REPORT APPENDICES:
Momentum for Change: Final Report on the Colorado Civil Access Pilot Project for Business Actions

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Appendix 1: Pilot Project Materials

SUPREME COURT OF COLORADO
OFFICE OF THE CHIEF JUSTICE

ADOPTING PILOT RULES FOR CERTAIN DISTRICT COURT CIVIL CASES

Whereas, the Court desires to study whether adopting certain rules regarding the control of the discovery process reduces the expense of civil litigation in certain business actions, and

Whereas, the Court has determined that the pilot project requires the use of modified rules of Civil Procedure concerning the pleading, discovery and trial management of certain cases; and

Whereas, the Court carefully considered the adoption of the pilot rules by:
- Publishing the proposal from the Colorado Pilot Project Committee (Committee);
- Inviting public comment about the proposal from the Committee;
- Holding a public hearing on January 19, 2011, concerning the Committee's proposal;
- Allowing and encouraging additional comment and suggestions to be made to the Court regarding the scope of the pilot project and the rules to be adopted;
- Narrowing the scope of the pilot to include business cases; and
- Redrafting rules to reflect the goals of the pilot to identify and narrow disputed issues at the earliest stage of litigation; require active ongoing case management by a single judge; and seek to keep litigation costs proportionate to the issues being litigated;

Whereas, on June 26, 2013, the Court extended the period of the pilot for an additional year through December 31, 2014, to provide the court with more data and a detailed evaluation of the pilot.

Whereas, the Court has now determined that extending the period of the pilot for an additional six months will provide the court with more data and a detailed evaluation. Extending the pilot for an additional six months will eliminate confusion, give the court time to determine whether the rules as piloted achieved the stated goals, and consider what, if any, changes to the Colorado Rules of Civil Procedure should be proposed or adopted prior to the end of the original pilot project.

Now therefore, the Court orders the attached rules adopted for use in the designated cases in the First (Jefferson and Gilpin Counties), Second (Denver County), Seventeenth (Adams County only), and Eighteenth (Arapahoe County only) Districts. The cases to which the rules apply are described in Amended Appendix A to the rules appended to this Directive.

These rules are effective January 1, 2012 and shall be applied to cases filed on or after that date. The pilot project shall apply to all applicable cases filed in the pilot districts up to June 30, 2015, or until further order of the court.

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The effect of the pilot will be studied by the Institute for the Advancement of the American Legal System (IAALS) working at the request of the Court. IAALS will issue a report on the effect of the pilot project upon the conclusion of the evaluation.

Done at Denver, Colorado this __11th__ day of July, 2014.

_____/s/_____
Nancy E. Rice, Chief Justice

Civil Access Pilot Project

Applicable to Business
Actions in District Court

January, 2012

Civil Access Pilot Project
Applicable to Business Actions in District Court

Pilot Project Rule 1—Scope

1.1. These Rules ("PPR") govern all pretrial process in all actions filed after January 1, 2012 that are part of the pilot project. They will be applied only to business actions as defined in Appendix A. Inclusion in the pilot project will be determined based on the contents of the complaint at the commencement of the action.

1.2. The PPR are not meant to be a complete set of rules. The Colorado Rules of Civil Procedure ("CRCP") will govern except to the extent that there is an inconsistency, in which case the PPR will take precedence.

1.3. At all times, the court and the parties shall address the action in ways designed to assure that the process and the costs are proportionate to the needs of the case. The proportionality factors include, for example and without limitation: amount in controversy, and complexity and importance of the issues at stake in the litigation. This proportionality rule is fully applicable to all discovery, including the discovery of electronically stored information. This proportionality rule shall shape the process of the case in order to achieve a just, timely, efficient and cost effective determination of all actions.

1.4. Continuances and extensions are strongly disfavored. Absent extraordinary circumstances, motions for continuances or extensions will be denied by the court upon receipt and without waiting for a response. Stipulated motions by the parties to continue or extend are not binding on the court and parties should assume the motion will be denied.

Pilot Project Rule 2—Pleadings—Form and Content

2.1. The intent of PPR 2 is to utilize the pleadings to identify and narrow the disputed issues at the earliest stages of litigation and thereby focus the discovery.

2.2. The party that bears the burden of proof with respect to any claim or affirmative defense should plead all material facts that are known to that party that support that claim or affirmative defense and each remedy sought, including any known monetary damages.

2.3. Any statement of fact that is not denied with specificity in any responsive pleading is deemed admitted. General denials of any statement of fact are not permitted and a denial that is based on the lack of knowledge or information shall be so pleaded.

Pilot Project Rule 3—Pleadings and Initial Disclosures

3.1. No later than 21 days after service of a pleading making a claim for relief, the pleading party shall file with the court a statement listing all persons with information related to the claims and a brief description of the information each such individual is believed to possess, whether the information is supportive or harmful. The statement shall also include a certification that the party has available for inspection and copying all reasonably available documents and things

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related to the claims, along with a description by category and subject area of the documents and things being disclosed, whether they are supportive or harmful.

3.2. The due date for filing the answer and all other responsive pleadings shall be 21 days following the filing of the statement required by PPR 3.1.

3.3. No later than 21 days after service of a pleading defending against a claim for relief, the pleading party shall file with the court a statement listing all persons with information related to the claims for relief and the defenses asserted and a brief description of the information each such individual is believed to possess, whether the information is supportive or harmful. The statement shall also include a certification that the party has available for inspection and copying all reasonably available documents and things related to the claims and defenses, along with a description by category and subject area of the documents and things being disclosed, whether they are supportive or harmful.

3.4. Parties shall make these disclosures in good faith and may not object to the adequacy of the disclosures until the initial case management conference pursuant to PPR 7.1, at which time they may raise those issues.

3.5. When a party withholds information by asserting that the information is privileged or subject to some other protection, the party shall make the assertion expressly and shall provide a privilege log that describes the nature of the documents, communications, or things not produced or disclosed in a manner which, without revealing information itself privileged or protected, will enable other parties to assess the applicability of the privilege or protection. The privilege log shall be provided at the same time as the initial disclosures required by PPR 3 are filed.

3.6. Each party has an ongoing duty to supplement the initial disclosures promptly upon becoming aware of the supplemental information.

3.7. Unless the court makes a specific determination that failure to disclose in a timely and complete manner was justified under the circumstances or harmless, such failure shall result in one or more of the following:

   (a) a denial of the right to use the information not disclosed for any purpose;

   (b) a denial of the right to object to the admissibility of the evidence;

   (c) a dismissal of all or part of any claim or defense;

   (d) assessment of attorney fees and costs; and

   (e) any other sanction the court deems appropriate.

3.8. Parties may not stipulate to extend any of the deadlines set forth in this Rule 3. The court shall address any motions for extension immediately, without waiting for a response; and shall deny them absent extraordinary circumstances.

Pilot Project Rule 4—Motion to Dismiss

4.1. The filing of a motion to dismiss shall not eliminate the need to also file an answer. Unless otherwise prohibited by statute, the filing of a motion to dismiss shall not disrupt or interfere with the pleading and disclosure requirements of PPR 3 and the scheduling of the initial case management conference under PPR 7.

Pilot Project Rule 5—Single Judge

5.1. Upon the filing of a complaint, a judge will be assigned to the case for all purposes, and, absent unavoidable or extraordinary circumstances, that judge will remain assigned to the case until final resolution, including any post-trial proceedings. It is expected that the judge to whom the case is assigned will handle all pretrial matters and will try the case.

Pilot Project Rule 6—Preservation of Relevant Documents and Things

6.1. Within 14 days after the filing of an answer, the parties shall meet and confer concerning reasonable preservation of all relevant documents and things, including any electronically stored information. In the absence of an agreement, any party may move for an order governing preservation of such documents and things. The response to such motion shall be filed within 7 days. The court promptly shall enter an order governing preservation of such documents and things.

6.2. Unless directed otherwise by an order of the court, the cost of preserving, collecting and producing electronically stored information shall be borne by the producing party. The court may shift any or all costs associated with the preservation, collection and production of electronically stored information as the interests of justice and proportionality so require.

Pilot Project Rule 7—Case Management Conferences

7.1. Unless requested sooner by any party, the judge to whom the case has been assigned shall hold an initial case management conference no later than 49 days after the answer and responsive pleadings are filed pursuant to PPR 3.2. Each party's lead trial counsel shall attend this conference. At least seven days before the conference, the parties shall submit a joint report setting forth their agreement or their respective positions on matters set forth in the form contained in Appendix B.

7.2. As soon as possible after the initial case management conference, the judge shall issue an initial case management order with respect to each of the matters set forth in the form contained in Appendix B. In determining whether to permit or exclude discovery and pretrial motions, the court shall apply the proportionality factors set forth in PPR 1.3. Modifications to the initial case management order may be made only upon a showing of good cause.

7.3. The number and subject areas of expert testimony, and the dates for production of expert reports and files, shall be set forth in the initial case management order. There shall be no continuances of the trial date solely based on a failure to complete expert disclosures within the deadlines set forth in the case management order.

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Pilot Project Rule 8—Ongoing Active Case Management

8.1. The court shall provide active case management from filing to resolution on all pending issues.

8.2. The parties may contact the court clerk by telephone, or as otherwise directed by the court, to arrange for prompt conferences for clarification, modification or supplementation of any of the court's outstanding orders, or for resolving disputes regarding any pretrial matter.

8.3. The court may hold additional status conferences on its own motion.

8.4. A conference may be held in person or by telephone or videoconference, at the court's discretion.

8.5. The trial date shall be set in the initial case management order, and shall not be changed absent extraordinary circumstances.

Pilot Project Rule 9—Discovery

9.1. Discovery shall be limited to matters that would enable a party to prove or disprove a claim or defense or to impeach a witness and shall comport with the factors of proportionality in PPR 1.3.

9.2. Discovery shall be limited in accordance with the initial case management order. No other discovery will be permitted absent further court order based on a showing of good cause and proportionality.

Pilot Project Rule 10—Expert Discovery

10.1(a) In accordance with the case management order, each retained expert and any party or representative of a party who is testifying in part as an expert, shall furnish a report (in the form of the expert report set forth in Appendix C) signed by the expert, with each paragraph initialed by the expert, setting forth his or her opinions, and the reasons for them. Each expert witness report shall, at a minimum, contain:

1. a specific statement of the opinions by the expert and the facts and other information which form the basis for each opinion;

2. a listing of all of the material relied upon by the expert;

3. references to literature which may be used during the witness' testimony;

4. any then-existing exhibit prepared by or specifically for the expert for use at trial;

5. the witness' curriculum vitae including a list of publications over the last 10 years;

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6. a list of all trial or deposition testimony given by the witness in the last four years;

7. an accounting of all time spent on the case; and

8. a fee schedule.

(b) The substance of each expert's direct testimony shall be fully addressed in the expert's report. Experts shall be limited to testifying on direct examination about matters disclosed in reasonable detail in their written reports.

(c) The parties shall obtain and voluntarily produce to all other counsel the files of their retained expert witnesses at the time the witness is disclosed. The expert has a continuing duty to make supplemental disclosures of new information and material obtained subsequent to the expert's production of his/her file. The court shall determine what, if any, portion of the supplemental information may be used at trial. See Appendix C for a complete list of what the expert's file shall include. Drafts of the expert report prepared by the expert are not required to be produced.

(d) There shall be no depositions or other discovery of experts.

10.2. Except in extraordinary cases, only one expert witness per side may be permitted to submit a report and testify in any given specialty or with respect to any given issue.

10.3. If any retained expert becomes unavailable to testify at trial, the court, upon good cause shown, should liberally grant a request for substitution by an equivalent expert. Any substituted expert remains subject to all requirements of PPR 10.

Pilot Project Rule 11—Costs and Sanctions

11.1. In addition to the sanctions set forth in PPR 3.7, the court may impose sanctions as appropriate for any failure to timely or completely comply with these PPR's.

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Amended Appendix A

AMENDED APPENDIX A:
Actions in the Colorado Civil Access Pilot Project

The case types listed in Section I are included in the Pilot Project; Section II contains specific exclusions from the Pilot Project.

I. INCLUDED ACTIONS

Business Actions. The district court should handle the following types of actions under the Pilot Project Rules for business actions, whether the relief requested is legal or equitable. Pilot project business actions are not limited to "business v. business," but also include "business v. individual" and "individual v. individual" business cases.

(a) Breach of contract actions;

(b) Business tort actions (e.g., unfair competition, fiduciary duty, fraud, misrepresentation);

(c) Actions for statutory and/or common law violations where the breach or violation is alleged to arise out of business dealings (e.g., sales of assets or securities; corporate restructuring; partnership, shareholder, joint venture, or other business agreements);

(d) Actions involving transactions governed by the Uniform Commercial Code;

(e) Actions involving commercial real property;

(f) Owner/investor derivative actions brought on behalf of business organizations;

(g) Actions involving business transactions with commercial banks or other financial institutions;

(h) Actions involving the internal affairs of business organizations;

(i) Actions involving insurance coverage, including directors and officers, errors and omissions, business interruption, environmental, or bad faith;

(j) Actions involving dissolution of corporations, partnerships, limited liability companies, limited liability partnerships or joint ventures;

(k) Private actions for securities fraud under C.R.S. § 11-51-501, et seq., and the common law;

(l) Private antitrust actions brought under the Unfair Practices Act (C.R.S. § 6-2-101, et seq.) or the Colorado Antitrust Act of 1992 (C.R.S. § 6-4-101, et seq.);

(m) Actions involving intellectual property, including state trademark laws;

(n) Professional malpractice actions, excluding those actions listed in Section II(h) below;

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(o) Products liability actions.

As used herein, the term "business organization" includes all forms of entities recognized by Colorado law, and applies to single owner or member entities, for profit and nonprofit entities, unincorporated associations, and sole proprietorships.

As used herein, the term "financial institution" includes any bank, savings and loan association, state or federal savings bank, bank holding company, thrift holding company, industrial bank, credit union, mortgage or finance company, credit card company, or collection agency.

II. EXCLUDED ACTIONS

The following types of actions are not subject to the Pilot Project Rules:

(a) Actions solely for the payment of rent on real property;

(b) Colorado Rule of Civil Procedure 120 proceedings;

(c) Isolated motions for the appointment of a receiver that are not part of or attached to a civil complaint stating additional claims;

(d) Actions brought by commercial banks or other financial institutions solely for the collection of debt;

(e) Employment actions arising out of existing or former employment relationships, unless the dispute concerns claims of breach of non-compete covenants or theft of trade secrets;

(f) Actions involving construction defect claims;

(g) Actions subject to the Colorado Governmental Immunity Act;

(h) Medical negligence actions alleging a breach of the standard of care by a health care provider and which are covered under the Colorado Health Care Availability Act (C.R.S. §§13-64-101 to 503);

(i) Actions alleging negligence for physical injuries to one or more individual(s);

(j) Replevin actions under Colorado Rule of Civil Procedure 104;

(k) Administrative agency actions and proceedings, such as those involving the securities commissioner or the insurance commissioner;

(l) Actions involving a statute or rule that contains distinct time frames for the proceedings;

(m) Post-judgment proceedings in aid of satisfaction of a judgment.

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FORM FOR INITIAL CASE MANAGEMENT CONFERENCE JOINT REPORT OF THE PARTIES

APPENDIX B:
Form for Initial Case Management Conference Joint Report of the Parties

District Court _____County, Colorado Court Address: Plaintiff(s): _____, v. Defendant(s): _____,	
	COURT USE ONLY
Attorney or Party Without Attorney (Name and Address): Phone Number: E-mail: FAX Number: Atty. Reg. #:	Case Number: Division Courtroom
INITIAL CASE MANAGEMENT CONFERENCE JOINT REPORT OF THE PARTIES	

Pursuant to Colorado Pilot Project Rule (PPR) 7.1, the parties should discuss each item below. If they agree, the agreement should be stated. If they cannot agree, each party should state its position. If an item does not apply, it should be identified as not applicable. This form shall be submitted to the court in editable format.

1. **Date for joinder of additional parties:** _____

2. **Amending or supplementing pleadings:** _____

3. **Non-parties at fault:** _____

4. **The timing of mediation or other alternative dispute resolution:** _____

5. **Dispositive motions:** _____

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6. The issues to be tried: _____
    _____
    _____
    _____

7. An assessment of the application to the case of the proportionality factors in PPR
    1.3: _____
    _____
    _____
    _____

8. Production, continued preservation, and restoration of electronically stored
    information, including the form in which electronically stored information is to be
    produced and other issues relating to electronic information, including the costs:
    _____
    _____
    _____
    _____

9. Proposed discovery and limitations on discovery, consistent with the proportionality
    factors in PPR 1.3. Counsel will be required to represent to the Court at the
    conference that they have discussed the costs of the proposed discovery with their
    clients, or state to the court why they have not done so.

    a. adequacy of the initial disclosures: _____

    b. limitations on scope of discovery: _____

    c. limitations on the types of discovery: _____

    d. limitations on the number of written discovery requests: _____

    e. limitations on the number and length of depositions, and/or the total time of
        depositions allowed to each party: _____

    f. limitations on persons from whom discovery can be sought: _____

    g. limitations on the restoration of electronically stored information: _____

    h. cost shifting/co-pay rules, including the allocation of costs of the access to and
        production of electronically stored information: _____

    i. any other cost issues: _____

10. Proposed dates for:

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    a.   commencement of fact discovery: _____

    b.   completion of fact discovery: _____

    c.   disclosure of trial witnesses: _____

    d.   exchange of all trial exhibits: _____

    e.   exchange of all demonstrative exhibits: _____

11. **The amount of time required for the completion of all pretrial activities and the approximate length of trial:** _____

12. **Proposed date for trial:** _____

13. **Expert witnesses:** _____

14. **Proposed dates for:**

    a.   production of expert reports: _____
        i. Plaintiff:_____
        ii. Defendant:_____

    b.   production of rebuttal expert reports: _____

    c.   production of expert witness files: _____

15. **Limitations on experts' fees to be taxed as costs:** _____

16. **Computation of damages and the nature and timing of discovery relating to damages:** _____

17. **Other appropriate matters:** _____
_____
_____
_____
_____
_____

    DATED this ____ day of _____, 20____.

[signature block]   [signature block]

_____   _____
[Attorney for Plaintiff]   [Attorney for Defendant]

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Form for Disclosure of Expert Witnesses

APPENDIX C:
Form for Disclosure of Expert Witness(es)

District Court _____County, Colorado Court Address: 	
Plaintiff(s): _____, v. Defendant(s): _____,	**COURT USE ONLY**
Attorney or Party Without Attorney (Name and Address): Phone Number: E-mail: FAX Number: Atty. Reg. #:	Case Number: Division Courtroom
___[NAME OF PARTY]___ **DISCLOSURE OF EXPERT WITNESS[ES]**	

    ___[NAME OF PARTY]___, by counsel, pursuant to Colorado Rule of Civil Procedure ("CRCP") 26(a)(2), hereby discloses persons who may present evidence at trial pursuant to Colorado Rules of Evidence 702, 703, or 705:

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I. WITNESS[ES] RETAINED OR EMPLOYEE[S] OF DISCLOSING PARTY.

The following person[s] have either (1) been retained or employed to provide expert testimony, or (2) are employees of the disclosing party whose duties regularly include giving expert testimony and for each such expert the following information is submitted:

A.   **NAME, PROFESSIONAL ADDRESS, AND TELEPHONE NUMBER OF EXPERT.**

B.   **A REPORT WHICH SHALL CONTAIN THE FOLLOWING:**

   1.   **A Specific Statement Of The Opinions By The Expert And The Facts And Other Information Specifically Relating To And Forming The Basis For Each Opinion:**

   2.   **A Listing Of All Of The Material Relied Upon By The Expert:**

   3.   **References To Literature Which May Be Used During The Witness Testimony:**

   4.   **Any Existing Exhibit Prepared By Or Specifically For The Expert For Use At Trial; Any Additional Exhibits To Be Used At Trial Shall Be Disclosed Consistent With The Deadlines Set Forth In The Case Management Order At 10(d) And (e):**

   5.   **Witness' Curriculum Vitae, Including A List Of Publications Over The Last 10 Years:**

   6.   **A List Of All Trial Or Deposition Testimony Given By The Witness In The Last Four Years:**

Name of Case	Court	Case Number	Retained By	Date	D/T

   7.   **Accounting Of All Time Spent On The Case:**

   8.   **A Fee Schedule:**

   9.   **A Certification That This Expert Has:**

   [ ] prepared or reviewed the report,
   [ ] signed the report and,
   [ ] initialed each paragraph of the report.

   [Attach report hereto as an exhibit.]

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C.   **CERTIFICATION THAT THE FILE FOR THE EXPERT HAS BEEN PRODUCED**

Except to the extent information or materials are protected under the Colorado Rule of Civil Procedure 26(b)(5), the term "File" includes exhibits which the expert may use at trial, e-mails, notes of any kind, billing documentation, time logs, correspondence, literature references which the expert reviewed or relied upon as the basis of his opinion, and all reports or memos describing the experts opinions related to this litigation. The materials produced should also include copies of any chronologies, outlines, summaries or similar materials provided by counsel or created by the expert in either written or electronic form.

Materials common to both parties (depositions, pleadings, voluminous documents supplied by the opposing party) need not be produced if they are included in the *Listing Of All Of The Material Relied Upon By The Expert*, unless they contain written notations, highlighting or other markings made by the expert.

II.   WITNESS[ES] NOT RETAINED OR EMPLOYEE[S] OF DISCLOSING PARTY.

The following person[s] may be called to provide expert testimony but have neither (1) been retained to provide expert testimony, nor (2) are employees of the disclosing party whose duties regularly involve giving expert testimony:

A.   **NAME, PROFESSIONAL ADDRESS, AND TELEPHONE NUMBER OF WITNESS.**

1.   **Qualifications:**

2.   **Substance Of All Opinions To Be Expressed And The Basis And Reasons Therefor:**

DATED this _____ day of _____, 20____.

[signature block]

_____
[Attorney for Disclosing Party]

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Appendix 2: Case Types that Could Include "Business Actions" as Defined in Amended Appendix A

CODE	CASE TYPE DESCRIPTION
BW	Breach of Warranty
CT	Breach of Contract
DI	Determination of Interests
DJ	Declaratory Judgment
FR/FD	Fraud
GS	Goods Sold and Delivered
IR	Injunctive Relief
LT	Landlord-Tenant
MP	Malpractice
MY	Money
NG	Negligence
NT	Note
OT	Other
PD	Property Damage
PS	Possession
SP	Specific Performance
SR	Services Rendered

Appendix 3: Docket Study Technical Notes and Model Results[1]

Technical Notes for Statistical Analysis

For difference-in-difference models, count, hazard, logit and fractional logit models we include the following set of controls: number of defendants, number of plaintiffs, plaintiff type, plaintiff representation type, defendant type, defendant representation type, location and IAALS case type.[2] Given the simultaneous nature of resolution date and resolution type (and, thus, the issue of temporal sequence), we show results for models with resolution type included as a control as well as models without resolution type as a control. For readability and ease of interpretation we only include the coefficients for judicial procedure type in the tables below.[3]

Difference-in-Differences

The differences-in-differences (DID) evaluation relies on comparing the means of different groups (baseline treatment, treatment, baseline control, control), estimating the effect of the treatment (pilot project) using ordinary least squares regression. The regression framework has two important advantages: 1) it is easy to calculate standard errors and thus determine significance; 2) it is possible to control for other factors that might affect the outcome of interest. To estimate the DID model, we used the following equation:

$$\text{Outcome}_{it} = \beta_0 + \beta_1 \, \text{Treat}_i + \beta_2 \, \text{Post}_t + \beta_3 \, (\text{Treat} * \text{Post})_{it} + \text{Controls} + \varepsilon$$

- *Treat* is a dichotomous variable indicating if the case was part of the baseline pilot and pilot groups.
- *Post* is a dichotmous variable indicating if the case was part of the comparison and pilot groups.
- β_3 (interaction) is the DID estimate and is equivalent to:
  - (Pilot-Baseline Pilot) – (Comparison – Baseline Comparison)

Matching

In order to create a matched set of cases we employ a procedure known as Coarsened Exact Matching (CEM). CEM is a preprocessing method for reducing imbalance between treatment and control groups and therefore controlling for the potential confounding impact of other variables. This approach has a number of advantages including a high-degree of user control and an ability to apply a wide range of estimation procedures after preprocessing the data. In the case of the CAPP rules evaluation, CEM offers an alternative to DID that can help verify the results of our different models. To create a matched data set, we used the following variables to match the treatment (pilot) and control (baseline pilot, baseline comparison, comparison): number of defendants, number of plaintiffs, plaintiff type, plaintiff representation type, defendant type, defendant representation type and IAALS case type. The resulting matched data includes 159 pilot cases and 366 non-pilot cases. We use the 525 matched cases to verify the results of our models with the full data set.[4]

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[2] Please note that the survival analysis graphs do not include the additional variable controls.

[3] There were 19 cases in the data for which procedure type could not be determined. These cases were coded as missing and not included in the analysis.

[4] For all matched models, except hazard models, we use weights for the matched sample to account for differences in the number of treatment and control cases per strata.

RIGHT-CENSORED CASES

At the time of analysis, the docket study sample contained 25 right-censored cases—cases that had not yet resolved and thus did not have the opportunity to fully experience the outcomes of interest. In essence, when we stop observing cases on an arbitrary date, we run the risk of attributing values to factors in our models when the true cause may be the fact that the case has not run its course. This presents an issue that can bias the results, particularly for the hazard and count models. Right-censoring is a common issue in hazard models as the normal experience is that some cases in the data experience the outcome of interest ("fail") and others simply do not. Where, as here, the number of censored cases is so small and all the cases are right-censored for the same specific reason, the best way to ensure unbiased estimates in the models is to remove those cases from the analyses.[5]

EXPLAINING DIFFERENCES IN MODEL RESULTS FOR NUMBER OF MOTIONS

With respect to analysis of the number of motions, the DID model produced substantively different results from the count model. Because the DID model uses an ordinary least squares (OLS) approach to estimate the effect of the CAPP rules, the results rely upon a number of important statistical assumptions. One assumption is that the variance of the errors is constant (homoscedastic), an assumption that is usually met when the dependent variable is normally distributed. When the dependent variable is not normally distributed, OLS becomes inefficient (it does not minimize the variance of coefficient estimates). As a result, standard errors may be overestimated and the results may fail to find a significant relationship although one exists. In the case of the motion count, there is clear evidence of heteroscedasticity:

DID Number of Motions Count Model: Residuals (Errors) relative to Number of Motions

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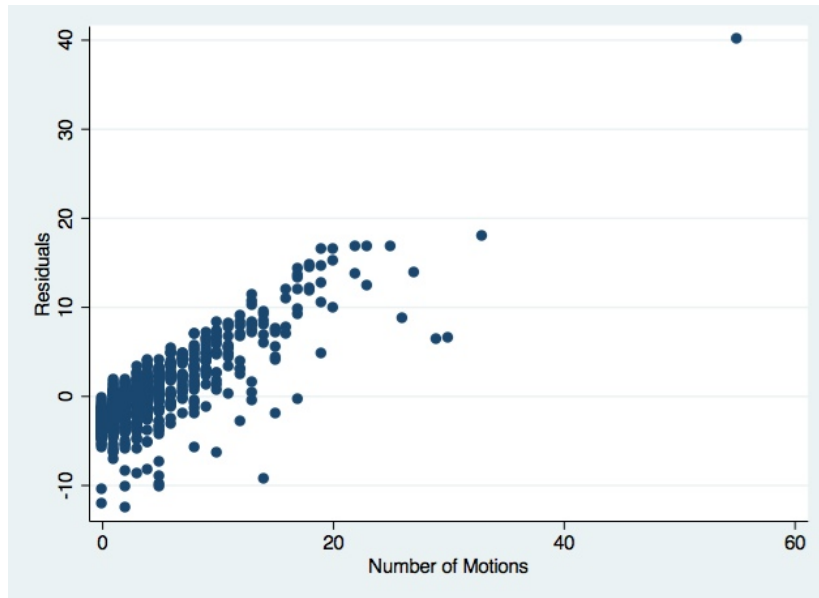
[5] The one exception to this rule is the analysis for time to first court appearance. Since this analysis involves an event occurring prior to resolution, excluding cases not yet resolved would allow knowledge of future events to bias the sample. To illustrate this point, This would be analogous to running a study on cancer relapse and excluding patients who passed away sometime after their first relapse.

Note the distribution of the errors and the increasing variance of the errors as the number of motions increases. When models provide different results in terms of significance, we have greater confidence in the estimates from those models that are most appropriate (efficient and unbiased) given the structure of the data—here, the count model. Nevertheless, we do note that there are differences across models.

Interactions: Exploring CAPP Rules and Conditional Effects

The majority of non-DID models in the analysis model the average effect of CAPP rules on a particular outcome.[6] For instance, CAPP rules are shown to have a negative and significant effect on the time it takes to resolve a case. However, it may be that this effect is stronger or weaker depending on the case type. For reasons related to court procedures, we might expect that in contract cases CAPP rules would dramatically reduce case resolution time, but in insurance cases the effect would be minimal. This is called a conditional relationship: when the effect of CAPP rules depends on, or is conditioned by, the type of case. To model the conditional relationship we multiply the two variables together (interact) to obtain an estimate of the conditional effect. In this simplified example, the interaction of the two variables (CAPP rules and case type) tells us if there is a significant difference in the effect of CAPP rules on resolution time for contract cases as compared to insurance cases. Interactive models are used to test the following conditional effects: (1) whether the number of motions for extension is associated with an increase in time to resolution for both Pilot and Comparison set cases; (2) whether the number of motions for extension that are granted is associated with an increase in time to resolution for both Pilot and Comparison set cases; and (3) whether the effect of the CAPP rules on time to resolution varies across case types.

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[6] To model the effect of the treatment (CAPP rules) in a pre-post/treatment-control study design, we use an interaction. And although conceptually similar, modeling a second interaction would add excessive complexity to the interpretation. We therefore focus the analysis of conditional relationships on non-DID models.

Model Results

Time to Resolution

Difference-in-Differences

Table A3-1: Time To Resolution (OLS)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
Pilot Group Indicator Variable	-16.287 (40.223)	-29.268 (40.045)
Time Period Indicator Variable	11.649 (15.892)	6.130 (16.597)
Interaction	-73.675** (22.739)	-63.526** (22.793)
Constant	61.894 (127.369)	100.634 (56.630)
Observations	815	815
R-squared	0.177	0.112

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Hazard Model

Table A3-2: Time to Resolution, Hazard Model (Coefficients)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedures	0.524***	0.503***
	(0.091)	(0.089)
Simplified Procedure (Rule 16.1)	0.323***	0.297**
	(0.097)	(0.095)
Observations	815	815

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Table A3-3: Time to Resolution, Hazard Model (Hazard Ratios)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedures	1.689***	1.654***
	(0.153)	(0.147)
Simplified Procedure (Rule 16.1)	1.381***	1.346**
	(0.134)	(0.128)
Observations	815	815

Standard errors in parentheses

Hazard Model Matched Data

Table A3-4: Time to Resolution, Hazard Model (Coefficients) – Matched Data

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedure	0.480***	0.418***
	(0.112)	(0.108)
Simplified Procedure (Rule 16.1)	0.407***	0.384**
	(0.121)	(0.118)
Observations	506	506

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Table A3-5: Time to Resolution, Hazard Model (Hazard Ratios) – Matched Data

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedure	1.617***	1.519***
	(0.182)	(0.165)
Simplified Procedure (Rule 16.1)	1.502***	1.468**
	(0.182)	(0.173)
Observations	506	506

Standard errors in parentheses

Time to resolution for settled cases

Difference-in-Differences

Table A3-6: Time to resolution for settled cases (OLS)

VARIABLES	(1) Settled Cases
Pilot Group Indicator Variable	-49.820 (48.137)
Time Period Indicator Variable	18.295 (19.051)
Interaction	-82.265** (26.181)
Constant	194.957** (73.332)
Observations	543
R-squared	0.123

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

HAZARD MODEL

Table A3-7: Time to Resolution for Settled Cases, Hazard Model (Coefficients)

	(1)
VARIABLES	Settled Cases
CAPP Rules Procedures	0.639***
	(0.108)
Simplified Procedure (Rule 16.1)	0.377**
	(0.124)
Observations	543

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Table A3-8: Time to Resolution for Settled Cases, Hazard Model (Hazard Ratios)

	(1)
VARIABLES	Settled Cases
CAPP Rules Procedures	1.894***
	(0.204)
Simplified Procedure (Rule 16.1)	1.458**
	(0.180)
Observations	543

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Hazard Model Matched Data

Table A3-9: Time to Resolution for Settled Cases, Hazard Model (Coefficients) – Matched Data

	(1)
VARIABLES	Settled Cases
CAPP Rules Procedure	0.600***
	(0.127)
Simplified Procedure (Rule 16.1)	0.454**
	(0.150)
Observations	356

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Table A3-10: Time to Resolution for Settled Cases, Hazard Model (Hazard Ratios) – Matched Data

	(1)
VARIABLES	Settled Cases
CAPP Rules Procedure	1.822***
	(0.232)
Simplified Procedure (Rule 16.1)	1.575**
	(0.236)
Observations	356

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

FAIRNESS

The hypothesis concerning fairness relates to an aggregate outcome (proportion of cases) and therefore requires a different modeling approach than outlined above. In order to evaluate this hypothesis, we use two alternative measures of association: chi-square test and Fisher's exact test. The chi-square test allows us to compare the proportions across all four groups, however, assumes the minimum group size is five. Given we have groups sizes of five or smaller, Fisher's exact test can serve as a more appropriate measure of association (computational limitations restrict the estimation to a 2X4 matrix). In neither case do the results suggest that there is a statistically significant relationship between CAPP rules and the resolution outcome.

Table A3-11: Frequency of Resolution Outcome Across Groups

	Defendant(s) Won on All Claims	Liability Not Determined/ Settlement	Plaintiff(s) Won Some/Defendant(s) Won	Plaintiff(s) Won on All Claims	Total
Baseline Comparison	9	171	27	4	**211**
Baseline Pilot	15	166	20	3	**204**
Comparison	14	158	16	4	**192**
Pilot	18	170	15	5	**208**
Total	**56**	**665**	**78**	**16**	**815**

Pearson chi-square=7.485   Pr = 0.587

Table A3-12: Frequency of Resolution Outcome Across Pilot and Non-Pilot

	Defendant(s) Won on All Claims	Liability Not Determined/ Settlement	Plaintiff(s) Won Some/Defendant(s) Won	Plaintiff(s) Won on All Claims	Total
Non-pilot	38	495	63	11	**607**
Pilot	18	170	15	5	**208**
Total	**56**	**665**	**78**	**16**	**815**

Fisher exact test, p=0.339

NUMBER OF COURT APPEARANCES

DIFFERENCE-IN-DIFFERENCES

Table A3-13: Number of Court Appearances (OLS)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded	(3) Resolution Type Included- Unresolved Cases Included	(4) Resolution Type Excluded- Unresolved Cases Included
Pilot Group Indicator Variable	0.394* (0.198)	0.248 (0.282)	0.390* (0.198)	0.245 (0.280)
Time Period Indicator Variable	0.149 (0.092)	0.199 (0.126)	0.122 (0.092)	0.178 (0.117)
Interaction	0.670*** (0.132)	0.685*** (0.188)	0.712*** (0.132)	0.727*** (0.182)
Constant	0.164 (0.487)	-0.329 (0.438)	0.118 (0.480)	-0.355 (0.423)
Observations	815	815	840	840
R-squared	0.561	0.136	0.555	0.137

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Count Model

Table A3-14: Number of Court Appearances (Negative Binomial Regression)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedure	0.897***	0.919***
	(0.112)	(0.133)
Simplified Procedure (Rule 16.1)	-0.292	-0.226
	(0.171)	(0.213)
Constant	-1.134***	-1.155***
	(0.155)	(0.202)
Observations	815	815

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Count Model Matched Data

Table A3-15: Number of Court Appearances (Negative Binomial Regression) – Matched Data

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedure	0.846***	0.862***
	(0.157)	(0.219)
Simplified Procedure (Rule 16.1)	-0.456	-0.387
	(0.267)	(0.485)
Constant	-1.002***	-0.555**
	(0.149)	(0.190)
Observations	506	506

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

TIME TO FIRST COURT APPEARANCE

DIFFERENCE-IN-DIFFERENCES

Table A3-16: Time To First Court Appearance (OLS)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
Pilot Group Indicator Variable	-38.170 (65.101)	-57.267 (65.632)
Time Period Indicator Variable	-10.649 (25.818)	-12.600 (25.683)
Interaction	-148.074*** (34.741)	-151.133*** (36.131)
Constant	253.204** (91.703)	258.055*** (70.814)
Observations	309	309
R-squared	0.405	0.363

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Hazard Model

Table A3-17: Time to First Court Appearance, Hazard Model (Coefficients)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedures	1.522***	1.603***
	(0.165)	(0.158)
Simplified Procedure (Rule 16.1)	-0.016	0.046
	(0.198)	(0.192)
Observations	309	309

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Table A3-18: Time to First Court Appearance, Hazard Model (Hazard Ratios)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedures	4.582***	4.969***
	(0.756)	(0.787)
Simplified Procedure (Rule 16.1)	0.984	1.047
	(0.195)	(0.201)
Observations	309	309

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

HAZARD MODEL MATCHED DATA

Table A3-19: Time to First Court Appearance, Hazard Model (Coefficients) – Matched Data

	(1)	(2)
VARIABLES	Resolution Type Included	Resolution Type Excluded
CAPP Rules Procedure	1.860***	1.858***
	(0.219)	(0.210)
Simplified Procedure (Rule 16.1)	-0.068	-0.065
	(0.235)	(0.227)
Observations	202	202

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Table A3-20: Time to First Court Appearance, Hazard Model (Hazard Ratios) – Matched Data

	(1)	(2)
VARIABLES	Resolution Type Included	Resolution Type Excluded
CAPP Rules Procedure	6.496***	6.410***
	(1.422)	(1.345)
Simplified Procedure (Rule 16.1)	0.943	0.937
	(0.222)	(0.213)
Observations	202	202

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Time between first court appearance and resolution

Difference-in-Differences

Table A3-21: Time from First Court Appearance to Resolution (OLS)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
Pilot Group Indicator Variable	50.099 (40.282)	44.811 (38.032)
Time Period Indicator Variable	2.879 (23.978)	0.197 (23.443)
Interaction	56.075 (36.500)	50.145 (33.811)
Constant	103.705 (74.486)	-61.797 (56.746)
Observations	306	306
R-squared	0.234	0.177

Robust standard errors in parentheses

*** $p < 0.001$, ** $p < 0.01$, * $p < 0.05$

Hazard Model

Table A3-22: Time From First Court Appearance to Resolution, Hazard Model (Coefficients)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedures	-0.071	-0.127
	(0.141)	(0.134)
Simplified Procedure (Rule 16.1)	0.429*	0.168
	(0.206)	(0.194)
Observations	302	302

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Table A3-23: Time from First Court Appearance to Resolution, Hazard Model (Hazard Ratios)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedures	0.931	0.880
	(0.132)	(0.118)
Simplified Procedure (Rule 16.1)	1.536*	1.183
	(0.317)	(0.229)
Observations	302	302

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Hazard Model Matched Data

Table A3-24: Time from First Court Appearance to Resolution, Hazard Model (Coefficients) – Matched Data

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedure	-0.110	-0.164
	(0.171)	(0.162)
Simplified Procedure (Rule 16.1)	0.452	0.283
	(0.257)	(0.240)
Observations	199	199

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Table A3-25: Time from First Court Appearance to Resolution, Hazard Model (Hazard Ratios) – Matched Data

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedure	0.895	0.848
	(0.153)	(0.138)
Simplified Procedure (Rule 16.1)	1.571	1.327
	(0.404)	(0.318)
Observations	199	199

Standard errors in parentheses; *** p<0.001, ** p<0.01, * p<0.05

Single Judge

Difference-in-Differences

Table A3-26: Single Judge (OLS)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded	(3) Resolution Type Included- Unresolved Cases Included	(4) Resolution Type Excluded- Unresolved Cases Included
Pilot Group Indicator Variable	-0.129 (0.085)	-0.125 (0.084)	-0.118 (0.085)	-0.117 (0.085)
Time Period Indicator Variable	0.009 (0.038)	0.014 (0.038)	0.001 (0.038)	-0.005 (0.038)
Interaction	0.252*** (0.053)	0.246*** (0.052)	0.266*** (0.053)	0.269*** (0.052)
Constant	0.837** (0.265)	0.944*** (0.132)	0.823** (0.264)	0.928*** (0.134)
Observations	805	805	828	828
R-squared	0.309	0.300	0.308	0.297

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Table A3-27: Single Judge (logit)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded	(3) Resolution Type Included- Unresolved Cases Included	(4) Resolution Type Excluded- Unresolved Cases Included
CAPP Rules Procedure	2.129***	2.108***	2.204***	2.143***
	(0.346)	(0.338)	(0.348)	(0.337)
Simplified Procedure	0.302	0.335	0.324	0.348
(Rule 16.1)	(0.267)	(0.262)	(0.263)	(0.257)
Constant	1.082	1.776	1.017	1.668
	(1.648)	(1.204)	(1.624)	(1.184)
Observations	805	805	828	828

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Matched Sample Logit Models

Table A3-28: Single Judge (logit) – Matched Data

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded	(3) Resolution Type Included- Unresolved Cases Included	(4) Resolution Type Excluded- Unresolved Cases Included
CAPP Rules Procedure	1.908***	1.875***	1.940***	1.902***
	(0.413)	(0.397)	(0.414)	(0.397)
Simplified Procedure	0.728*	0.820*	0.740*	0.830*
(Rule 16.1)	(0.335)	(0.329)	(0.335)	(0.328)
Constant	-1.679	1.240*	-1.675	1.234*
	(2.299)	(0.522)	(2.299)	(0.522)
Observations	497	501	505	509

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Difference-in-Differences

Table A3-29: Number of Motions Filed (OLS)

	(1)	(2)	(3)	(4)
VARIABLES	Resolution Type Included	Resolution Type Excluded	Resolution Type Included- Unresolved Cases Included	Resolution Type Excluded- Unresolved Cases Included
Pilot Group Indicator Variable	-0.265 (0.790)	-0.588 (0.794)	-0.282 (0.779)	-0.615 (0.784)
Time Period Indicator Variable	-0.101 (0.455)	-0.157 (0.469)	-0.162 (0.452)	-0.175 (0.455)
Interaction	-0.181 (0.675)	-0.170 (0.657)	-0.113 (0.665)	-0.122 (0.648)
Constant	0.575 (2.508)	1.993 (1.857)	1.064 (2.510)	2.337 (1.821)
Observations	815	815	840	840
R-squared	0.294	0.193	0.301	0.203

Robust standard errors in parentheses

*** $p<0.001$, ** $p<0.01$, * $p<0.05$

Count Model

Table A3-30: Number of Motions Filed (Negative Binomial Regression)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedure	-0.249**	-0.217*
	(0.082)	(0.098)
Simplified Procedure (Rule 16.1)	-0.599***	-0.559***
	(0.083)	(0.087)
Constant	1.109***	1.141***
	(0.101)	(0.103)
Observations	815	815

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

44

Count Model Matched Data

Table A3-31: Number of Motions Filed (Negative Binomial Regression) – Matched Data

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedure	-0.265*	-0.194
	(0.123)	(0.150)
Simplified Procedure (Rule 16.1)	-0.841***	-0.763***
	(0.111)	(0.139)
Constant	1.396***	1.593***
	(0.098)	(0.089)
Observations	506	506

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

DIFFERENCE-IN-DIFFERENCES

Table A3-32: Number of Motions of Continuance Filed (OLS)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded	(3) Resolution Type Included- Unresolved Cases Included	(4) Resolution Type Excluded- Unresolved Cases Included
Pilot Group	-0.022	-0.040	-0.022	-0.040
Indicator Variable	(0.057)	(0.057)	(0.057)	(0.057)
Time Period	-0.054*	-0.049	-0.054*	-0.049
Indicator Variable	(0.025)	(0.028)	(0.025)	(0.028)
Interaction	0.025	0.025	0.025	0.025
	(0.037)	(0.039)	(0.037)	(0.039)
Constant	-0.128	-0.042	-0.128	-0.042
	(0.113)	(0.095)	(0.113)	(0.095)
Observations	815	815	816	816
R-squared	0.143	0.050	0.143	0.050

Robust standard errors in parentheses

*** $p<0.001$, ** $p<0.01$, * $p<0.05$

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[7] Given that multiple motions for continuance were filed in only 11 cases, cases were dichotomously coded as filing a motion or not, rather than using a variable counting the total number of motions.

Logit Model

Table A3-33: Likelihood of Motions of Continuance Filed (Logit)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedure	-0.612	-0.442
	(0.334)	(0.303)
Simplified Procedure (Rule 16.1)	-1.423**	-1.198**
	(0.463)	(0.445)
Constant	-2.404***	-2.373***
	(0.377)	(0.357)
Observations	787	790

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Logit Model Matched Data

Table A3-34: Likelihood of Motions of Continuance Filed (Logit) – Matched Data

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedure	-0.372	-0.214
	(0.447)	(0.421)
Simplified Procedure (Rule 16.1)	-0.712	-0.509
	(0.643)	(0.872)
Constant	-2.435***	-2.131***
	(0.330)	(0.316)
Observations	429	454

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

PROPORTION OF CONTINUANCE MOTIONS GRANTED

DIFFERENCE-IN-DIFFERENCES

Table A3-35: Proportion of Continuance Motions Granted (OLS)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
Pilot Group Indicator Variable	-0.922 (0.516)	-0.797* (0.296)
Time Period Indicator Variable	0.148 (0.331)	0.250 (0.232)
Interaction	-0.303 (0.401)	-0.347 (0.298)
Constant	0.952 (0.667)	0.717 (0.414)
Observations	72	72
R-squared	0.490	0.374

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Fractional Logit

Table A3-36: Proportion of Continuance Motions Granted (fractional logit)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedure	-3.277	-0.801
	(4.905)	(1.391)
Simplified Procedure (Rule 16.1)	-0.072	0.685
	(1.249)	(1.072)
Constant	-23.001***	-20.047***
	(2.749)	(2.458)
Observations	72	72

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Fractional Logit Matched Data

Unable to estimate standard errors for constant in matched logit model due to small matched sample size.

DIFFERENCE-IN-DIFFERENCES

Table A3-37: Number of Motions for Extension Filed (OLS)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded	(3) Resolution Type Included- Unresolved Cases Included	(4) Resolution Type Excluded- Unresolved Cases Included
Pilot Group	-0.088	-0.190	-0.088	-0.193
Indicator Variable	(0.347)	(0.349)	(0.347)	(0.349)
Time Period	0.137	0.138	0.137	0.132
Indicator Variable	(0.211)	(0.208)	(0.211)	(0.208)
Interaction	-0.634*	-0.592*	-0.634*	-0.587*
	(0.271)	(0.263)	(0.271)	(0.262)
Constant	-1.758*	-0.580	-1.758*	-0.577
	(0.811)	(0.597)	(0.812)	(0.596)
Observations	815	815	816	816
R-squared	0.211	0.164	0.211	0.164

Robust standard errors in parentheses, *** p<0.001, ** p<0.01, * p<0.05

Count Model

Table A3-38: Number of Motions for Extension Filed (Negative Binomial Regression)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedure	-0.512***	-0.492***
	(0.115)	(0.124)
Simplified Procedure (Rule 16.1)	-0.836***	-0.807***
	(0.135)	(0.143)
Constant	0.225	0.186
	(0.140)	(0.143)
Observations	815	815

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Table A3-39: Number of Motions for Extension Filed (Negative Binomial Regression) – Matched Data

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedure	-0.589***	-0.542***
	(0.148)	(0.162)
Simplified Procedure (Rule 16.1)	-0.983***	-1.038***
	(0.172)	(0.176)
Constant	0.045	-0.009
	(0.265)	(0.264)
Observations	506	506

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

HAZARD MODELS

Table A3-40: Time to Resolution with Interaction Between Procedure Type and Number of Motions for Extension, Hazard Model (Coefficients)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
Number of Motions for Extension	-0.173***	-0.179***
	(0.025)	(0.025)
CAPP Rules Procedures	0.499***	0.489***
	(0.114)	(0.110)
Simplified Procedure (Rule 16.1)	0.212	0.188
	(0.112)	(0.110)
# of Motions * CAPP Rules Procedures	-0.040	-0.055
	(0.058)	(0.057)
# of Motions * Simplified Procedure (Rule 16.1)	-0.069	-0.075
	(0.087)	(0.084)
Observations	815	815

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Table A3-41: Time to Resolution with Interaction Between Procedure Type and Number of Motions for Extension, Hazard Model (Hazard Ratios)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
Number of Motions For Extension	0.841***	0.836***
	(0.021)	(0.021)
CAPP Rules Procedures	1.647***	1.631***
	(0.187)	(0.180)
Simplified Procedure (Rule 16.1)	1.237	1.206
	(0.139)	(0.133)
# of Motions * CAPP Rules	0.961	0.947
Procedures	(0.056)	(0.054)
# of Motions * Simplified	0.933	0.928
Procedure (Rule 16.1)	(0.081)	(0.077)
Observations	815	815

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Table A3-42: Time to Resolution with Interaction Between Procedure Type and Number of Motions for Extension, Hazard Model (Coefficients) – Matched Data

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
Number of Motions for Extension	-0.212***	-0.195***
	(0.039)	(0.037)
CAPP Rules Procedures	0.573***	0.457***
	(0.143)	(0.138)
Simplified Procedure (Rule 16.1)	0.389**	0.323*
	(0.151)	(0.147)
# of Motions * CAPP Rules	-0.127	-0.086
Procedures	(0.078)	(0.078)
# of Motions * Simplified	-0.254	-0.246
Procedure (Rule 16.1)	(0.136)	(0.130)
Observations	506	506

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Table A3-43: Time to Resolution with Interaction Between Procedure Type and Number of Motions for Extension, Hazard Model (Hazard Ratios) – Matched Data

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
Number of Motions Filed	-0.212***	-0.195***
	(0.039)	(0.037)
CAPP Rules Procedures	0.573***	0.457***
	(0.143)	(0.138)
Simplified Procedure (Rule 16.1)	0.389**	0.323*
	(0.151)	(0.147)
# of Motions * CAPP Rules	-0.127	-0.086
Procedures	(0.078)	(0.078)
# of Motions * Simplified	-0.254	-0.246
Procedure (Rule 16.1)	(0.136)	(0.130)
Observations	506	506

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Proportion of Extensions Granted

Difference-in-Differences

Table A3-44: Proportion of Extensions Granted (OLS)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
Pilot Group	-0.072	-0.089
Indicator Variable	(0.088)	(0.089)
Time Period	0.053	0.038
Indicator Variable	(0.041)	(0.040)
Interaction	-0.178**	-0.169**
	(0.062)	(0.062)
Constant	0.565*	0.340
	(0.230)	(0.212)
Observations	409	409
R-squared	0.202	0.166

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

FRACTIONAL LOGIT

Table A3-45: Proportion of Extensions Granted (fractional logit)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedure	-0.916*	-0.879*
	(0.364)	(0.349)
Simplified Procedure (Rule 16.1)	0.874	0.819
	(0.510)	(0.534)
Constant	-0.307	-2.893*
	(1.550)	(1.364)
Observations	409	409

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

FRACTIONAL LOGIT MATCHED DATA

Table A3-46: Proportion of Extensions Granted (fractional logit) –Matched Data

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedure	-1.339*	-1.159*
	(0.644)	(0.532)
Simplified Procedure	0.826	0.826
(Rule 16.1)	(1.036)	(0.898)
Constant	17.855***	1.342*
	(0.583)	(0.616)
Observations	234	234

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

HAZARD MODELS

Table A3-47: Time to Resolution with Interaction Between Procedure Type and Number of Motions for Extension Granted, Hazard Model (Coefficients)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
Number of Motions Granted	-0.180***	-0.187***
	(0.028)	(0.027)
CAPP Rules Procedures	0.503***	0.482***
	(0.111)	(0.107)
Simplified Procedure (Rule 16.1)	0.224*	0.191
	(0.111)	(0.108)
# of Motions * CAPP Rules	-0.052	-0.063
Procedures	(0.064)	(0.062)
# of Motions * Simplified	-0.070	-0.068
Procedure (Rule 16.1)	(0.095)	(0.091)
Observations	815	815

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Table A3-48: Time to Resolution with Interaction Between Procedure Type and Number of Motions for Extension Granted, Hazard Model (Hazard Ratios)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
Number of Motions Granted	0.835***	0.830***
	(0.023)	(0.022)
CAPP Rules Procedures	1.653***	1.619***
	(0.184)	(0.174)
Simplified Procedure (Rule 16.1)	1.250*	1.210
	(0.139)	(0.131)
# of Motions * CAPP Rules	0.950	0.939
Procedures	(0.061)	(0.059)
# of Motions * Simplified	0.933	0.935
Procedure (Rule 16.1)	(0.089)	(0.085)
Observations	815	815

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Table A3-49: Time to Resolution with Interaction Between Procedure Type and Number of Motions for Extension Granted, Hazard Model (Coefficients) – Matched Data

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
Number of Motions Granted	-0.215***	-0.200***
	(0.043)	(0.040)
CAPP Rules Procedures	0.551***	0.419**
	(0.140)	(0.134)
Simplified Procedure (Rule 16.1)	0.384*	0.301*
	(0.150)	(0.146)
# of Motions * CAPP Rules	-0.138	-0.077
Procedures	(0.086)	(0.084)
# of Motions * Simplified	-0.212	-0.198
Procedure (Rule 16.1)	(0.143)	(0.138)
Observations	506	506

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Table A3-50: Time to Resolution with Interaction Between Procedure Type and Number of Motions for Extension Granted, Hazard Model (Hazard Ratios) – Matched Data

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
Number of Motions Filed	0.806***	0.819***
	(0.034)	(0.032)
CAPP Rules Procedures	1.735***	1.520**
	(0.243)	(0.203)
Simplified Procedure (Rule 16.1)	1.467*	1.352*
	(0.221)	(0.197)
# of Motions * CAPP Rules	0.871	0.926
Procedures	(0.075)	(0.078)
# of Motions * Simplified	0.809	0.820
Procedure (Rule 16.1)	(0.116)	(0.113)
Observations	506	506

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Motions to Dismiss

Difference-in-Differences

Table A3-51: Number of Motions to Dismiss Filed (OLS)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded	(3) Resolution Type Included- Unresolved Cases Included	(4) Resolution Type Excluded- Unresolved Cases Included
Pilot Group	0.183*	0.210**	0.183*	0.211**
Indicator Variable	(0.073)	(0.072)	(0.073)	(0.072)
Time Period	0.005	0.016	0.005	0.016
Indicator Variable	(0.028)	(0.029)	(0.028)	(0.029)
Interaction	-0.024	-0.032	-0.024	-0.033
	(0.043)	(0.044)	(0.043)	(0.044)
Constant	0.416	0.353*	0.416	0.355*
	(0.331)	(0.142)	(0.331)	(0.142)
Observations	815	815	817	817
R-squared	0.179	0.123	0.179	0.122

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Logit Model

Table A3-52: Likelihood of Motion to Dismiss Filed (Logit)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedure	-0.043	0.048
	(0.289)	(0.271)
Simplified Procedure (Rule 16.1)	-0.168	-0.296
	(0.353)	(0.341)
Constant	-2.458***	-2.445***
	(0.301)	(0.286)
Observations	787	787

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Logit Model Matched Data

Table A3-53: Likelihood of Motion to Dismiss Filed (Logit) – Matched Data

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedure	-0.724	-0.461
	(0.440)	(0.414)
Simplified Procedure (Rule 16.1)	-0.978	-1.071
	(0.587)	(0.576)
Constant	-2.163***	-2.011***
	(0.289)	(0.242)
Observations	485	506

Robust standard errors in parentheses

*** $p<0.001$, ** $p<0.01$, * $p<0.05$

PROPORTION OF MOTIONS TO DISMISS GRANTED

DIFFERENCE-IN-DIFFERENCES

Table A3-54: Proportion of Motions to Dismiss Granted (OLS)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
Pilot Group Indicator Variable	-0.059 (0.297)	0.151 (0.293)
Time Period Indicator Variable	-0.133 (0.224)	-0.063 (0.140)
Interaction	-0.004 (0.225)	-0.166 (0.194)
Constant	1.304 (0.667)	0.661 (0.508)
Observations	96	96
R-squared	0.470	0.360

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

LOGIT

Table A3-55: Proportion of Motions to Dismiss Granted (logit)

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedure	-1.256	-1.902
	(1.258)	(1.064)
Simplified Procedure (Rule 16.1)	-2.779	-2.291
	(1.894)	(1.652)
Constant	15.552*	4.730
	(7.691)	(2.646)
Observations	71	81

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Table A3-56: Proportion of Motions to Dismiss Granted (logit)–Matched Data

VARIABLES	(1) Resolution Type Included	(2) Resolution Type Excluded
CAPP Rules Procedure	-1.737	-1.304
	(1.367)	(1.080)
Constant	-2.207	-1.957
	(1.743)	(1.614)
Observations	27	33

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

TRIALS

DIFFERENCE-IN-DIFFERENCES

Table A3-57: Likelihood of Trial (OLS)

VARIABLES	(1) Resolution Type Excluded	(2) Resolution Type Excluded- Unresolved Cases Included
Pilot Group	-0.029	-0.030
Indicator Variable	(0.052)	(0.051)
Time Period	0.012	0.003
Indicator Variable	(0.025)	(0.024)
Interaction	0.006	0.013
	(0.036)	(0.035)
Constant	0.040	0.051
	(0.086)	(0.084)
Observations	815	840
R-squared	0.057	0.054

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Logit Model

Table A3-58: Likelihood of Trial (logit)

	(1)	(2)
VARIABLES	Resolution Type Excluded	Resolution Type Excluded-
		Unresolved Cases Included
CAPP Rules Procedure	0.245	0.230
	(0.454)	(0.453)
Simplified Procedure	-0.065	-0.056
(Rule 16.1)	(0.395)	(0.398)
Constant	-1.681	-1.490
	(1.408)	(1.383)
Observations	757	780

Robust standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

Matched Sample Logit Models

Table A3-59: Likelihood of Trial (logit) – Matched Data

VARIABLES	(1) Resolution Type Excluded	(2) Resolution Type Excluded- Unresolved Cases Included
CAPP Rules Procedure	1.055	1.025
	(0.651)	(0.651)
Simplified Procedure (Rule 16.1)	0.387	0.393
	(0.491)	(0.490)
Constant	-3.489***	-3.470***
	(0.861)	(0.859)
Observations	506	515

Standard errors in parentheses

*** p<0.001, ** p<0.01, * p<0.05

APPENDIX 4: DOCKET DATA DEMOGRAPHICS TABLES AND GRAPHS

Table A4-1: Distribution of Cases by Data Set[8]

	Court	Number of Cases	Percent of Data Set	Percent of Total
Baseline Pilot	Adams	26	12.7%	3.1%
	Arapahoe	37	18.1%	4.4%
	Denver	102	50.0%	12.1%
	Jefferson	39	19.1%	4.6%
	TOTAL	*204*	*100.0%*	*24.3%*
Pilot	Adams	19	8.8%	2.3%
	Arapahoe	43	20.0%	5.1%
	Denver	120	55.8%	14.3%
	Jefferson	33	15.3%	3.9%
	TOTAL	*215*	*100.0%*	*25.6%*
Baseline Comparison	Boulder	40	19.0%	4.8%
	Douglas	45	21.3%	5.4%
	El Paso	78	37.0%	9.3%
	Larimer	21	10.0%	2.5%
	Weld	27	12.8%	3.2%
	TOTAL	*211*	*100.0%*	*25.1%*
Comparison	Boulder	54	25.7%	6.4%
	Douglas	36	17.1%	4.3%
	El Paso	64	30.5%	7.6%
	Larimer	33	15.7%	3.9%
	Weld	23	11.0%	2.7%
	TOTAL	*204*	*100.0%*	*25.0%*
TOTAL		*840*		*100.0%*

---

[8] Note that some of the listed percentages do not total exactly 100% due to rounding.

Figure A4-1: Percent of Data Set by Case Type (n=840)
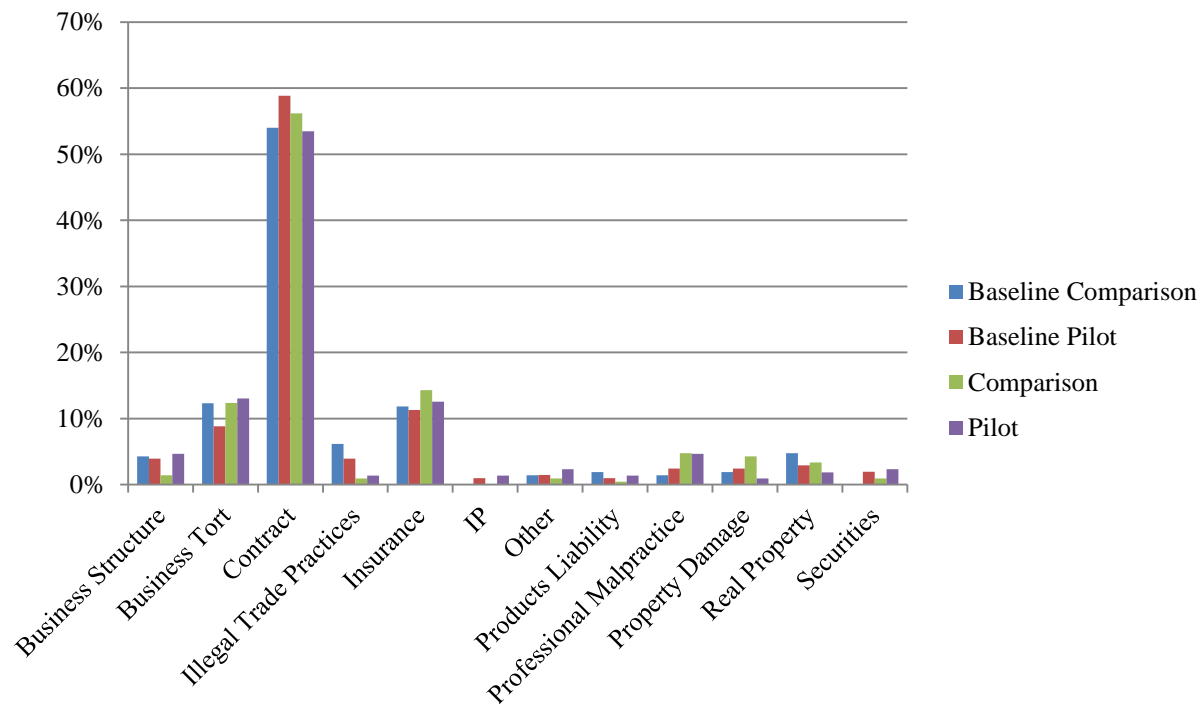
Figure A4-2: Percent of Data Set by Resolution Type (n=840)
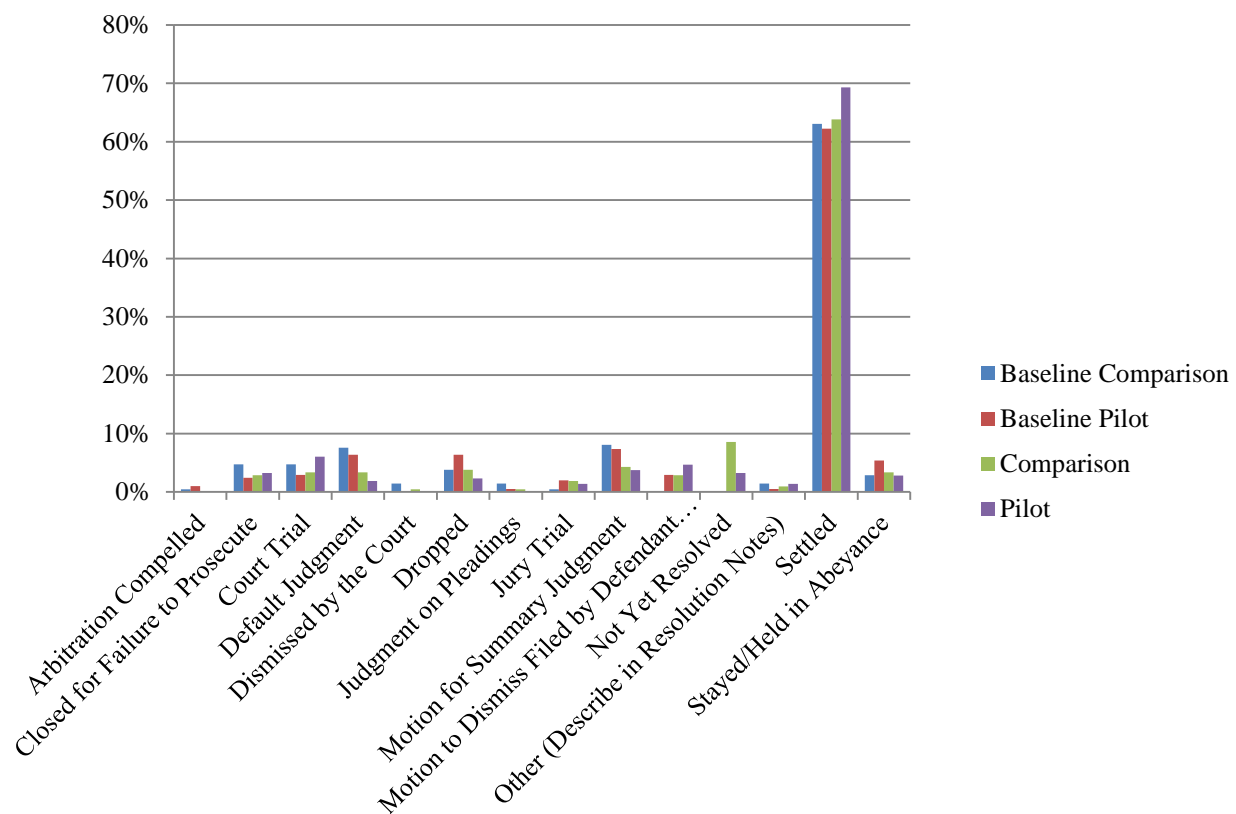
Figure A4-3: Percent of Data Set by Time from Filing to Resolution (n=815)
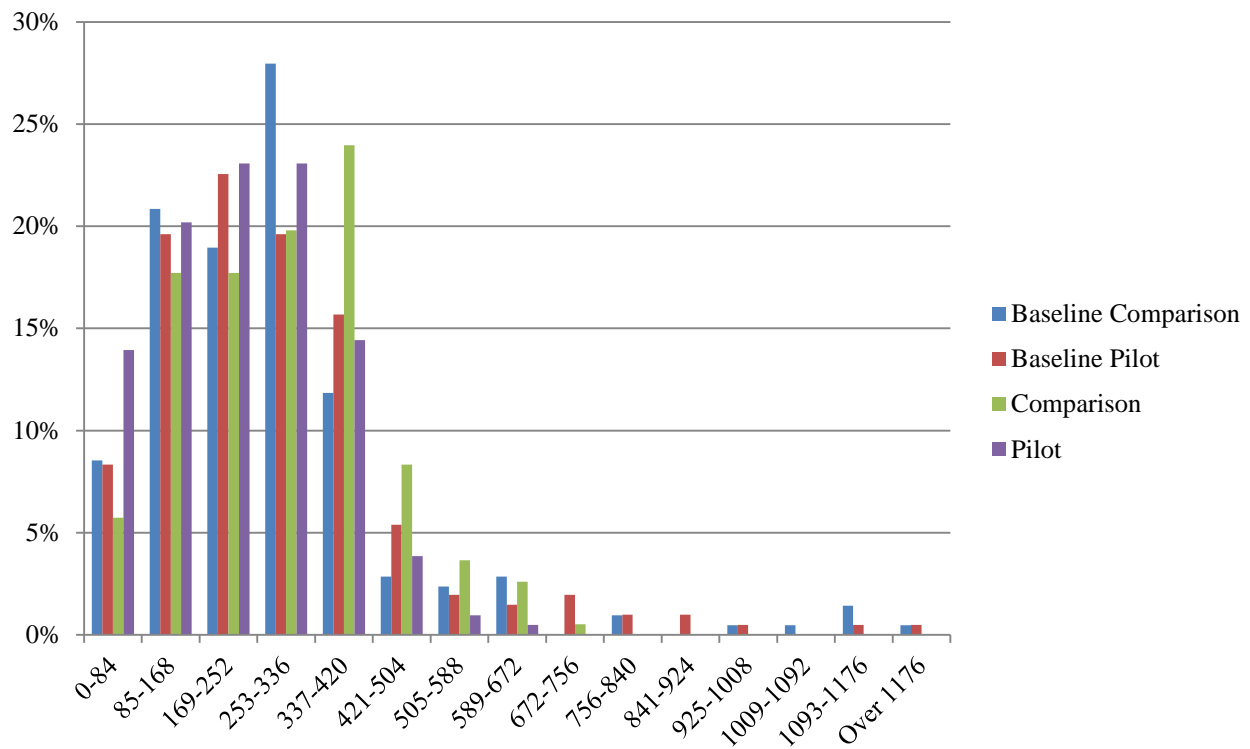
Figure A4-4: Percent of Data Set by Total Number of Parties (n=840)
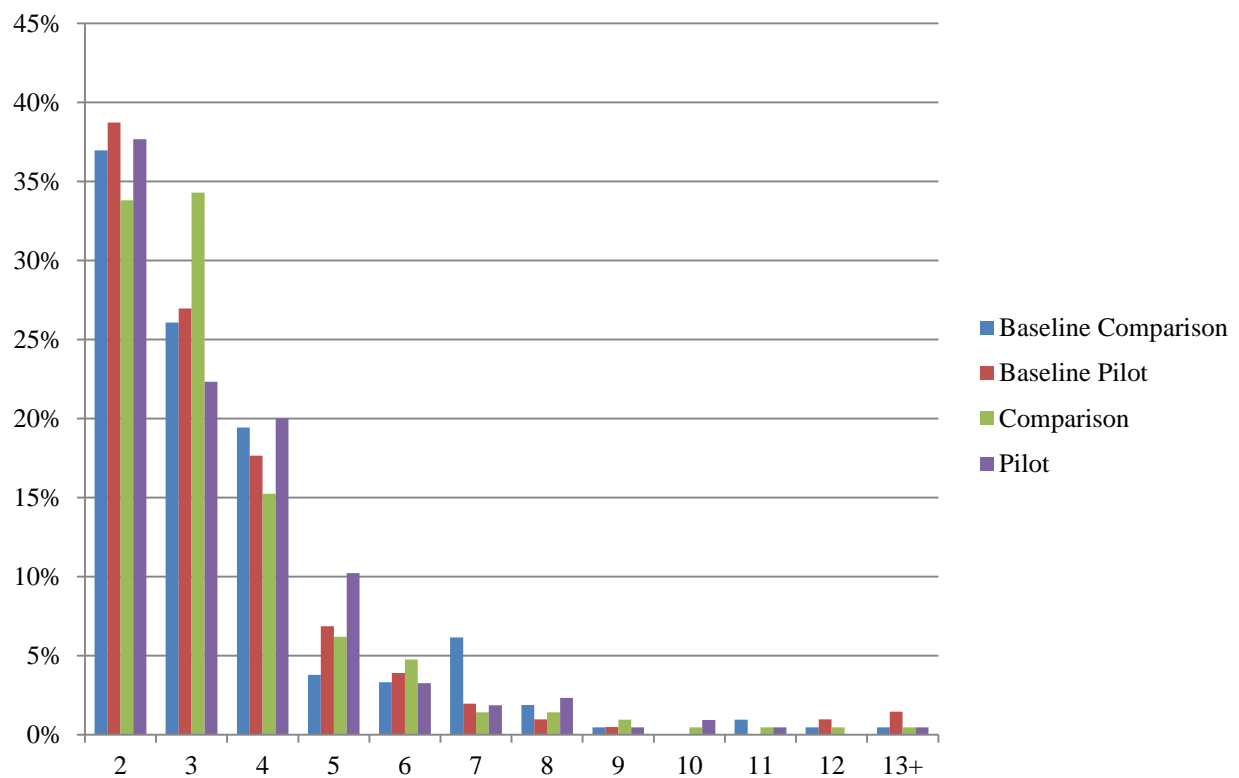
Table A4-2: Time to Disposition (in Days)

Court	Time to Disposition (Days)			
	Pre-implementation (Baseline Pilot, Baseline Comparison)		Post-implementation (Pilot, Comparison)	
	Average	Median	Average	Median
Adams	263	239	172	154
Arapahoe	320	269	232	228
Denver	300	265	239	231
Jefferson	228	223	218	204
TOTAL	*285*	*252*	*228*	*224*
Boulder	285	220	331	348
Douglas	282	254	284	309
El Paso	262	271	274	269
Larimer	270	230	291	273
Weld	328	245	240	235
TOTAL	*280*	*256*	*290*	*292*

Appendix 5: Attorney Survey Instrument

Thank you for your participation in this important effort to collect data on the civil justice process. This is your opportunity to provide facts and feedback, not otherwise available, to help improve Colorado courts.

In responding to the survey questions, please refer to the SPECIFIC CASE ("named case") identified in the letter included in the packet you received. Although your answers should reflect what happened in that case, you will NOT be asked to identify the case and your completed survey will NOT be connected to it in any way. In addition, your responses will be kept COMPLETELY CONFIDENTIAL within IAALS. The survey results will be reported only in aggregate form.

The survey should only take about 15 minutes to complete, but may require reference to your case file or accounting records, so please plan accordingly.

NOTE: Please direct questions about the survey to Logan Cornett, IAALS Social Science Research Assistant, at logan.cornett@du.edu. If you have any concerns or complaints about how you were treated during the survey process, please contact the Chair of the Institutional Review Board for the Protection of Human Subjects at the University of Denver, at 303-871-4531, or the Office of Research and Sponsored Programs at 303-871-4050 or du-irb@du.edu.

NOTE: For any question, if you need additional writing space please use the last survey page.

1. **Has the named case reached resolution?**

   NOTE: For the purpose of this study, a case is considered resolved if **every substantive claim involving your client has been addressed <u>at the trial level</u>.** For example, a claim has been addressed if it is dropped, dismissed (with or without prejudice), settled, resolved by default or consent judgment, or heard on the merits by the judge or a jury. It also includes a decision that bankruptcy or arbitration proceedings control.

   ☐Yes *(please continue to Question 2)*

   ☐No *(see instructions below)*

   If you answered "No" to Question 1, please stop now and return the survey in the envelope provided with only Question 1 answered. Because most of the questions in the survey cannot be accurately answered until the case has reached resolution, we will send another survey to you when the named case has reached resolution.

2. **District Court in which the named case was filed:**

☐ Adams County

☐ Arapahoe County

☐ Denver

☐ Gilpin County

☐ Jefferson County

3. **In one or two sentences, briefly describe the type of case, including the predominant claim asserted:**

4. **Number of named parties:**

	Represented by you
	Total in the case

5. **Official status of your client(s) in the named case:**

☐ Plaintiff(s)

☐ Defendant(s)

☐ Other: |_____|

6. **Your billing structure for this case:**

☐ Hourly	☐ Outcome-based billing
☐ Contingency fee	☐ Pro bono
☐ Flat fee for service	☐ Other:
☐ Periodic fee (e.g., monthly or yearly)	

7. **What was the monetary AMOUNT IN DISPUTE between your client(s) and the other parties in the case? Please round to the nearest $100.**
    a. **Include: Only the value of the claim(s).**
    b. **Do Not Include: Recoverable attorney fees or litigation costs.**

    $ [   ] .00

8. **Did the case involve any of the following for your client(s)? Check all that apply.**

    ☐Non-monetary relief (beyond a preliminary injunction or temporary restraining order)

           Please describe: [   ]

    ☐Issues of importance beyond the particular case (to your client, your practice, or the public).

           Please describe: [   ]

    ☐Recoverable attorney fees

           Please describe: [   ]

    ☐None of the above

9. **Did your client(s) participate in any of the following in the case? Check all that apply.**

    ☐Mediation

    ☐Arbitration

    ☐Court settlement conference

    ☐Another form of alternative dispute resolution: [   ]

    ☐None of the above

10. **What brought the named case to resolution of ALL CLAIMS involving <u>your client(s)</u> in District Court?**

    ☐Default judgment *(please skip to Question 12)*

    ☐Voluntary dismissal - no settlement *(please continue to Question 11)*

    ☐Dismissed by the court *(please continue to Question 11)*

    ☐Settlement *(please continue to Question 11)*

    (additional options on following page)

☐Summary judgment entered by the court *(please skip to Question 12)*

☐Jury trial *(please skip to Question 12)*

☐Judge trial *(please skip to Question 12)*

☐Other *(please continue to Question 11)*:

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┌─────────────────────────────────────┐
│                                     │
│                                     │
│                                     │
│                                     │
└─────────────────────────────────────┘
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11. At what point were the claims involving your client(s) resolved at the trial level?

☐Immediately after filing

☐During the pleading phase

☐During early discovery

☐Mid-way through discovery

☐Near the completion of discovery

☐After summary judgment motion filed, before ruling

☐Immediately after ruling on summary judgment

☐During pretrial preparation

☐On the eve of trial

☐During trial, before verdict

12. Number of MONTHS the case was pending <u>for your client(s)</u> in District Court, excluding post-judgment or post-settlement activity:

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┌───────────────────────┐
│                       │   MONTHS
└───────────────────────┘
```

13. What is your best estimate of the MONETARY COST for your client(s) to bring and/or defend the claims in District Court? Please round to the nearest $100.
Include amounts even if they are recoverable from another party or will not be collected from your client(s).
Do not include the value of the claim(s), post-judgment or post-settlement activity, appeal costs, or expenses after remand.
(Although they appear small, there is no character limit for the number entry boxes.)

     a. Attorney fees: $ _____

     b. Costs other than attorney fees (court costs, discovery, other litigation expenses, and ADR costs): $ _____

14. Was the LENGTH OF TIME to resolution at the trial level PROPORTIONATE to the dispute?

☐Yes

☐No, the time was too short.
     Reason: _____

☐No, the time was too long.
     Reason: _____

15. Assuming the reasonableness of your fees given the needs and decisions of your client(s) in the litigation context, was the TOTAL COST incurred by your client(s) for resolution at the trial level PROPORTIONATE to the dispute?
Please consider the amount in controversy, the complexity of the litigation, and the importance of the issues.

☐Yes

☐No, the amount was too low.
     Reason: _____

☐No, the amount was too high
     Reason: _____

16. Does your firm track billable hours?

☐ Yes *(please continue to Question 17)*

☐ No *(please skip to Question 18)*

17. Billable hours spent on the named case in your office:

	HOURS
a. Senior attorney	
b. Junior attorney	
c. Paralegal	

18. Was any discovery conducted in the named case?

☐ Yes *(please continue to Question 19)*

☐ No *(please skip to Question 22)*

19. Was discovery of any electronically stored information (e-discovery) conducted in the named case?

☐ Yes

☐ No

20. The discovery conducted by your client(s) (not by other parties):

TYPE	NUMBER
a. Requests for production (each single request)	
b. Requests for admission (each single request)	
c. Interrogatories (each single question)	
d. Non-expert depositions	
e. Expert depositions	

21. Overall, the amount of discovery actually conducted <u>by your client(s)</u> was:

☐LESS THAN the amount allowed by the initial case management order

☐EQUAL TO the amount allowed by the initial case management order

☐MORE THAN the amount allowed by the initial case management order

22. For the named case, please indicate the level of judicial management of the pretrial process

☐ALMOST NO judicial management

☐LITTLE judicial management

☐MODERATE judicial management

☐ACTIVE judicial management

☐VERY ACTIVE judicial management

23. Was the level of judicial management indicated in the previous question appropriate for the named case?

☐Yes

☐No, there was too much management.

Reason:

☐No, there was too little management.

Reason:

24. Were all portions of the case heard by the same judge?

☐Yes

☐No

25. Please indicate the level of pretrial cooperation between opposing counsel/parties to efficiently resolve the named case:

☐No appearance by an opposing party

☐ALMOST NO cooperation

(additional options on following page)

☐LOW level of cooperation

☐MODERATE level of cooperation

☐MODERATELY HIGH level of cooperation

☐HIGH level of cooperation

26. Indicate your level of agreement with the following statements about the named case.

		STRONGLY DISAGREE	DISAGREE	NEITHER AGREE NOR DISAGREE	AGREE	STRONGLY AGREE
a.	The pretrial process allowed me to obtain from the other side the information necessary to resolve my client's case.	☐	☐	☐	☐	☐
b.	The pretrial process allowed me to present the information necessary to resolve my client's case.	☐	☐	☐	☐	☐
c.	The pretrial process was fair to my client.	☐	☐	☐	☐	☐
d.	The court handled my client's case in a fair manner.	☐	☐	☐	☐	☐
e.	The amount of discovery allowed was proportional to the needs of my client's case.	☐	☐	☐	☐	☐

27. Indicate the frequency of the following with respect to the named case.

		ALMOST NEVER	OCCASIONALLY	ABOUT HALF THE TIME	OFTEN	ALMOST ALWAYS
a.	The PARTIES followed the rules of procedure.	☐	☐	☐	☐	☐
b.	The COURT followed the rules of procedure.	☐	☐	☐	☐	☐

28. At any point in the pretrial process, were:

a. Sanctions warranted?	☐Yes ☐No
b. Sanctions imposed?	☐Yes ☐No

29. Was the outcome of the case favorable to your client(s)?

☐Yes

☐Mixed feelings

☐No

☐Comment:

30. If you could make only one CHANGE to the Colorado Civil Access Pilot Project Rules, what would it be?

31. If you could make only one aspect of the Civil Access Pilot Project Rules PERMANENT, what would it be?

32. Please provide any additional comments on the Colorado Civil Access Pilot Project here:

<u>Appendix 6</u>: Attorney Survey Demographics Graphs

Figure A6-1: Distribution of Survey Responses by Court (n=691)
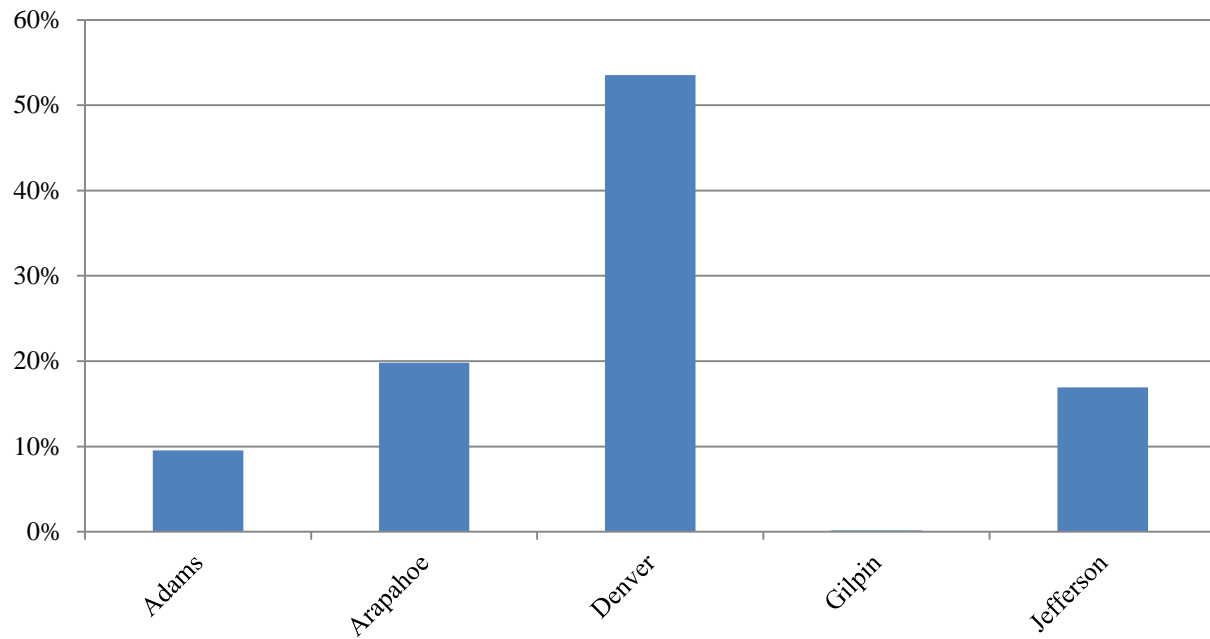
Figure A6-2: Distribution of Survey Responses by Party Represented (n=691)
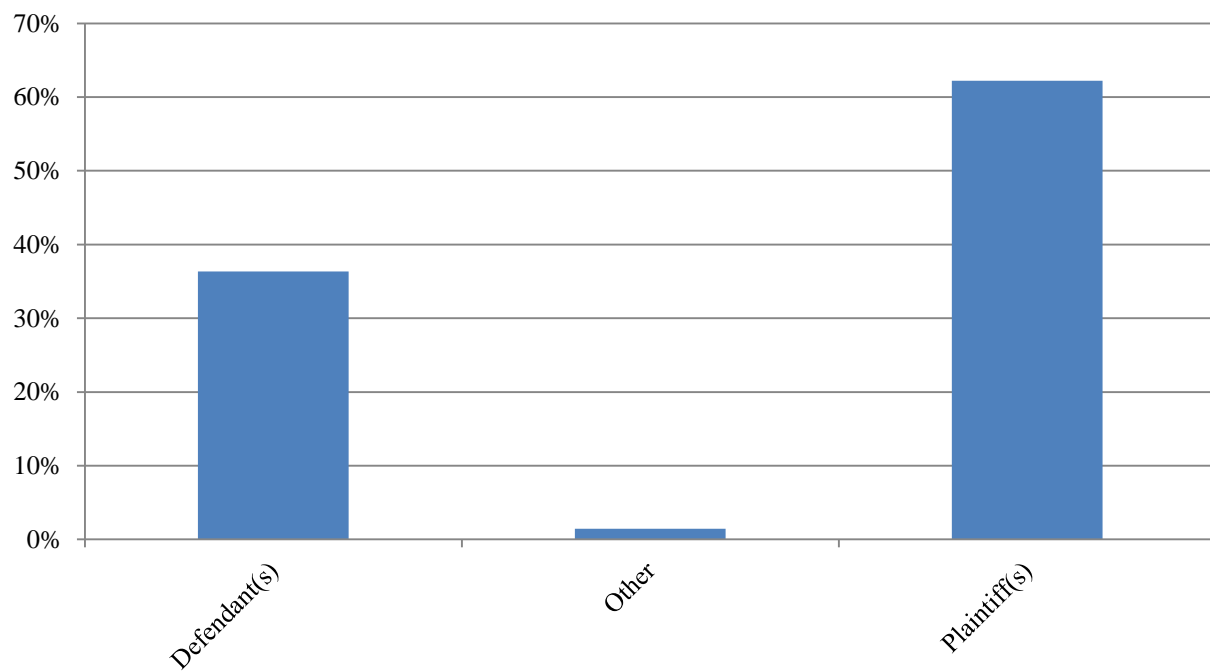
Figure A6-3: Distribution of Survey Responses by Case Type (n=693)
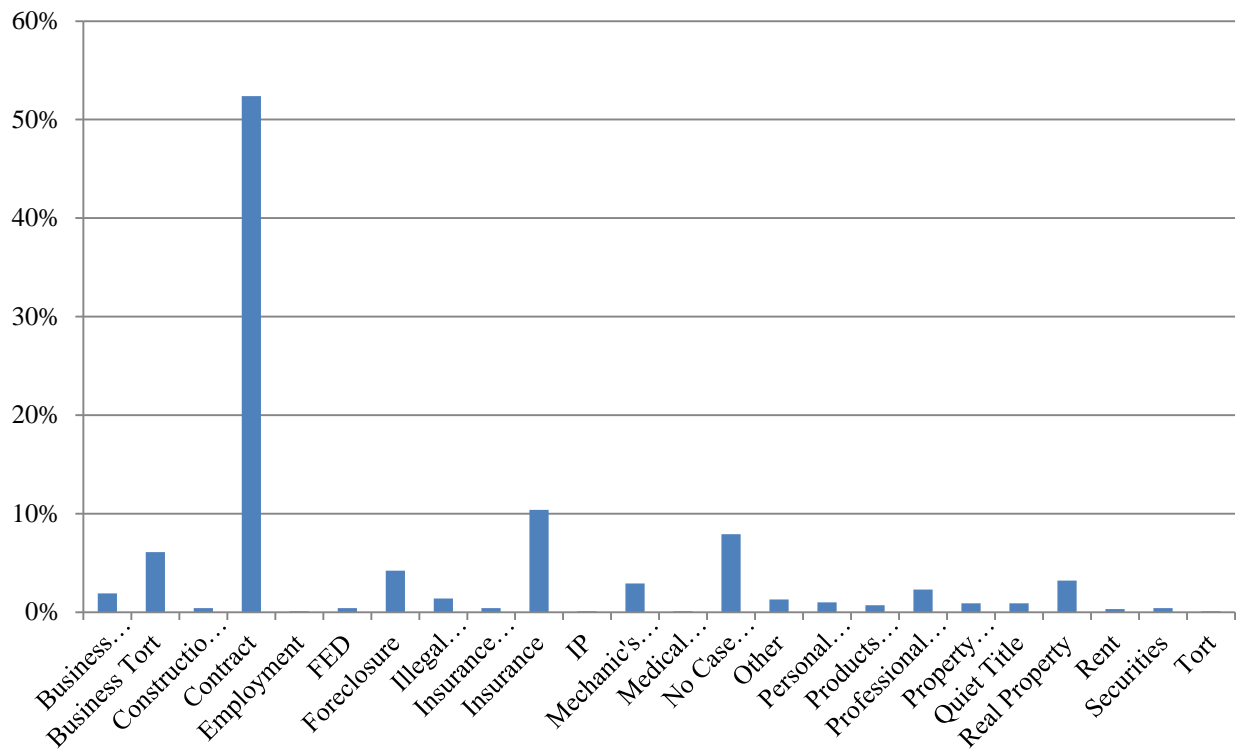
Figure A6-4: Distribution of Survey Responses by Total Number of Parties (n=667)
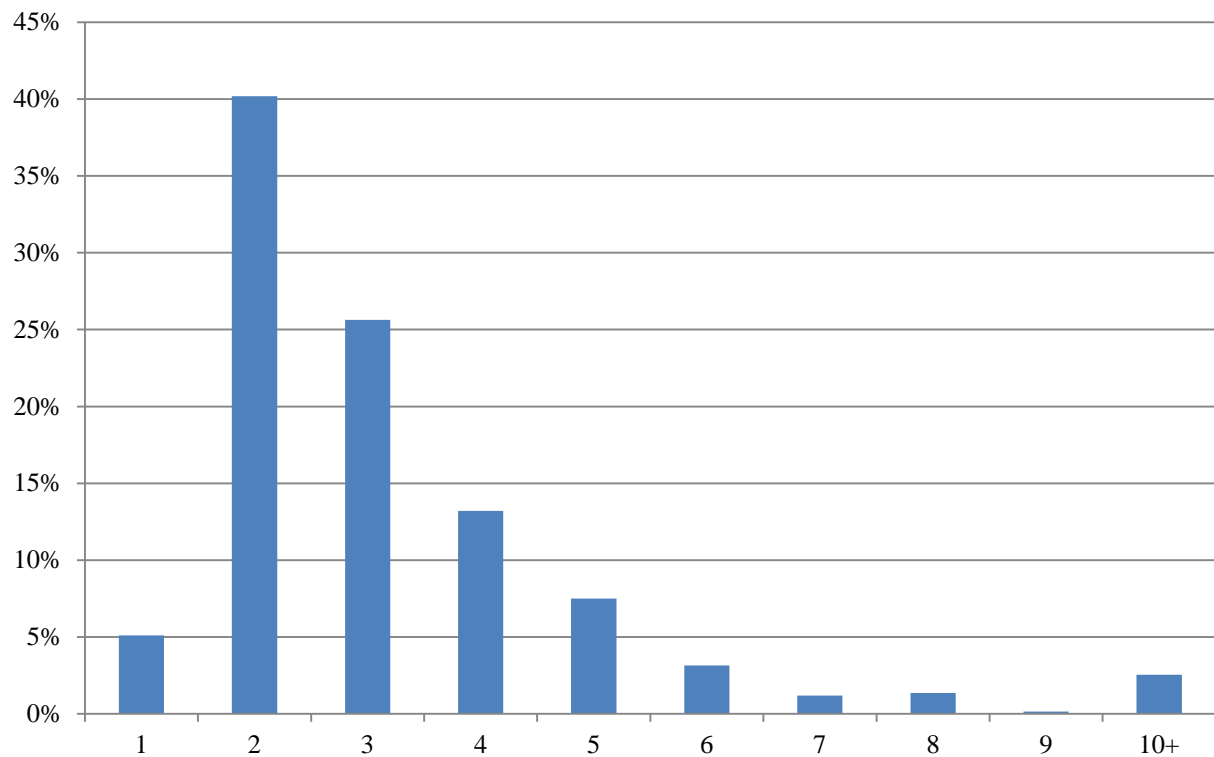
Figure A6-5: Distribution of Survey Responses by Billing Structure (n=691)
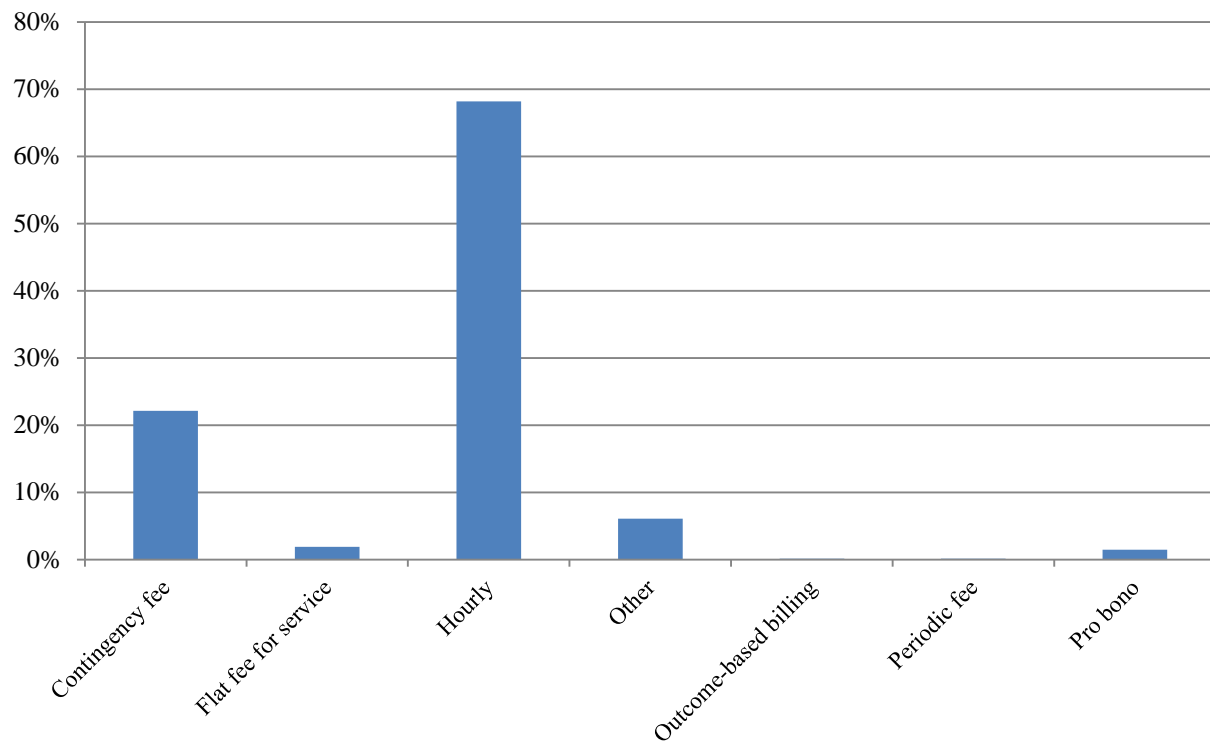
Figure A6-6: Distribution of Survey Responses by Amount in Controversy (n=686)
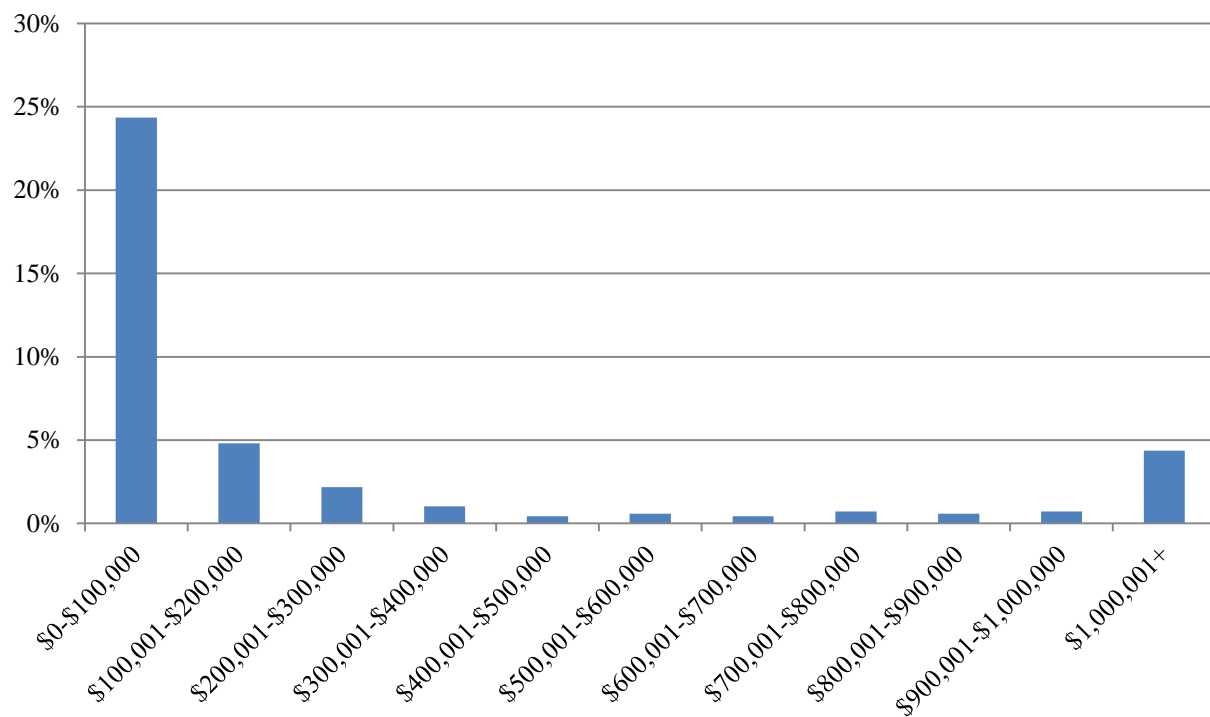
Figure A6-7: Distribution of Survey Respondents by Involvement of Non-monetary Relief (n=693)
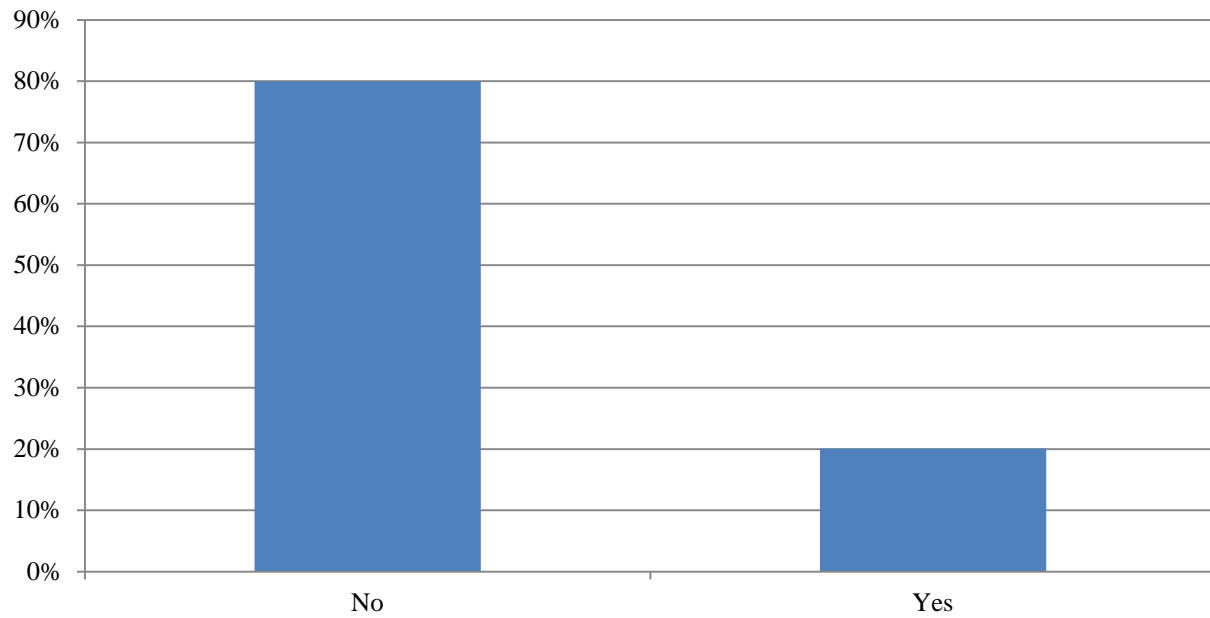
Figure A6-8: Distribution of Survey Responses by Participation in ADR (n=693)
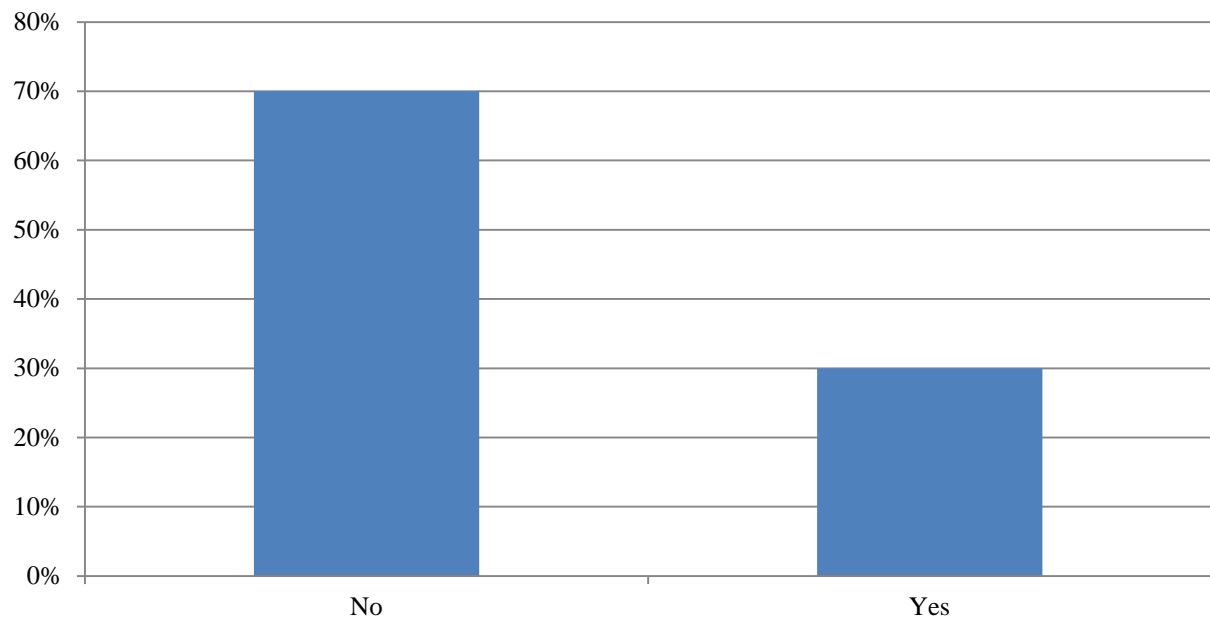
Figure A6-9: Distribution of Survey Responses by Whether Discovery was Conducted (n=666)
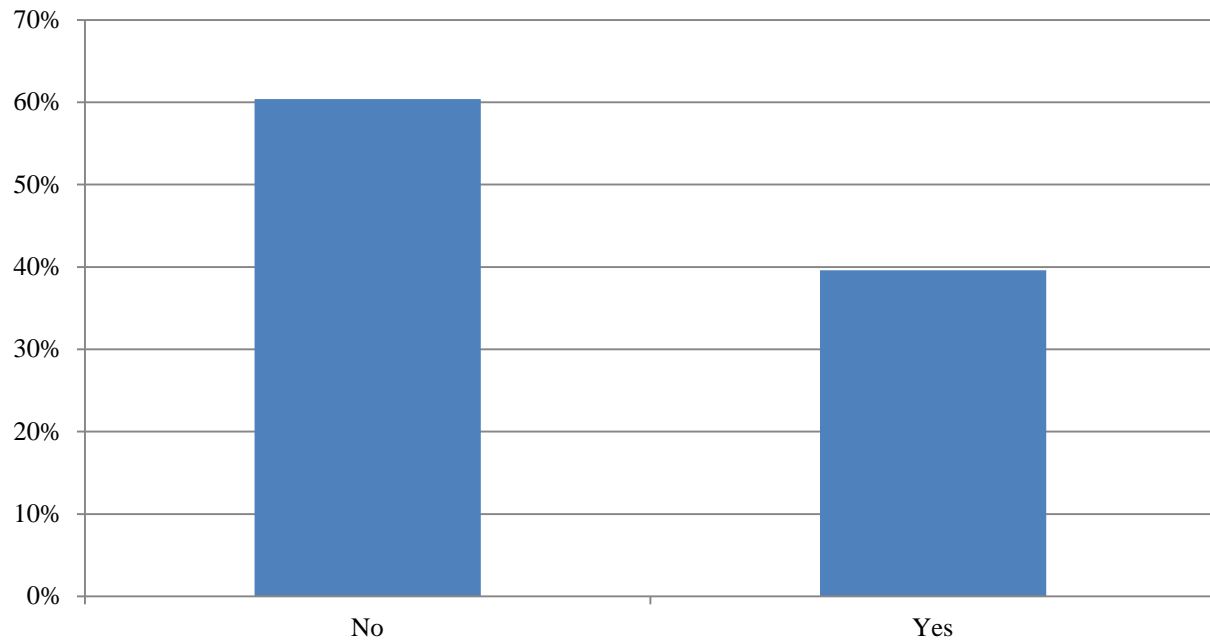
Figure A6-10: Distribution of Survey Responses by Resolution Timing (n=506)
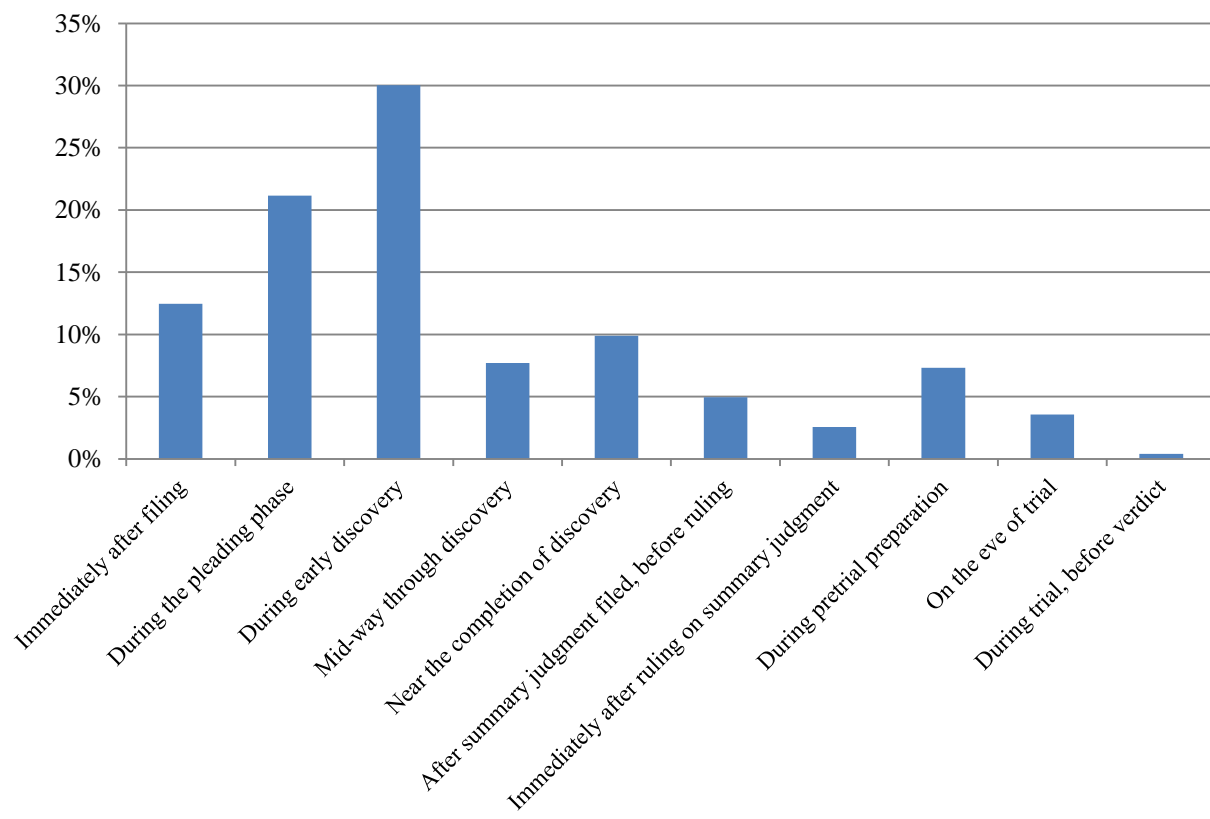
Figure A6-11: Distribution of Cases by Resolution Type (n=692)
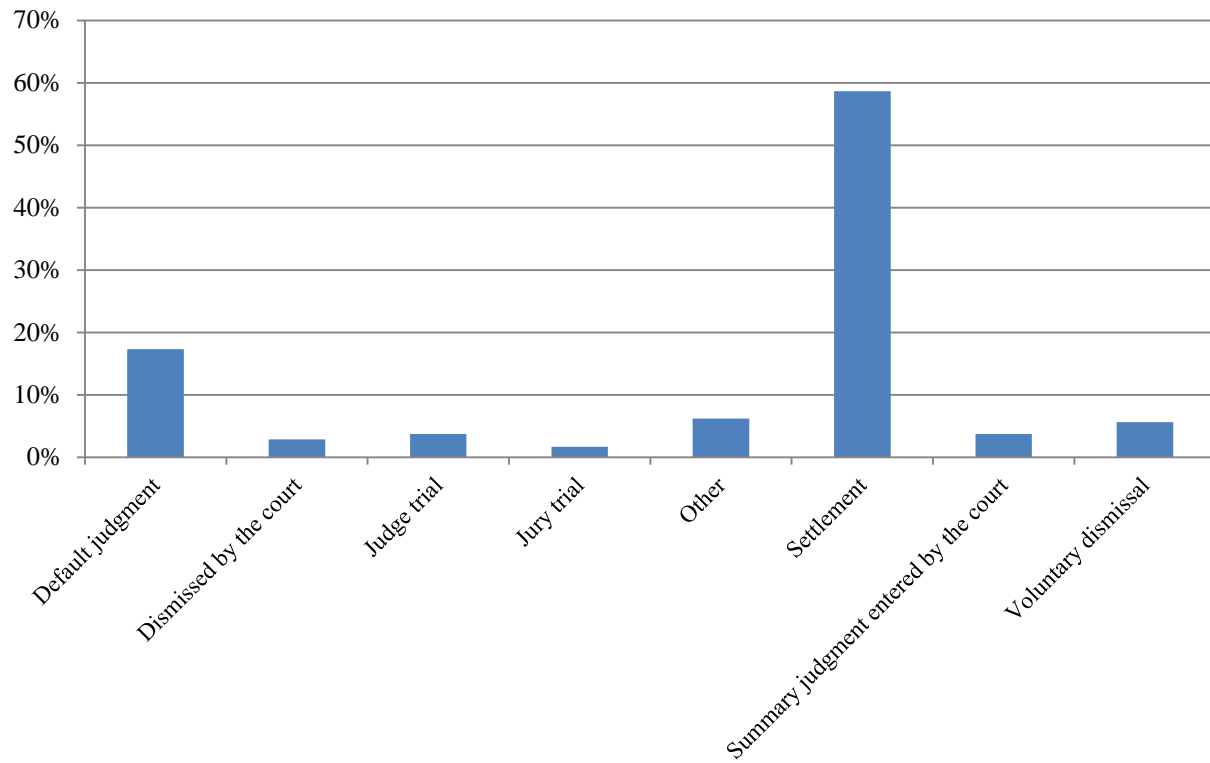
Appendix 7: Judge Survey Instrument

Thank you for your participation in the Civil Access Pilot Project (CAPP). IAALS is conducting this survey to provide information to the Colorado Supreme Court on the efficacy of the CAPP process. Your honest feedback is essential to evaluating the CAPP Rules, and the results of this survey will be used ONLY for that purpose.

This survey has 12 substantive questions and will take less than 10 minutes to complete. The survey does not ask for identifying information. Your individual responses will NOT be connected to you, and will be kept COMPLETELY CONFIDENTIAL within IAALS. The results of the study will be reported only in aggregate form. The survey is voluntary, and you may discontinue participation at any time without penalty. Please direct questions about the survey to Logan Cornett, IAALS Social Science Research Assistant: logan.cornett@du.edu.

If you have any concerns or complaints about how you were treated during the survey process, please contact Paul Olk, Chair, Institutional Review Board for the Protection of Human Subjects at the University of Denver, at 303-871-4531, or the Office of Research and Sponsored Programs at 303-871-4050 or du-irb@du.edu.

In responding to the survey questions, please consider all of your CAPP cases pending <u>during the last quarter (the period of [first date of quarter] through [last date of quarter).</u> Please click the red arrow button in the bottom right-hand corner to give your consent and begin the survey.

Please indicate the quarter for which you are completing this survey:

- ◉ 1st Quarter (January 1 - March 31)

- ◉ 2nd Quarter (April 1 - June 30)

- ◉ 3rd Quarter (July 1 - September 30)

- ◉ 4th Quarter (October 1 - December 31)

Please indicate the year for which you are completing this survey:

- ◉ 2012

- ◉ 2013

What percentage of your total docket during the last quarter involved civil cases? Domestic relations/family law cases should not be counted as "civil" for the purpose of this question.

_____ %

Briefly describe the THREE most common types of CAPP cases pending in your court during the last quarter, including the predominant claim asserted:

Please indicate your OVERALL level of judicial management of the pretrial process for:

	ALMOST NO judicial management	LOW judicial management	MODERATE judicial management	ACTIVE judicial management	VERY ACTIVE judicial management
Civil cases prior to CAPP (before January 2012)	○	○	○	○	○
CAPP cases during the last quarter	○	○	○	○	○
Non-CAPP civil cases during the last quarter	○	○	○	○	○

For your CAPP cases, please indicate your opinion as to the frequency of the following during the last quarter:

	ALMOST NEVER	OCCASIONALLY	ABOUT HALF THE TIME	OFTEN	ALMOST ALWAYS
The parties followed the CAPP Rules as written.	○	○	○	○	○
The parties requested to extend CAPP deadlines.	○	○	○	○	○
The parties requested to continue CAPP conferences, hearings, or trials.	○	○	○	○	○
"Extraordinary circumstances" warranted granting the requested extension or continuance.	○	○	○	○	○

When the CAPP Rules were not followed as written during the last quarter, how often did you take action to ensure compliance?

○ Almost never

○ Occasionally

○ About half the time

○ Often

○ Almost always

If you issued any Initial Case Management Orders during the last quarter, please rate the USEFULNESS of the following for determining a proportionate pretrial process. If you did not issue any of these orders, you may leave this question blank.

	MODERATELY LOW Usefulness	MODERATELY LOW Usefulness	MODERATE Usefulness	HIGH Usefulness	HIGH Usefulness
Pleadings	◉	◉	◉	◉	◉
Initial Disclosure Statement	◉	◉	◉	◉	◉
Joint Case Management Report	◉	◉	◉	◉	◉
Initial Case Management Conference	◉	◉	◉	◉	◉

Indicate how you would compare motions practice in your CAPP cases during the last quarter to your experience with similar non-CAPP cases.

	Many Fewer	Moderately Fewer	About the Same	Moderately More	Many More
Number of DISCOVERY motions filed in CAPP cases	◉	◉	◉	◉	◉
Number of DISPOSITIVE motions filed in CAPP cases	◉	◉	◉	◉	◉
Number of OTHER motions filed in CAPP cases	◉	◉	◉	◉	◉

Considering ALL of your CAPP cases during the last quarter, please indicate your level of agreement with the following statements.

	STRONGLY DISAGREE	DISAGREE	NEITHER AGREE NOR DISAGREE	AGREE	STRONGLY AGREE
Overall, the CAPP Rules are fair to PLAINTIFFS.	◉	◉	◉	◉	◉
Overall, the CAPP Rules are fair to DEFENDANTS.	◉	◉	◉	◉	◉
The CAPP process allows for the exchange of sufficient INFORMATION to fairly resolve cases on their merits.	◉	◉	◉	◉	◉
The CAPP process allows for sufficient TIME to fairly resolve cases on their merits.	◉	◉	◉	◉	◉

How would you characterize the overall impact of the Pilot Project during the last quarter? (There is no word or character limit for the text box.)

○ Positive. Reason:

○ Neutral. Reason:

○ Negative. Reason:

Do the CAPP Rules work better for certain types of cases than for others?

○ Yes

○ No

If you answered "yes" to the previous question, briefly describe the cases for which the rules work well and those for which they do not work as well.

Please provide any additional comments on the Pilot Project here:

APPENDIX 8: JUDGE SURVEY DEMOGRAPHICS GRAPHS

Figure A8-1: Number of Responses per Court by Quarter (n=86)
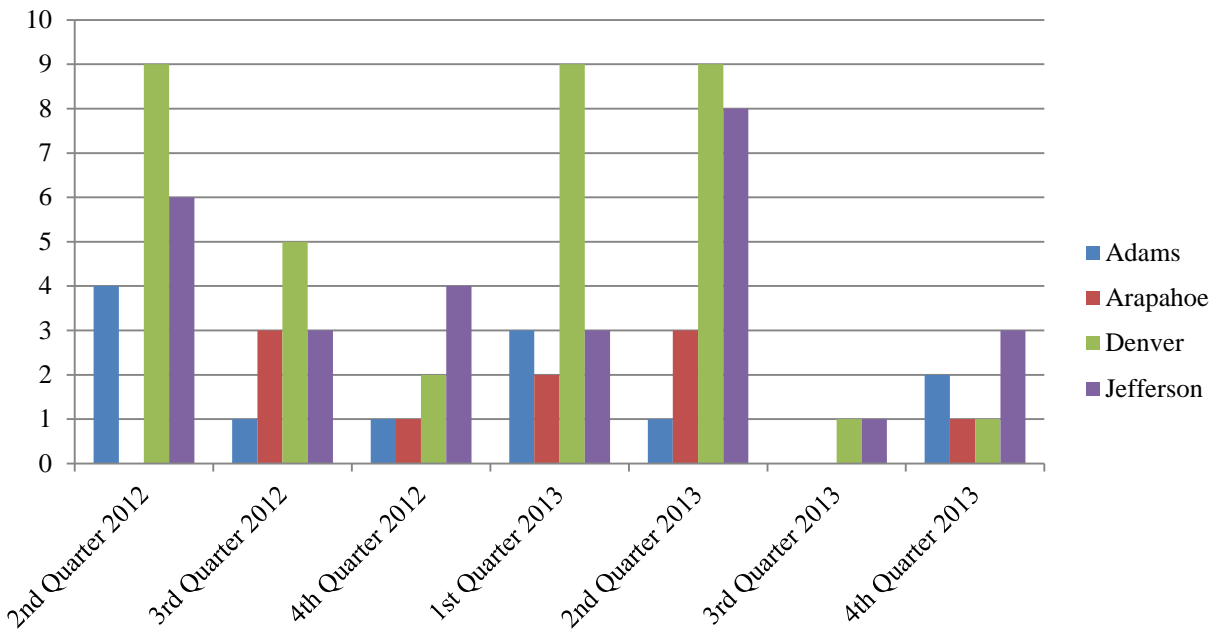

Figure A8-2: Percent of Respondent Judges with a Dedicated Civil Docket per Quarter (n=86)
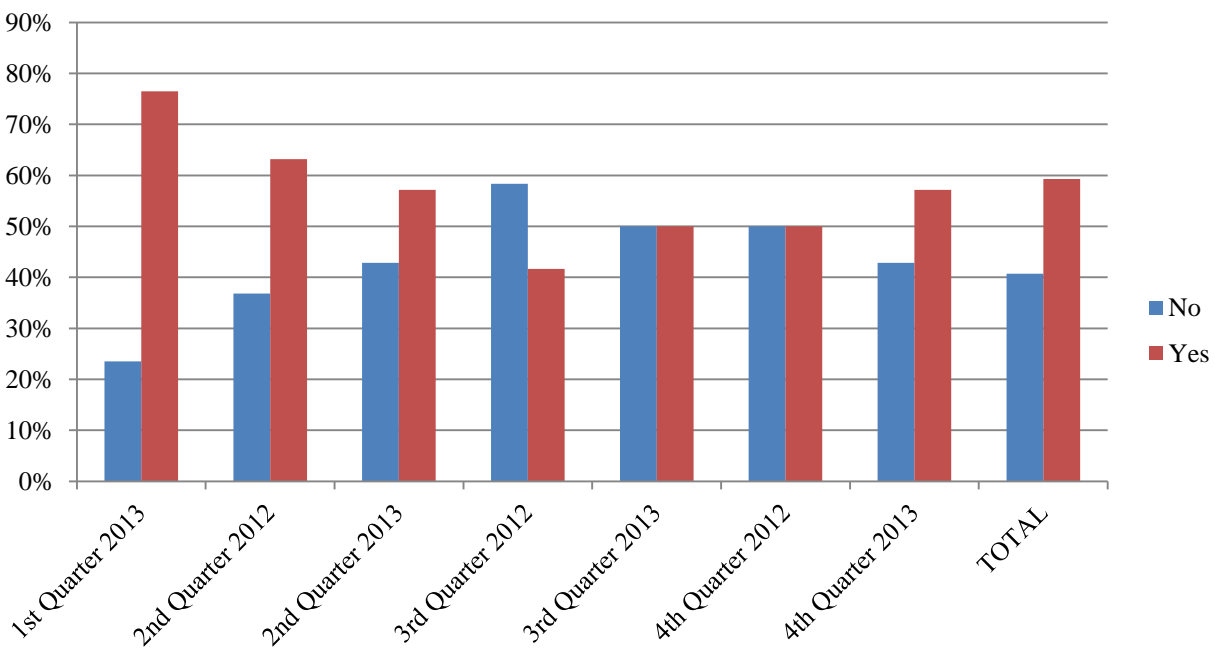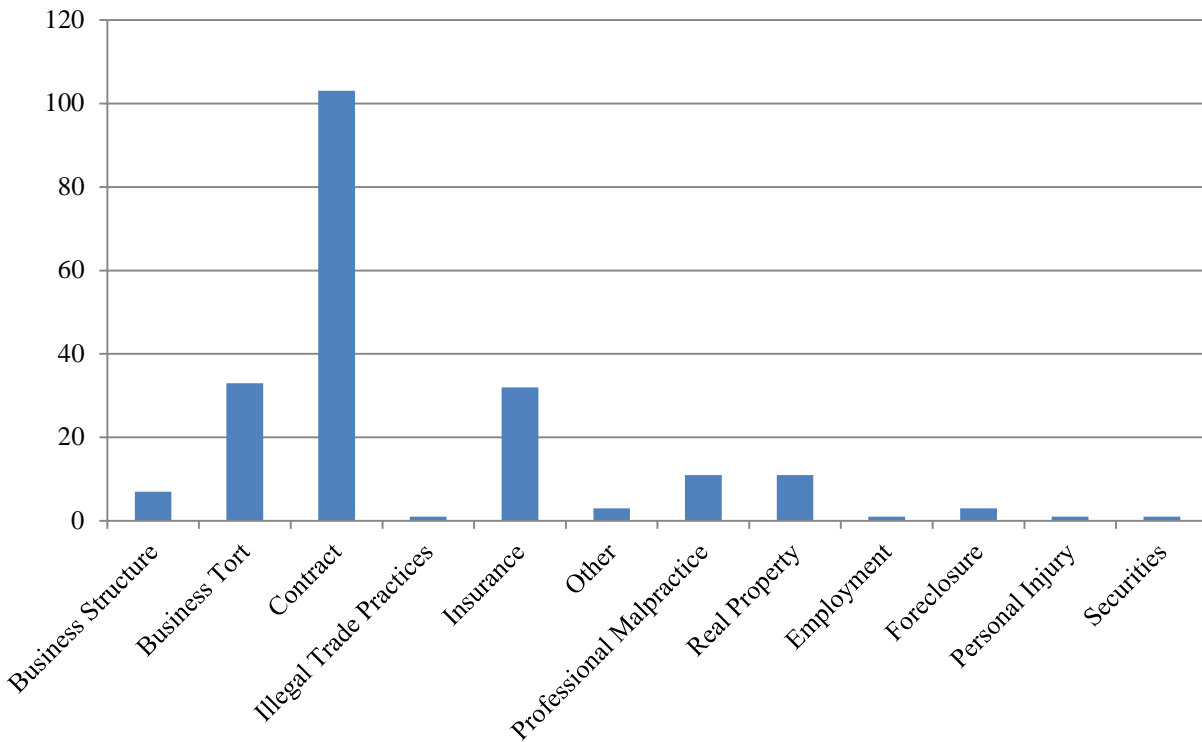
Figure A8-3: Number of Times Each Case Type Mentioned (n=82)[9]

_____

[9] The survey item asked respondents to list the three most common types of CAPP cases in their court. A total of 82 responses list at least one type and some list more than 3. The graph represents a count of the total number of times each case type was mentioned in any response.