dissatisfied  
\_\_\_\_\_ Very dissatisfied

b) Overall, how your client feels about the court process

\_\_\_\_\_ Very satisfied  
\_\_\_\_\_ Satisfied  
\_\_\_\_\_ Neither satisfied nor dissatisfied  
\_\_\_\_\_ Dissatisfied  
\_\_\_\_\_ Very dissatisfied

c) If this case was settled, do you believe that your client would have fared better or worse by going to trial?

\_\_\_\_\_ Better \_\_\_\_\_ Same \_\_\_\_\_ Worse

d) If this case was tried to conclusion, do you believe that your client would have fared better or worse by settling before trial?

\_\_\_\_\_ Better \_\_\_\_\_ Same \_\_\_\_\_ Worse

The following questions are to be completed if you were referred to the Middlesex Multi-Door Courthouse for screening but did not elect to use a dispute resolution process.

**10. WHAT FACTORS WENT INTO THE DECISION TO REJECT A DISPUTE RESOLUTION PROCESS (CHECK ALL THAT APPLY):**

\_\_\_\_\_ I have had bad experiences with dispute resolution processes elsewhere  
\_\_\_\_\_ I am unfamiliar with dispute resolution process and did not wish to try such a process in this case  
\_\_\_\_\_ I did not believe that the issues in this case were appropriate for dispute resolution.  
\_\_\_\_\_ My client wanted a trial  
\_\_\_\_\_ My client did not wish to participate for other reasons  
\_\_\_\_\_ (please specify) \_\_\_\_\_  
\_\_\_\_\_ I wanted to establish legal precedent  
\_\_\_\_\_ I was interested but another party did not wish to participate  
\_\_\_\_\_ A trial date had been set and I preferred to try this case  
\_\_\_\_\_ Discovery was not yet as far along as necessary for consideration of dispute resolution  
\_\_\_\_\_ Settlement negotiations were underway already and no dispute resolution process was required  
\_\_\_\_\_ The cost of dispute resolution was a factor in the decision to reject this process  
\_\_\_\_\_ Other (please specify) \_\_\_\_\_

**11. IN RETROSPECT, DO YOU BELIEVE THAT A DISPUTE RESOLUTION PROCESS MAY HAVE BEEN HELPFUL OR UNHELPFUL IN THIS CASE?**

\_\_\_\_\_ Helpful \_\_\_\_\_ Unsure \_\_\_\_\_ Unhelpful

**THANK YOU FOR YOUR ASSISTANCE.**



**APPENDIX J: CONTROL GROUP COURT FOLLOW-UP  
QUESTIONNAIRE SATISFACTION  
MEASURE TABLES**

**TABLE J-1**

**Control Group Respondents  
Court Follow-up Questionnaire**

**Response to the Request:**

**Please indicate the disposition of this case.**

	Respondents					
	(N = 44) Plaintiff		(N = 30) Defendant		(N = 74) Total	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Jury trial verdict	4	9.1	0	-	4	5.4
Bench trial verdict	1	2.3	0	-	1	1.4
Settled	38	86.4	29	96.7	67	90.5
Other	1	2.3	1	3.3	2	2.7

**If settled, when?**

	Respondents					
	Plaintiff		Defendant		Total	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
After trial ended	3	8.6	0	-	3	4.9
During trial	0	-	0	-	0	-
Before trial began	32	91.4	26	100	58	95.1

TABLE J-1 (continued)

If settled before trial began, when?

	Respondents					
	(N=35) Plaintiff		(N=30) Defendant		(N=65) Total	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
After final pretrial date set	16	45.7	12	40.0	28	43.1
After preliminary pretrial date set	10	28.6	10	33.3	20	30.8
After or during motion hearings	2	5.7	5	16.7	7	10.8
Before any court appearances scheduled	7	20.0	3	10.0	10	15.4

**TABLE J-2**

**Control Group Respondents  
Court Follow-up Questionnaire**

**If settled, please indicate whether any of the following were used:**

	Respondents					
	(N = 15) Plaintiff		(N = 7) Defendant		(N = 22) Total	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Arbitration by private provider	1	6.7	1	14.3	2	9.1
Mediation to agreement by private provider	1	6.7	0	-	1	4.5
Court conciliation or dispute resolution other than Multi-Door Courthouse	4	26.7	1	14.3	5	22.7
Other structured process	2	13.3	0	-	2	9.1
Other	7	46.7	5	71.4	12	54.5

**TABLE J-3**

**Control Group Respondents  
Court Follow-up Questionnaire**

**Responses to the request:**

**If the case was tried to conclusion, please indicate outcome.**

	Respondents					
	(N=4) Plaintiff		(N=1) Defendant		(N=5) Total	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Plaintiff's verdict	2	50.0	0	-	2	40.0
Defendant's verdict	2	50.0	1	100.0	3	60.0

**TABLE J-4**

**Control Group Respondents  
Court Follow-up Questionnaire**

**Responses to the question:**

**What are your thoughts about the amount of time it took for the court to process this case from date of filing through date of disposition?**

	Respondents					
	(N = 52) Plaintiff		(N = 43) Defendant		(N = 95) Total	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Very quick with no delays (1)*	14	26.9	12	27.9	26	27.4
Moderately quick with few delays (2)	18	34.6	14	32.6	32	33.7
Average (3)	14	26.9	14	32.6	28	29.5
Moderately slow with some delays (4)	4	7.7	2	4.7	6	6.3
Very slow with many delays (5)	2	3.8	1	2.3	3	3.2
<b>Mean Scores</b>						
	2.3		2.2		2.2	

\* The numbers in parentheses following each response category are the weights used to calculate the means. The weights will be presented using this format for all tables.

**TABLE J-5**

**Control Group Respondents  
Court Follow-up Questionnaire**

**Responses to the question:**

**How do you feel about the court process in terms  
of the following areas?**

**Overall time from filing to resolution.**

	Respondents					
	(N=54) Plaintiff		(N=41) Defendant		(N=95) Total	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Very satisfied (1)	14	25.9	7	17.1	21	22.1
Satisfied (2)	24	44.4	21	51.2	45	47.4
Neither satisfied nor dissatisfied (3)	9	16.7	11	26.8	20	21.1
Dissatisfied (4)	5	9.3	1	2.4	6	6.3
Very dissatisfied (5)	2	3.7	1	2.4	3	3.2
<b>Mean Scores</b>						
	2.2		2.2		2.2	

**TABLE J-6**

**Control Group Respondents  
Court Follow-up Questionnaire**

**Responses to the question:**

**How do you feel about the court process in terms  
of the following areas?**

**Provided a reasonable outcome.**

	Respondents					
	(N=45) Plaintiff		(N=31) Defendant		(N=76) Total	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
<b>Very satisfied (1)</b>	15	33.3	5	16.1	20	26.3
<b>Satisfied (2)</b>	18	40.0	21	67.7	39	51.3
<b>Neither satisfied nor dissatisfied (3)</b>	10	22.2	4	12.9	14	18.4
<b>Dissatisfied (4)</b>	2	4.4	0	-	2	2.6
<b>Very dissatisfied (5)</b>	0	-	1	3.2	1	1.3
<b>Mean Scores</b>						
	2.0		2.1		2.0	



**TABLE J-7**

**Control Group Respondents  
Court Follow-up Questionnaire**

**Responses to the request:**

**If you are an attorney, please indicate:**

**Overall, how your client feels about the outcome  
of this case.**

	Respondents					
	(N=48) Plaintiff		(N=38) Defendant		(N=86) Total	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Very satisfied (1)	11	22.9	9	23.7	20	23.3
Satisfied (2)	15	31.3	20	52.6	35	40.7
Neither satisfied nor dissatisfied (3)	17	35.4	6	15.8	23	26.7
Dissatisfied (4)	3	6.3	2	5.3	5	5.8
Very dissatisfied (5)	2	4.2	1	2.6	3	3.5
<b>Mean Scores</b>						
	2.4		2.1		2.3	

**TABLE J-8**

**Control Group Respondents  
Court Follow-up Questionnaire**

**Responses to the request:**

**If you are an attorney, please indicate:**

**If this case was settled, do you believe your client  
would have fared better or worse by going to trial?**

	Respondents					
	(N=36) Plaintiff		(N=30) Defendant		(N=66) Total	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Better (1)	5	13.9	9	30.0	14	21.2
Same (2)	21	58.3	14	46.7	35	53.0
Worse (3)	10	27.8	7	23.3	17	25.8
Mean Scores						
	2.1		1.9		2.0	

**TABLE J-9**

**Control Group Respondents  
Court Follow-up Questionnaire**

**Responses to the request:**

**If you are an attorney, please indicate:**

**If this case was tried to conclusion, do you believe that  
your client would have fared better or worse by settling before trial?**

	Respondents					
	(N = 12) Plaintiff		(N = 12) Defendant		(N = 24) Total	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Better (1)	4	33.3	1	8.3	5	20.8
Same (2)	6	50.0	8	66.7	14	58.3
Worse (3)	2	16.7	3	25.0	5	20.8
Mean Scores						
	1.8		2.2		2.0	

**TABLE J-10**

**Control Group Respondents  
Court Follow-up Questionnaire**

**Responses to the request:**

**If you are an attorney, please indicate:**

**If you were referred to the Middlesex Multi-Door Courthouse for screening  
but did not elect to use a dispute resolution process,  
what factors went into the decision to reject a dispute resolution process?  
(check all that apply)**

	Respondents					
	(N = 14 Plaintiff		(N = 12) Defendant		(N = 26)) Total	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Had bad experience with dispute resolution process elsewhere	1	1.7	0	-	1	3.8
Unfamiliar with dispute resolution process	0	-	0	-	0	-
Did not believe issues were appropriate	0	-	3	7.1	3	11.5
Client wanted a trial	2	3.4	1	2.4	3	11.5
Client did not wish to participate	2	3.4	1	2.4	3	11.5
Wanted to establish legal precedent	0	-	0	-	0	-

**\*This is the percent of all respondents in each category (plaintiff, defendant, total)  
who checked a particular consequence.**

**TABLE J-10**  
(continued)

**If you were referred to the Middlesex Multi-Door Courthouse for screening  
but did not elect to use a dispute resolution process,  
what factors went into the decision to reject a dispute resolution process?  
(check all that apply)**

	Plaintiff		Respondents Defendant		Total	
	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>	<u>N</u>	<u>%</u>
Interested but another party wasn't	2	3.4	0	-	2	7.7
Trial date had been set	0	-	0	-	0	-
Discovery was not as far along as necessary	1	1.7	0	-	1	3.8
Settlement negotiations were underway	3	5.2	4	9.5	7	36.9
Cost of dispute resolution was factor 1	1.8		0	-	1	3.8
Other	2	3.4	3	7.1	5	19.2

**APPENDIX K: EXPERIMENTAL GROUP COURT FOLLOW-UP  
QUESTIONNAIRE**

MIDDLESEX MULTI-DOOR COURTHOUSE  
ATTORNEY/PRO SE LITIGANT  
COURT FOLLOW-UP QUESTIONNAIRE

Date: \_ \_ / \_ \_ / \_ \_

CASE CAPTION:

DOCKET NO.: \_ \_ \_ \_ \_

What is your relationship to this case?

- ☐ plaintiff's attorney
- ☐ plaintiff representing yourself
- ☐ defendant's attorney
- ☐ defendant representing yourself
- ☐ 3rd party defendant's attorney
- ☐ 3rd party defendant representing yourself
- ☐ other (specify) \_\_\_\_\_

Outcome Questions

- 1) Please indicate date of disposition/settlement or verdict for this case:

\_ \_ / \_ \_ / \_ \_

- 2) Please indicate the disposition of this case:

- ☐ jury trial verdict
- ☐ bench trial verdict
- ☐ settlement - after trial ended
- ☐ settled - during trial
- ☐ settled - before trial after trial date set
- ☐ settled - before trial after final pre-trial conference date set
- ☐ settled - before trial after preliminary pre-trial conference date set
- ☐ settled - before trial after or during motion hearings
- ☐ settled - before trial and before any court appearances scheduled
- ☐ arbitrated by private provider
- ☐ mediated to agreement by private provider (AAA, ADR, Inc., etc.)
- ☐ resolved by other structured dispute resolution process (please specify) \_\_\_\_\_
- ☐ other (please specify) \_\_\_\_\_

- 3) If the case was tried to conclusion, please indicate outcome:  
☐ plaintiff's verdict ☐ defendant's verdict

(Please Turn To Back Of Page)

- 4) Please indicate the terms of the disposition of the case including dollar value as well as non-monetary provisions:

\_\_\_\_\_  
\_\_\_\_\_  
(You may also attach a copy of any settlement agreement or other document which indicates the terms of the resolution.)

Cost and Time Questions

- 5) If you are an attorney, please indicate below which activities you engaged in pertaining to this case. If you engaged in an activity, please indicate beside the activity the number of hours this activity required.

_____ interviewed client	_____ hours
_____ prepared complaint	_____ hours
_____ gathered information	_____ hours
_____ arranged medical exam	_____ hours
_____ prepared motions	_____ hours
_____ prepared interrogatories	_____ hours
_____ answered interrogatories	_____ hours
_____ took or amended depositions	_____ hours
_____ discussed settlement outside of court	_____ hours
_____ prepared for dispute resolution	_____ hours
_____ prepared for trial	_____ hours
_____ presented case at trial	_____ hours
_____ engaged in post-trial activities	_____ hours
_____ other (please specify) _____	_____ hours

Total hours:

\_\_\_\_\_ attorney hours      \_\_\_\_\_ non-attorney hours

- 6) Did either side bring any motions related to discovery?  
\_\_\_\_\_ yes      \_\_\_\_\_ no
- 7) What are your thoughts about the amount of time it took for the court to process this case from date of filing through date of disposition?
- \_\_\_\_\_ very quick with no delays  
\_\_\_\_\_ moderately quick with few delays  
\_\_\_\_\_ average  
\_\_\_\_\_ moderately slow with some delays  
\_\_\_\_\_ very slow with many delays

Process Satisfaction Questions

- 8) How do you feel about the court process in terms of the following areas?

a) overall time from filing to resolution

\_\_\_\_\_ very satisfied  
\_\_\_\_\_ satisfied  
\_\_\_\_\_ neither satisfied nor dissatisfied  
\_\_\_\_\_ dissatisfied  
\_\_\_\_\_ very dissatisfied



- b) permitted me to present the case in the manner which met my needs  
\_\_\_\_ very satisfied  
\_\_\_\_ satisfied  
\_\_\_\_ neither satisfied nor dissatisfied  
\_\_\_\_ dissatisfied  
\_\_\_\_ very dissatisfied
- c) allowed the legal issues to be addressed in a manner which met my needs  
\_\_\_\_ very satisfied  
\_\_\_\_ satisfied  
\_\_\_\_ neither satisfied nor dissatisfied  
\_\_\_\_ dissatisfied  
\_\_\_\_ very dissatisfied
- d) allowed the non-legal issues to be addressed in a manner which met my needs  
\_\_\_\_ very satisfied  
\_\_\_\_ satisfied  
\_\_\_\_ neither satisfied nor dissatisfied  
\_\_\_\_ dissatisfied  
\_\_\_\_ very dissatisfied
- e) provided the opportunity to participate in structuring the outcome of the case  
\_\_\_\_ very satisfied  
\_\_\_\_ satisfied  
\_\_\_\_ neither satisfied nor dissatisfied  
\_\_\_\_ dissatisfied  
\_\_\_\_ very dissatisfied
- f) provided a fair process  
\_\_\_\_ very satisfied  
\_\_\_\_ satisfied  
\_\_\_\_ neither satisfied nor dissatisfied  
\_\_\_\_ dissatisfied  
\_\_\_\_ very dissatisfied
- g) provided a reasonable outcome  
\_\_\_\_ very satisfied  
\_\_\_\_ satisfied  
\_\_\_\_ neither satisfied nor dissatisfied  
\_\_\_\_ dissatisfied  
\_\_\_\_ very dissatisfied
- 9) If you are an attorney, please indicate:  
a) overall, how your client feels about the outcome of this case  
\_\_\_\_ very satisfied  
\_\_\_\_ satisfied  
\_\_\_\_ neither satisfied nor dissatisfied  
\_\_\_\_ dissatisfied  
\_\_\_\_ very dissatisfied

(Please Turn To Back Of Page)

- b) overall, how your client feels about the court process  
\_\_\_\_ very satisfied  
\_\_\_\_ satisfied  
\_\_\_\_ neither satisfied nor dissatisfied  
\_\_\_\_ dissatisfied  
\_\_\_\_ very dissatisfied
- c) if this case was settled, do you believe that your client would have fared better or worse by going to trial?  
\_\_\_\_ better                      \_\_\_\_ same                      \_\_\_\_ worse
- d) if this case was tried to conclusion, do you believe that your client would have fared better or worse by settling before trial?  
\_\_\_\_ better                      \_\_\_\_ same                      \_\_\_\_ worse

The following questions are to be completed if you were referred to the Middlesex Multi-Door Courthouse for screening but did not elect to use a dispute resolution process.

- 11) What factors went into the decision to reject a dispute resolution process (check all that apply):
- \_\_\_\_ I have had bad experiences with dispute resolution processes elsewhere
  - \_\_\_\_ I am unfamiliar with dispute resolution processes and did not wish to try such a process in this case
  - \_\_\_\_ I did not believe that the issues in this case were appropriate for dispute resolution
  - \_\_\_\_ my client wanted a trial
  - \_\_\_\_ my client did not wish to participate for other reasons (please specify) \_\_\_\_\_
  - \_\_\_\_ I wanted to establish legal precedent
  - \_\_\_\_ I was interested but another party did not wish to participate
  - \_\_\_\_ a trial date had been set and I preferred to try the case
  - \_\_\_\_ discovery was not yet as far along as necessary for consideration of dispute resolution
  - \_\_\_\_ settlement negotiations were underway already and no dispute resolution process was required
  - \_\_\_\_ the cost of dispute resolution was a factor in the decision to reject this process
  - \_\_\_\_ other (please specify) \_\_\_\_\_
- 12) In retrospect, do you believe that a dispute resolution process may have been helpful or unhelpful in this case?  
\_\_\_\_ helpful                      \_\_\_\_ unsure                      \_\_\_\_ unhelpful

Thank you for your assistance.

## **APPENDIX L: CASE FILE DATA COLLECTION INSTRUMENT**

## CASE FILE DATA COLLECTION INSTRUMENT

The following information will be collected from docket books and automated data systems in the Middlesex County Superior Court Clerk's Office.

1. Docket Number \_\_\_\_\_
2. Case Caption (Name) \_\_\_\_\_ v. \_\_\_\_\_ 3rd party \_\_\_\_\_
3. Case Track  
\_\_\_\_\_ accelerated \_\_\_\_\_ fast \_\_\_\_\_ average
4. Case Type  
type \_\_\_\_\_
5. Type of Processing  
\_\_\_\_\_ Superior Court Civil Session \_\_\_\_\_ Multi-Door Courthouse
6. Date Case Filed  
\_\_\_\_/\_\_\_\_/\_\_\_\_
7. Date Answer Filed  
\_\_\_\_/\_\_\_\_/\_\_\_\_
8. Date Discovery Completed  
\_\_\_\_/\_\_\_\_/\_\_\_\_
9. Date of First Court Appearance  
\_\_\_\_/\_\_\_\_/\_\_\_\_
10. Total Number of Motions Filed  
\_\_\_\_\_
11. Total Number of Documents Filed  
\_\_\_\_\_
12. Total Number of Continuances & Extensions Requested/Granted  
requested \_\_\_\_\_ granted \_\_\_\_\_
13. Date Returned to District Court  
\_\_\_\_/\_\_\_\_/\_\_\_\_
14. Date Transferred Back to Superior Ct. (if returned to District Court)  
\_\_\_\_/\_\_\_\_/\_\_\_\_
15. Date of Settlement/Disposition  
\_\_\_\_/\_\_\_\_/\_\_\_\_
16. Nature of Disposition  
\_\_\_\_\_
17. Other Relevant Information (counsel withdrew, change in counsel, etc.)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## **APPENDIX M: DATA ANALYSIS AND MISSING VALUES**

## **DISCUSSION OF MISSING VALUES**

For all data collection instruments used for this evaluation, blanks and not applicable (N/A) responses for all questions are treated as missing values. Appropriate missing value codes were developed for each data collection instrument to be easily recognizable as a missing value when analysis was being performed. These missing value codes were specified each time Statistical Package for the Social Sciences (SPSS) software was used, and these values were excluded from all percentage calculations, mean calculations, and Student's T test analysis.

For all tables presented in the evaluation, the differences between the total number of questionnaires and data collection instruments completed (and reported at the beginning of each section) and the "Ns" reported for all respondent categories are the total missing values for the tables. The project director located at the Northeastern Regional Office of the National Center for State Courts would be pleased to answer any questions about the data analysis or explain in more detail the research methodology used and the statistical analysis performed. Lists of comments written on the questionnaires are also available on request.