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**SUFFOLK SUPERIOR COURT BUSINESS LITIGATION
SESSION PILOT PROJECT**

FINAL REPORT ON THE 2012 ATTORNEY SURVEY

December 2012

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Background on the Pilot Project

In December 2009, the Suffolk Superior Court Business Litigation Session (BLS) announced the implementation of a discovery pilot project designed to address the increasing burden and cost of civil pretrial discovery. The pilot project incorporated certain proposed principles of the March 2009 Final Report of the American College of Trial Lawyers Task Force on Discovery and the Institute for the Advancement of the American Legal System. Among these principles were: (1) limiting discovery (including electronic discovery) proportionally to the magnitude of the claims actually at issue; (2) staging discovery where possible so that potentially dispositive issues may be adjudicated first; (3) requiring all parties to produce “all reasonably available non-privileged, non-work product documents and things that may be used to support the party’s claims, counterclaims or defenses”; and (4) requiring parties to confer early and often on discovery and, especially in complex cases, to make periodic reports of these conferences to the court.

The pilot project ran for an initial one-year period starting in January 2010. It was later extended for a second consecutive calendar year, ending in December 2011.

The Pilot Project Survey

In mid-2011, the Superior Court developed a 10-question “Pilot Project Evaluation” survey, which was distributed to attorneys who had participated in the pilot program at least once since its inception. That survey drew a low rate of response. In early 2012, the Court explored administering a revised survey by electronic means. The new survey was still limited to ten questions in the hope that a small time commitment would elicit more (and better) responses. While controls were set in place to assure the quality of the data, the primary purpose of the survey was to obtain meaningful feedback on user experiences with the program.

The final survey was administered electronically via Survey Monkey. The Court contacted all attorneys with valid e-mail addresses who had participated in the pilot and asked them to complete the survey, providing an electronic link to the survey instrument. Respondents were assured that their responses were anonymous, although they were given the option of identifying themselves for follow-up with the court.

Survey Findings

Respondent demographics and experience

The survey was in the field for approximately three weeks in August-September 2012. During that time, forty-four attorneys completed at least part of the survey, representing approximately 25% of all attorneys contacted. As a group, the respondents were highly experienced civil litigators. Exactly half had at least 16 years of litigation experience, and more than 70% had at least ten years of experience. More than 85% of respondents stated that at least three-fourths of their practice was in civil litigation.

Respondents also were directly involved in the coordination of discovery in their BLS pilot cases. Nearly 60 percent of respondents stated that they had the primary responsibility for discovery in those cases, and another 35% indicated that they had shared responsibility for coordinating discovery in the relevant cases.

Attorney participation in the pilot

More than 60% of respondents indicated that they had only one case in the pilot program. No respondent had more than three cases in the pilot.

Although participation in the pilot program was voluntary, very few respondents opted out of the program when they had eligible cases. More than 70% of respondents stated that they never opted out when they had an eligible case, and another 22% stated that they opted out only once.

The primary reasons given for participating in the pilot were: (1) the desire for cost savings; (2) the desire for speedier results; (3) the desire for more streamlined and focused discovery; (4) the desire for hands-on judicial case management and more judicial attention generally; and (5) the suitability of the case.

The primary reasons given for opting out of the pilot were: (1) fear of signaling weakness or lack of resolve to the opposing side; and (2) fear of giving the opposing side an advantage by failing to engage in complete discovery.

Attorney satisfaction with the pilot

Survey questions 8 and 9 asked respondents to compare their experiences in the pilot program with their experiences in non-pilot BLS cases, and with their experiences in other (non-BLS) sessions more generally. Comparisons were recorded on a five-point scale (much better in pilot, somewhat better in pilot, little or no difference, somewhat worse in pilot, and much worse in pilot).

The pilot program fared well on nearly all key indicators in comparison to other BLS cases. Most respondents concluded that the pilot was “much better” or “somewhat better” than other BLS cases with respect to the timeliness and cost-effectiveness of discovery, the timeliness of case events, access to a judge to resolve discovery issues, and the cost-effectiveness of case resolution. As an overall assessment, 71% of respondents said that their experience with the pilot was much better or somewhat better than that of a regular BLS case.

The pilot program also fared well when compared to other (non-BLS) sessions, particularly with respect to timeliness, cost-effectiveness, and access to a judge. A full 80% of respondents said that the BLS pilot provided a much better or somewhat better overall experience than a non-BLS session.

The responses to Questions 8 and 9 were cross-tabulated against certain characteristics of the respondents, to discern any differences in perception based on respondent seniority, level of involvement in discovery planning, or number of pilot cases. The results are set out in Appendix B. While there were not dramatic differences between demographic groups, on the whole the crosstabs suggested slightly more enthusiasm for the pilot as compared to regular BLS cases (Question 8) among attorneys with more than 20 years of experience, attorneys who shared responsibility for discovery

planning, and attorneys who had more than one case in the pilot program. The crosstabs also suggested slightly more enthusiasm for the pilot as compared to non-BLS cases (Question 9) among attorneys with 11-20 years of experience, attorneys who shared responsibility for discovery planning, and attorneys who had more than one case in the pilot program.

Cautionary notes about the data

The survey data as a whole points to high levels of attorney satisfaction with the pilot program, especially in comparison to regular BLS sessions or other (non-BLS) sessions. It also suggests that attorneys were frequently willing to opt in to the program, and opted out only when they felt that their client was at a strategic disadvantage.

At the same time, it is important to keep in mind that the survey data has important limitations. While the response rate was perfectly acceptable, responses were voluntary and it is likely that those who responded were highly motivated to do so. In the same vein, those who responded to the survey may feel a stronger investment in the pilot program than a typical attorney in the BLS. This is not to suggest that anything about the survey responses is invalid or not properly reflective of the respondents' positions. Rather, it simply cautions extrapolating too far beyond the respondent base to the larger population of attorneys who use the BLS.

The complete survey data, as well as respondent comments, is contained in Appendices A and B which follow.

Appendix A: BLS pilot project survey responses (as of December 12, 2012)

Q1: How many years have you practiced law?

44 responses

<u>Years</u>	<u>Responses</u>	<u>Percent</u>
Less than 5:	6	14%
6-10	7	16%
11-15	9	21%
16-20	3	7%
More than 20	19	43%

Q2: Since 2002 or your first year of practice, what percentage of your litigation practice has been:

44 responses

Civil?

<u>Percent of practice</u>	<u>Responses</u>	<u>Percent of responses</u>
0-25% of practice	1	2%
25-50% of practice	0	0%
50-75% of practice	5	11%
75-100% of practice	38	86%

In Massachusetts state court?

<u>Percent of practice</u>	<u>Responses</u>	<u>Percent of responses</u>
0-25% of practice	3	7%
25-50% of practice	5	11%
50-75% of practice	22	50%
75-100% of practice	14	32%

In the BLS?

<u>Percent of practice</u>	<u>Responses</u>	<u>Percent of responses</u>
0-25% of practice	23	52%
25-50% of practice	20	45%
50-75% of practice	1	2%
75-100% of practice	0	0%

Q3: In approximately how many BLS cases have you appeared:

44 responses

Since January 2002?

<u>BLS cases</u>	<u>Responses</u>	<u>Percent of responses</u>
Less than 5	21	48%
6-10	15	34%
11-20	5	11%
20-50	3	7%
More than 50	0	0%

Since January 2010?

<u>BLS cases</u>	<u>Responses</u>	<u>Percent of responses</u>
Less than 5	35	80%
6-10	9	20%
11-20	0	0%
20-50	0	0%
More than 50	0	0%

Q4: In how many BLS discovery pilot project cases did you participate between January 2010 and December 2011?

38 responses

<u>Number of cases</u>	<u>Responses</u>	<u>Percent of responses</u>
1	23	61%
2	11	29%
3	4	11%
4 or more*	0	0%

Note: the original survey allowed respondents to designate 4, 5, 6, 7, 8, or "More than 8" as responses to Question 4. Each of these categories received zero responses. I have simply consolidated those categories here.

Q5: In how many BLS discovery pilot project cases did you NOT participate because:

37 responses

a) You/your client opted out

<u>Number of cases</u>	<u>Responses</u>	<u>Percent of responses</u>
0	26	70%
1	8	22%
2	3	8%
3	0	0%
4	0	0%
5	0	0%
6 or more*	0	0%

b) You were willing to participate but another party opted out

<u>Number of cases</u>	<u>Responses</u>	<u>Percent of responses</u>
0	21	57%
1	13	35%
2	1	3%
3	1	3%
4	1	3%
5	1	3%
6 or more*	0	0%

Note: the original survey allowed respondents to designate 4, 5, 6, 7, 8, or “More than 8” as responses to Question 4. Each of these categories received zero responses. I have simply consolidated those categories here.

Q6: What factors influenced the decision to participate (or not participate) in the pilot program?

The relative lack of complexity of the legal issues and the limited scope of the relevant facts.

Cost; time considerations; assisting the court in an important initiative; curiosity.

Cost savings

Possibility that opponent might succeed in concealing evidence should less than full discovery be conducted. Possibly lack of familiarity with pilot project procedures, lack of clarity whether additional conferences will provide advantage/disadvantage to one party of another, lack of clarity on whether something significant is being given up that might become clear later, possibly eagerness to avoid any signal that might be interpreted as weakness or lack or resolve by opponent.

Give court and parties greater flexibility.

To evaluate and learn.

Speed and cost.

Taking control of discovery and having an expedited process were the reasons to use the pilot program. I have also stepped on as trial counsel in non-pilot program cases, which should have been in the pilot program. Indeed, in one case, there was a discovery problem that never would have happened if the case was in the pilot program.

Pressure from the judge.

Complexity of case required broad discovery of numerous parties.

The main reason I like the BLS pilot project is that it focusses discovery efforts on issues likely to resolve the case, resulting in more efficient litigation. One downside is that doing cases in phases can drag them out over time. That has happened in some BLS cases in which I have been involved.

Seemed complicated or no one wanted to bother to try to understand the advantages.

Chance to streamline discovery.

The potential for the disposition of cases at an earlier juncture, the ability to more narrowly focus discovery and most importantly special access to the Court for motions or other matters.

Not sure.

Appeared to be a sound approach to discovery management.

Limitation on discovery costs.

The cost of discovery and the number of parties.

Expeditious discovery and to see if the program worked.

Limited discovery; close attention paid by judge.

The apparent suitability of the case for participation -- it appeared, based on the pleadings, that plaintiffs' claims raised a single dispositive issue.

Additional attention from court to discovery matters, ability to raise them with the court without the need for extensive briefing.

Preference on hearing and summary judgment, court's willingness to conference and direct a less motion practice discovery process

Perception that cases that opted in would receive timelier attention to discovery disputes without extensive briefing; the perception that my adversary would be best controlled by the pilot program (i.e., I was reasonable, they were not)

Efficiency and fatigue with the process in Superior Court.

The client's resources and the amount of potential paper discovery.

Q7: Which best describes your involvement in the discovery process in your BLS pilot project case(s)? If you had multiple cases, please choose the answer most common to your experience.

37 responses

<u>Level of discovery involvement</u>	<u>Responses</u>	<u>Percent of responses</u>
Primary responsibility	22	58%
Shared responsibility	13	34%
Very limited responsibility	1	3%
No responsibility	2	5%

Q8: Think about your experience in BLS pilot project cases as compared to your experience in other (non-pilot project) BLS cases. Please indicate your level of agreement with the following statements.

	MUCH BETTER IN PILOT	SOMEWHAT BETTER IN PILOT	LITTLE OR NO DIFFERENCE	SOMEWHAT WORSE IN PILOT	MUCH WORSE IN PILOT
Timeliness of obtaining discovery	29% (7)	42% (10)	29% (7)	0% (0)	0% (0)
Cost-effectiveness of obtaining necessary discovery	23% (6)	46% (12)	31% (8)	0% (0)	0% (0)
Absence of unnecessary burdens in producing discovery	12% (3)	56% (14)	28% (7)	4% (1)	0% (0)
Absence of unnecessary conflict over discovery	25% (6)	33% (8)	33% (8)	4% (1)	4% (1)
Access to a judge when necessary to resolve discovery disputes	24% (6)	32% (8)	36% (9)	8% (2)	0% (0)
Timeliness of case events (motion hearings, trial, etc.)	33% (8)	38% (9)	29% (7)	0% (0)	0% (0)
Timeliness of case resolution	21% (5)	38% (9)	42% (10)	0% (0)	0% (0)
Cost-effectiveness of case resolution	25% (6)	42% (10)	33% (8)	0% (0)	0% (0)
Overall satisfaction with the litigation experience	33% (8)	38% (9)	25% (6)	4% (1)	0% (0)

Note: The number of responses to Question 8 varies slightly for each sub-question. Each box shows the percentage of respondents answering, followed by the actual number of responses. Most popular responses to each question are boldfaced.

Additional comments from respondents:

This is really not a fair comparison, as my BLS cases have varied widely in complexity, and that was the determinative factor for all questions asked in number 8.

Survey questions are counter-hypothetical; not sure how it would have worked out without pilot program. Puts cases in discovery earlier (shifting costs forward), but with more reasonable scope (flattening costs and making less costly to reach ultimate finish line). Every case is different so tough to give reliable answers to survey questions.

This program is a godsend.

Access to the Judge and effectiveness of resolution were key in my BLS pilot project cases.

The cases I was involved with both settled very quickly before we went too far down the road in discovery.

Case resolved early in the discovery process, so no real opportunity to fully evaluate.

The single case in which I am involved is, to put it mildly, unusual, so it's probably not a good indicator of the effectiveness of the program.

I had only one BLS case.

Q9: Now think about your experience in BLS pilot project cases as compared to your experience in other (non-BLS) sessions of the Massachusetts court system. Please indicate your level of agreement with the following statements.

	MUCH BETTER IN PILOT	SOMEWHAT BETTER IN PILOT	LITTLE OR NO DIFFERENCE	SOMEWHAT WORSE IN PILOT	MUCH WORSE IN PILOT
Timeliness of obtaining discovery	37% (10)	41% (11)	22% (6)	0% (0)	0% (0)
Cost-effectiveness of obtaining necessary discovery	39% (10)	31% (8)	31% (8)	0% (0)	0% (0)
Absence of unnecessary burdens in producing discovery	32% (8)	40% (10)	24% (6)	4% (1)	0% (0)
Absence of unnecessary conflict over discovery	28% (7)	40% (10)	24% (6)	4% (1)	4% (1)
Access to a judge when necessary to resolve discovery disputes	63% (15)	17% (4)	17% (4)	4% (1)	0% (0)
Timeliness of case events (motion hearings, trial, etc.)	60% (15)	24% (6)	16% (4)	0% (0)	0% (0)
Timeliness of case resolution	52% (13)	24% (6)	24% (6)	0% (0)	0% (0)
Cost-effectiveness of case resolution	40% (10)	36% (9)	24% (6)	0% (0)	0% (0)
Overall satisfaction with the litigation experience	52% (13)	28% (7)	16% (4)	4% (1)	0% (0)

Note: The number of responses to Question 9 varies slightly for each sub-question. Each box shows the percentage of respondents answering, followed by the actual number of responses. Most popular responses to each question are boldfaced.

Additional comments from respondents:

The same caveat [as applied to Question 8] applies [here], however the one marked difference between all BLS and non-BLS sessions, pilot project or not, is access to a judge to resolve discovery disputes and continuity of case management.

Seeks comparison of time standards sessions with BLS sessions. BLS sessions have some inherent advantages unrelated to pilot project.

This program is a godsend.

Case resolved early in the discovery process, so no real opportunity to fully evaluate.

Discovery matters were worked out by counsel and the case settled, so not much of a basis for evaluation.

I do think in the proper case the pilot project is a great assist but it puts additional burden on the Court to get involved in what is the necessary evil and less desirable part of litigation for everyone.

Q10a: Please provide any other comments you wish on the BLS pilot project.

The pilot project is worthwhile and shows promise, particularly the greater involvement of judges in details of discovery. (Imposes reason on situations without real stigma) Ad hoc nature tends to limit clarity for participants, but best guess is that participation will continue to rise as familiarity and clarity improve. Survey is a good idea, glad to see this initiative.

I think that the pilot program should be used in all cases.

Please see comments above. Unfortunately, due to plaintiffs' multiple changes and expansion of theories, the case, which would have been ideal for the program had it proceeded as pled, went "off the rails," so to speak. So it's not, probably, a good indicator of the value of the program. Thank you!

Q10b: Attorneys indicating willingness to be contacted for followup:

I'm sorry I can't be of much help. Though I recently litigated a pilot project BLS case and non-pilot project BLS case simultaneously, the pilot project case I was involved in was relatively straight forward, and opposing counsel was professional and cooperative, whereas the non-pilot project BLS case was highly complex and contentious. It is therefore likely that the pilot project case would have proceeded more efficiently regardless of the pilot project due to the nature of the case and the attorneys involved. In general, the BLS offers greater access to a judge to resolve discovery disputes and better continuity of case management than other sessions, however, I understand that budgetary issues have placed a great amount of pressure upon BLS judges who try to continue to ensure this level of attention, which is truly unfortunate. Daniel Treger Phillips & Angley 617-367-8787 dtreger@comcast.net

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Appendix B: Crosstabulations for Questions 8 and 9

By length of experience

- 0-10 years
- 11-20 years
- More than 20 years

By level of responsibility for discovery in BLS pilot cases

- Primary responsibility
- Shared responsibility

By number of BLS pilot cases

- One BLS case
- Two or more BLS cases

0-10 years general legal experience (8 responses)

Q8: Think about your experience in BLS pilot project cases as compared to your experience in other (non-pilot project) BLS cases. Please indicate your level of agreement with the following statements.

	MUCH BETTER IN PILOT	SOMEWHAT BETTER IN PILOT	LITTLE OR NO DIFFERENCE	SOMEWHAT WORSE IN PILOT	MUCH WORSE IN PILOT
Timeliness of obtaining discovery	14% (1)	57% (4)	28% (2)	0% (0)	0% (0)
Cost-effectiveness of obtaining necessary discovery	14% (1)	57% (4)	28% (2)	0% (0)	0% (0)
Absence of unnecessary burdens in producing discovery	0% (0)	71% (5)	14% (1)	14% (1)	0% (0)
Absence of unnecessary conflict over discovery	28% (2)	28% (2)	28% (2)	0% (0)	14% (1)
Access to a judge when necessary to resolve discovery disputes	25% (2)	25% (2)	38% (3)	13% (1)	0% (0)
Timeliness of case events (motion hearings, trial, etc.)	14% (1)	57% (4)	28% (2)	0% (0)	0% (0)
Timeliness of case resolution	14% (1)	43% (3)	43% (3)	0% (0)	0% (0)
Cost-effectiveness of case resolution	14% (1)	43% (3)	43% (3)	0% (0)	0% (0)
Overall satisfaction with the litigation experience	28% (2)	43% (3)	14% (1)	14% (1)	0% (0)

Q9: Now think about your experience in BLS pilot project cases as compared to your experience in other (non-BLS) sessions of the Massachusetts court system. Please indicate your level of agreement with the following statements.

	MUCH BETTER IN PILOT	SOMEWHAT BETTER IN PILOT	LITTLE OR NO DIFFERENCE	SOMEWHAT WORSE IN PILOT	MUCH WORSE IN PILOT
Timeliness of obtaining discovery	43% (3)	28% (2)	28% (2)	0% (0)	0% (0)
Cost-effectiveness of obtaining necessary discovery	57% (4)	14% (1)	28% (2)	0% (0)	0% (0)
Absence of unnecessary burdens in producing discovery	28% (2)	43% (3)	14% (1)	14% (1)	0% (0)
Absence of unnecessary conflict over discovery	28% (2)	43% (3)	14% (1)	0% (0)	14% (1)
Access to a judge when necessary to resolve discovery disputes	57% (4)	0% (0)	28% (2)	14% (1)	0% (0)
Timeliness of case events (motion hearings, trial, etc.)	57% (4)	14% (1)	28% (2)	0% (0)	0% (0)
Timeliness of case resolution	57% (4)	14% (1)	28% (2)	0% (0)	0% (0)
Cost-effectiveness of case resolution	43% (3)	28% (2)	28% (2)	0% (0)	0% (0)
Overall satisfaction with the litigation experience	43% (3)	28% (2)	14% (1)	14% (1)	0% (0)

11-20 years general legal experience (8 responses)

Q8: Think about your experience in BLS pilot project cases as compared to your experience in other (non-pilot project) BLS cases. Please indicate your level of agreement with the following statements.

	MUCH BETTER IN PILOT	SOMEWHAT BETTER IN PILOT	LITTLE OR NO DIFFERENCE	SOMEWHAT WORSE IN PILOT	MUCH WORSE IN PILOT
Timeliness of obtaining discovery	28% (2)	28% (2)	43% (3)	0% (0)	0% (0)
Cost-effectiveness of obtaining necessary discovery	13% (1)	50% (4)	38% (3)	0% (0)	0% (0)
Absence of unnecessary burdens in producing discovery	13% (1)	38% (3)	50% (4)	0% (0)	0% (0)
Absence of unnecessary conflict over discovery	14% (1)	28% (2)	43% (3)	14% (1)	0% (0)
Access to a judge when necessary to resolve discovery disputes	28% (2)	14% (1)	43% (3)	14% (1)	0% (0)
Timeliness of case events (motion hearings, trial, etc.)	28% (2)	28% (2)	43% (3)	0% (0)	0% (0)
Timeliness of case resolution	14% (1)	28% (2)	57% (4)	0% (0)	0% (0)
Cost-effectiveness of case resolution	28% (2)	43% (3)	28% (2)	0% (0)	0% (0)
Overall satisfaction with the litigation experience	14% (1)	43% (3)	43% (3)	0% (0)	0% (0)

Q9: Now think about your experience in BLS pilot project cases as compared to your experience in other (non-BLS) sessions of the Massachusetts court system. Please indicate your level of agreement with the following statements.

	MUCH BETTER IN PILOT	SOMEWHAT BETTER IN PILOT	LITTLE OR NO DIFFERENCE	SOMEWHAT WORSE IN PILOT	MUCH WORSE IN PILOT
Timeliness of obtaining discovery	33% (2)	50% (3)	17% (1)	0% (0)	0% (0)
Cost-effectiveness of obtaining necessary discovery	33% (2)	50% (3)	17% (1)	0% (0)	0% (0)
Absence of unnecessary burdens in producing discovery	40% (2)	40% (2)	20% (1)	0% (0)	0% (0)
Absence of unnecessary conflict over discovery	40% (2)	40% (2)	20% (1)	0% (0)	0% (0)
Access to a judge when necessary to resolve discovery disputes	80% (4)	0% (0)	20% (1)	0% (0)	0% (0)
Timeliness of case events (motion hearings, trial, etc.)	80% (4)	0% (0)	20% (1)	0% (0)	0% (0)
Timeliness of case resolution	80% (4)	0% (0)	20% (1)	0% (0)	0% (0)
Cost-effectiveness of case resolution	40% (2)	40% (2)	20% (1)	0% (0)	0% (0)
Overall satisfaction with the litigation experience	60% (3)	20% (1)	20% (1)	0% (0)	0% (0)

More than 20 years general legal experience (11 responses)

Q8: Think about your experience in BLS pilot project cases as compared to your experience in other (non-pilot project) BLS cases. Please indicate your level of agreement with the following statements.

	MUCH BETTER IN PILOT	SOMEWHAT BETTER IN PILOT	LITTLE OR NO DIFFERENCE	SOMEWHAT WORSE IN PILOT	MUCH WORSE IN PILOT
Timeliness of obtaining discovery	40% (4)	40% (4)	20% (2)	0% (0)	0% (0)
Cost-effectiveness of obtaining necessary discovery	40% (4)	40% (4)	20% (2)	0% (0)	0% (0)
Absence of unnecessary burdens in producing discovery	22% (2)	56% (5)	22% (2)	0% (0)	0% (0)
Absence of unnecessary conflict over discovery	33% (3)	33% (3)	33% (3)	0% (0)	0% (0)
Access to a judge when necessary to resolve discovery disputes	20% (2)	50% (5)	30% (3)	0% (0)	0% (0)
Timeliness of case events (motion hearings, trial, etc.)	50% (5)	30% (3)	20% (2)	0% (0)	0% (0)
Timeliness of case resolution	30% (3)	40% (4)	30% (3)	0% (0)	0% (0)
Cost-effectiveness of case resolution	30% (3)	40% (4)	30% (3)	0% (0)	0% (0)
Overall satisfaction with the litigation experience	50% (5)	30% (3)	20% (2)	0% (0)	0% (0)

Q9: Now think about your experience in BLS pilot project cases as compared to your experience in other (non-BLS) sessions of the Massachusetts court system. Please indicate your level of agreement with the following statements.

	MUCH BETTER IN PILOT	SOMEWHAT BETTER IN PILOT	LITTLE OR NO DIFFERENCE	SOMEWHAT WORSE IN PILOT	MUCH WORSE IN PILOT
Timeliness of obtaining discovery	40% (4)	50% (5)	10% (1)	0% (0)	0% (0)
Cost-effectiveness of obtaining necessary discovery	30% (3)	40% (4)	30% (3)	0% (0)	0% (0)
Absence of unnecessary burdens in producing discovery	30% (3)	50% (5)	20% (2)	0% (0)	0% (0)
Absence of unnecessary conflict over discovery	20% (2)	50% (5)	30% (3)	0% (0)	0% (0)
Access to a judge when necessary to resolve discovery disputes	56% (5)	33% (3)	11% (1)	0% (0)	0% (0)
Timeliness of case events (motion hearings, trial, etc.)	50% (5)	40% (4)	10% (1)	0% (0)	0% (0)
Timeliness of case resolution	30% (3)	40% (4)	30% (3)	0% (0)	0% (0)
Cost-effectiveness of case resolution	30% (3)	40% (4)	30% (3)	0% (0)	0% (0)
Overall satisfaction with the litigation experience	50% (5)	30% (3)	20% (2)	0% (0)	0% (0)

Primary responsibility for discovery in BLS pilot case(s) (18 responses)

Q8: Think about your experience in BLS pilot project cases as compared to your experience in other (non-pilot project) BLS cases. Please indicate your level of agreement with the following statements.

	MUCH BETTER IN PILOT	SOMEWHAT BETTER IN PILOT	LITTLE OR NO DIFFERENCE	SOMEWHAT WORSE IN PILOT	MUCH WORSE IN PILOT
Timeliness of obtaining discovery	33% (5)	27% (4)	40% (6)	0% (0)	0% (0)
Cost-effectiveness of obtaining necessary discovery	25% (4)	44% (7)	31% (5)	0% (0)	0% (0)
Absence of unnecessary burdens in producing discovery	19% (3)	44% (7)	31% (5)	6% (1)	0% (0)
Absence of unnecessary conflict over discovery	27% (4)	33% (5)	33% (5)	0% (0)	7% (1)
Access to a judge when necessary to resolve discovery disputes	13% (2)	31% (5)	44% (7)	13% (2)	0% (0)
Timeliness of case events (motion hearings, trial, etc.)	27% (4)	33% (5)	40% (6)	0% (0)	0% (0)
Timeliness of case resolution	13% (2)	33% (5)	53% (8)	0% (0)	0% (0)
Cost-effectiveness of case resolution	20% (3)	40% (6)	40% (6)	0% (0)	0% (0)
Overall satisfaction with the litigation experience	20% (3)	40% (6)	33% (5)	7%(1)	0% (0)

Q9: Now think about your experience in BLS pilot project cases as compared to your experience in other (non-BLS) sessions of the Massachusetts court system. Please indicate your level of agreement with the following statements.

	MUCH BETTER IN PILOT	SOMEWHAT BETTER IN PILOT	LITTLE OR NO DIFFERENCE	SOMEWHAT WORSE IN PILOT	MUCH WORSE IN PILOT
Timeliness of obtaining discovery	28% (5)	50% (9)	22% (4)	0% (0)	0% (0)
Cost-effectiveness of obtaining necessary discovery	28% (5)	39% (7)	33% (6)	0% (0)	0% (0)
Absence of unnecessary burdens in producing discovery	40% (6)	40% (6)	27% (4)	7% (1)	0% (0)
Absence of unnecessary conflict over discovery	29% (5)	41% (7)	24% (4)	0% (0)	6% (1)
Access to a judge when necessary to resolve discovery disputes	63% (10)	19% (3)	13% (2)	6% (1)	0% (0)
Timeliness of case events (motion hearings, trial, etc.)	53% (9)	29% (5)	18% (3)	0% (0)	0% (0)
Timeliness of case resolution	47% (8)	24% (4)	29% (5)	0% (0)	0% (0)
Cost-effectiveness of case resolution	35% (6)	35% (6)	29% (5)	0% (0)	0% (0)
Overall satisfaction with the litigation experience	47% (8)	29% (5)	18% (3)	6% (1)	0% (0)

Shared responsibility for discovery in BLS pilot case(s) (9 responses)

Q8: Think about your experience in BLS pilot project cases as compared to your experience in other (non-pilot project) BLS cases. Please indicate your level of agreement with the following statements.

	MUCH BETTER IN PILOT	SOMEWHAT BETTER IN PILOT	LITTLE OR NO DIFFERENCE	SOMEWHAT WORSE IN PILOT	MUCH WORSE IN PILOT
Timeliness of obtaining discovery	22% (2)	67% (6)	11% (1)	0% (0)	0% (0)
Cost-effectiveness of obtaining necessary discovery	22% (2)	56% (5)	22% (2)	0% (0)	0% (0)
Absence of unnecessary burdens in producing discovery	0% (0)	78% (7)	22% (2)	0% (0)	0% (0)
Absence of unnecessary conflict over discovery	22% (2)	33% (3)	33% (3)	11% (1)	0% (0)
Access to a judge when necessary to resolve discovery disputes	44% (4)	33% (3)	22% (2)	0% (0)	0% (0)
Timeliness of case events (motion hearings, trial, etc.)	44% (4)	44% (4)	11% (1)	0% (0)	0% (0)
Timeliness of case resolution	33% (3)	44% (4)	22% (2)	0% (0)	0% (0)
Cost-effectiveness of case resolution	33% (3)	44% (4)	22% (2)	0% (0)	0% (0)
Overall satisfaction with the litigation experience	56% (5)	33% (3)	11% (1)	0% (0)	0% (0)

Q9: Now think about your experience in BLS pilot project cases as compared to your experience in other (non-BLS) sessions of the Massachusetts court system. Please indicate your level of agreement with the following statements.

	MUCH BETTER IN PILOT	SOMEWHAT BETTER IN PILOT	LITTLE OR NO DIFFERENCE	SOMEWHAT WORSE IN PILOT	MUCH WORSE IN PILOT
Timeliness of obtaining discovery	63% (5)	25% (2)	13% (1)	0% (0)	0% (0)
Cost-effectiveness of obtaining necessary discovery	63% (5)	13% (1)	25% (1)	0% (0)	0% (0)
Absence of unnecessary burdens in producing discovery	25% (2)	50% (4)	25% (2)	0% (0)	0% (0)
Absence of unnecessary conflict over discovery	25% (2)	38% (3)	25% (2)	13% (1)	0% (0)
Access to a judge when necessary to resolve discovery disputes	63% (5)	13% (1)	25% (2)	0% (0)	0% (0)
Timeliness of case events (motion hearings, trial, etc.)	75% (6)	13% (1)	75% (1)	0% (0)	0% (0)
Timeliness of case resolution	63% (5)	25% (2)	13% (1)	0% (0)	0% (0)
Cost-effectiveness of case resolution	50% (4)	38% (3)	13% (1)	0% (0)	0% (0)
Overall satisfaction with the litigation experience	63% (5)	25% (2)	13% (1)	0% (0)	0% (0)

One BLS pilot case (15 responses)

Q8: Think about your experience in BLS pilot project cases as compared to your experience in other (non-pilot project) BLS cases. Please indicate your level of agreement with the following statements.

	MUCH BETTER IN PILOT	SOMEWHAT BETTER IN PILOT	LITTLE OR NO DIFFERENCE	SOMEWHAT WORSE IN PILOT	MUCH WORSE IN PILOT
Timeliness of obtaining discovery	36% (5)	36% (5)	29% (4)	0% (0)	0% (0)
Cost-effectiveness of obtaining necessary discovery	29% (4)	36% (5)	36% (5)	0% (0)	0% (0)
Absence of unnecessary burdens in producing discovery	14% (2)	50% (7)	36% (5)	0% (0)	0% (0)
Absence of unnecessary conflict over discovery	21% (3)	43% (6)	29% (4)	7% (1)	0% (0)
Access to a judge when necessary to resolve discovery disputes	14% (2)	29% (4)	50% (7)	7% (1)	0% (0)
Timeliness of case events (motion hearings, trial, etc.)	29% (4)	43% (6)	29% (4)	0% (0)	0% (0)
Timeliness of case resolution	21% (3)	43% (6)	36% (5)	0% (0)	0% (0)
Cost-effectiveness of case resolution	29% (4)	29% (4)	43% (6)	0% (0)	0% (0)
Overall satisfaction with the litigation experience	21% (3)	50% (7)	29% (4)	0% (0)	0% (0)

Q9: Now think about your experience in BLS pilot project cases as compared to your experience in other (non-BLS) sessions of the Massachusetts court system. Please indicate your level of agreement with the following statements.

	MUCH BETTER IN PILOT	SOMEWHAT BETTER IN PILOT	LITTLE OR NO DIFFERENCE	SOMEWHAT WORSE IN PILOT	MUCH WORSE IN PILOT
Timeliness of obtaining discovery	36% (5)	36% (5)	29% (4)	0% (0)	0% (0)
Cost-effectiveness of obtaining necessary discovery	43% (6)	21% (3)	36% (5)	0% (0)	0% (0)
Absence of unnecessary burdens in producing discovery	29% (4)	36% (5)	36% (5)	0% (0)	0% (0)
Absence of unnecessary conflict over discovery	29% (4)	36% (5)	29% (4)	7% (1)	0% (0)
Access to a judge when necessary to resolve discovery disputes	54% (7)	15% (2)	31% (4)	0% (0)	0% (0)
Timeliness of case events (motion hearings, trial, etc.)	50% (7)	29% (4)	21% (3)	0% (0)	0% (0)
Timeliness of case resolution	50% (7)	21% (3)	29% (4)	0% (0)	0% (0)
Cost-effectiveness of case resolution	36% (5)	36% (5)	29% (4)	0% (0)	0% (0)
Overall satisfaction with the litigation experience	50% (7)	29% (4)	21% (3)	0% (0)	0% (0)

Two or more BLS pilot cases (12 responses)

Q8: Think about your experience in BLS pilot project cases as compared to your experience in other (non-pilot project) BLS cases. Please indicate your level of agreement with the following statements.

	MUCH BETTER IN PILOT	SOMEWHAT BETTER IN PILOT	LITTLE OR NO DIFFERENCE	SOMEWHAT WORSE IN PILOT	MUCH WORSE IN PILOT
Timeliness of obtaining discovery	20% (2)	50% (5)	30% (3)	0% (0)	0% (0)
Cost-effectiveness of obtaining necessary discovery	18% (2)	64% (7)	18% (2)	0% (0)	0% (0)
Absence of unnecessary burdens in producing discovery	9% (1)	64% (7)	18% (2)	9% (1)	0% (0)
Absence of unnecessary conflict over discovery	30% (3)	20% (2)	40% (4)	0% (0)	10% (1)
Access to a judge when necessary to resolve discovery disputes	36% (4)	36% (4)	18% (2)	9% (1)	0% (0)
Timeliness of case events (motion hearings, trial, etc.)	40% (4)	30% (3)	30% (3)	0% (0)	0% (0)
Timeliness of case resolution	20% (2)	30% (3)	50% (5)	0% (0)	0% (0)
Cost-effectiveness of case resolution	22% (2)	56% (5)	22% (2)	0% (0)	0% (0)
Overall satisfaction with the litigation experience	50% (5)	20% (2)	20% (2)	10% (1)	0% (0)

Q9: Now think about your experience in BLS pilot project cases as compared to your experience in other (non-BLS) sessions of the Massachusetts court system. Please indicate your level of agreement with the following statements.

	MUCH BETTER IN PILOT	SOMEWHAT BETTER IN PILOT	LITTLE OR NO DIFFERENCE	SOMEWHAT WORSE IN PILOT	MUCH WORSE IN PILOT
Timeliness of obtaining discovery	42% (5)	50% (6)	8% (1)	0% (0)	0% (0)
Cost-effectiveness of obtaining necessary discovery	33% (4)	42% (5)	25% (3)	0% (0)	0% (0)
Absence of unnecessary burdens in producing discovery	36% (4)	45% (5)	9% (1)	9% (1)	0% (0)
Absence of unnecessary conflict over discovery	27% (3)	45% (5)	18% (2)	0% (0)	9% (1)
Access to a judge when necessary to resolve discovery disputes	73% (8)	18% (2)	0% (0)	9% (1)	0% (0)
Timeliness of case events (motion hearings, trial, etc.)	73% (8)	18% (2)	9% (1)	0% (0)	0% (0)
Timeliness of case resolution	54% (6)	27% (3)	18% (2)	0% (0)	0% (0)
Cost-effectiveness of case resolution	45% (5)	36% (4)	18% (2)	0% (0)	0% (0)
Overall satisfaction with the litigation experience	54% (6)	27% (3)	9% (1)	9% (1)	0% (0)

