

## 2011 BUSINESS COURT SATISFACTION SURVEY RESULTS

### Background

This data was gathered from a survey made available online to approximately 320 attorneys with cases disposed of in the Business Court between 2009—2<sup>nd</sup> Quarter of 2011. The survey yielded 82 total responses (74 complete responses, 8 partial) as of November 1, 2011.

### Overall Opinion

The overall opinion of the Business Court was predominantly positive, with 88% of respondents indicating that they were satisfied, or very satisfied, with the Court. Full results are detailed in Figure 1, below:

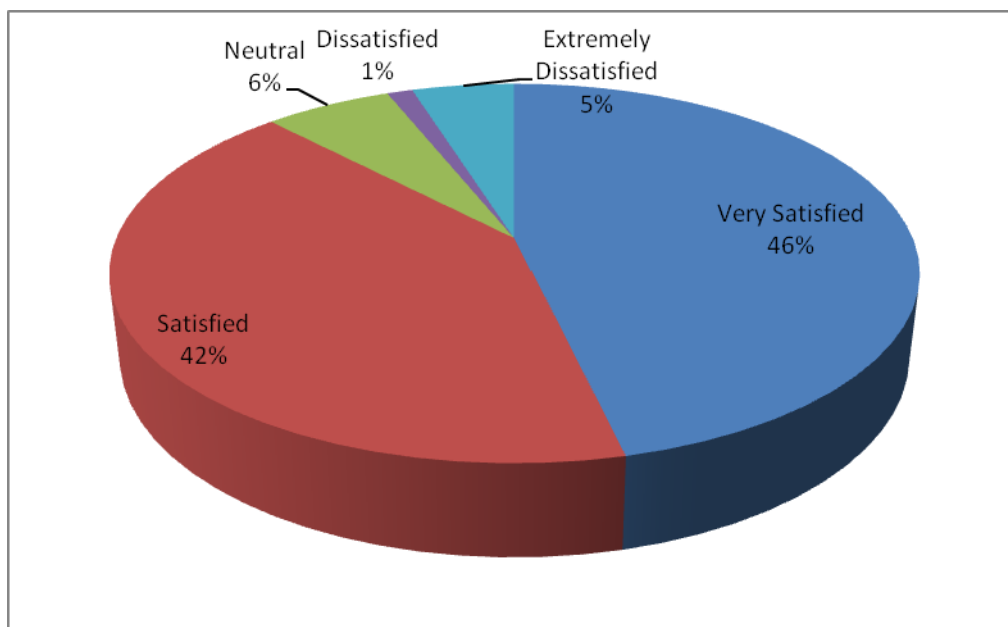


Figure 1. Overall Opinion of the Business Court.

Of the 82 responses 62, or 76% entered comments indicating that they would recommend the Business Court to their colleagues. Five respondents (6%) indicated that their recommendation would depend on the case; four respondents (5%) indicated that they would only recommend transfer to defendants; one respondent (1.2%) responded that they would not recommend the Court; and nine (11 %) did not respond.

## Availability of Business Court for Motions, Hearings, and Conferences

Respondents were overwhelmingly satisfied with the availability of the Business Court, with 97% expressing that they were satisfied, or very satisfied regarding that criterion. Full results are detailed in Figure 2, below:

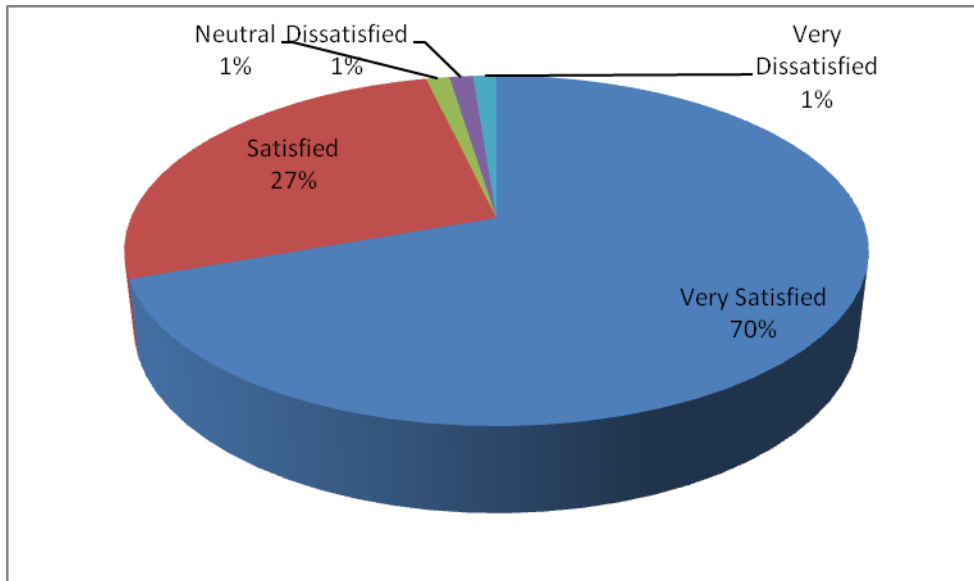


Figure 2. Availability of Business Court for Motions, Hearings, and Conferences.

A number of positive attributes were cited regarding the availability of the Court. These include the ease of access to judges (8 comments) and the willingness of the Court to accommodate attorneys' schedules regarding motions, hearings, and conferences (3 comments).

Negative feedback in this area included the inability to get to the Court quickly in emergency situations, such as to file a TRO (1 comment). Also noted were the Court's use of unnecessary oral arguments (1 comment), and the need for the Court to be more involved in discovery disputes (1 comment).

## Timeliness of Rulings

Overall, the vast majority of respondents were satisfied with the timeliness of rulings, with 93% expressing that they were satisfied, or extremely satisfied, regarding that criterion. Full results are detailed in Figure 3, below:

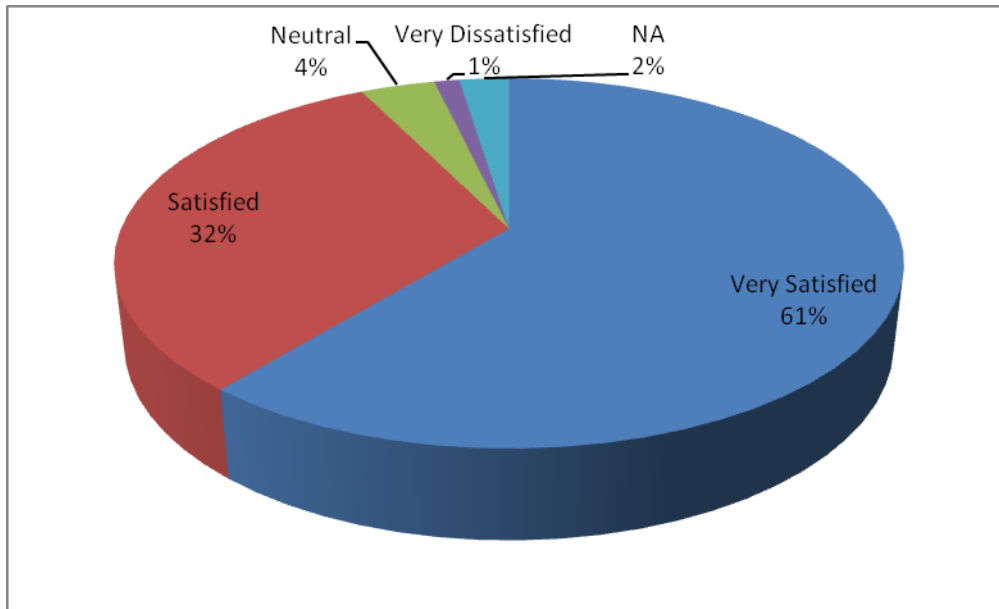


Figure 3. Timeliness of Rulings.

Fast, or efficient adjudication was the most frequently cited benefit, or positive attribute of the Business Court, with 77 comments emphasizing this feature of the Court.

## Quality of Legal Analysis

Responses were slightly less positive with respect to the quality of legal analysis in the Business Court, with 75% of respondents expressing that they were satisfied, or extremely satisfied, regarding that criterion. Quality of legal analysis also had a larger negative response than other criteria, with 11% indicating that they were dissatisfied, or extremely dissatisfied. Full results are detailed in Figure 4, below:

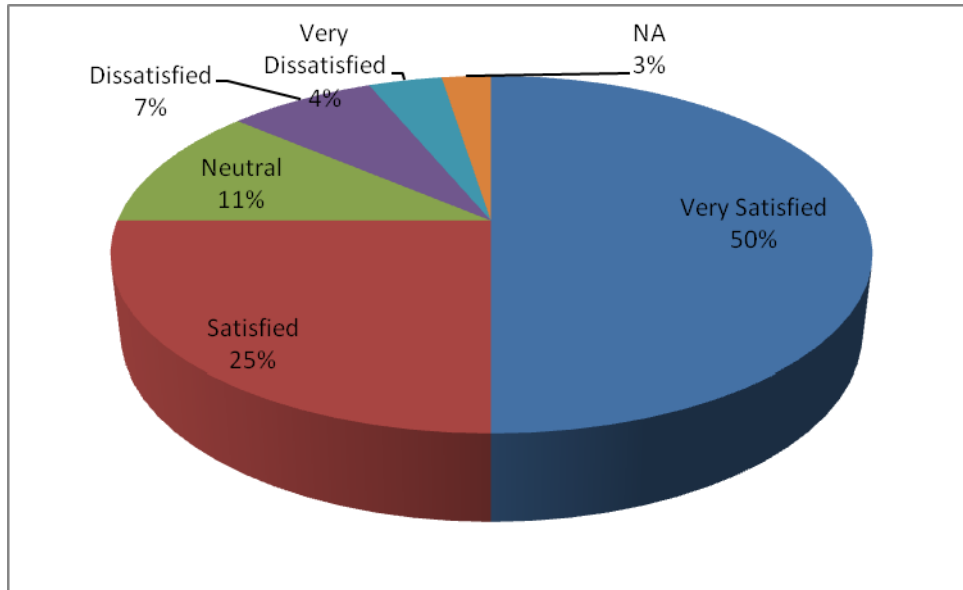


Figure 4. Quality of Legal Analysis.

The experience, knowledge, or sophistication of the Business Court Judges was listed by 33 respondents as a positive attribute of the Court. Other positive attributes cited included the competent consideration given by the Court (2 comments), consistency of rulings (2 comments), and clear rulings (1 comment). The primary negative feedback regarding the quality of legal analysis was insufficient consideration given by judges (2 comments).

Other data regarding Business Court rulings revealed that over half of the respondents felt that the orders/rulings by the Business Court were primarily split between the parties (57%), with 31% reporting that the rulings were in their favor and 12% indicating that the rulings were in the opposing party's favor. 70% of the respondents indicated that neither they nor their opponent appealed a judgment. Only 14% of respondents reported that they had appealed a judgment, and 16% indicated that their opponent had appealed a judgment.

## Quality of Case Management

Quality of case management represented a criterion with one of the highest levels of satisfaction, with 93% of respondents indicating that they were satisfied, or very satisfied. Full results are detailed in Figure 5, below:

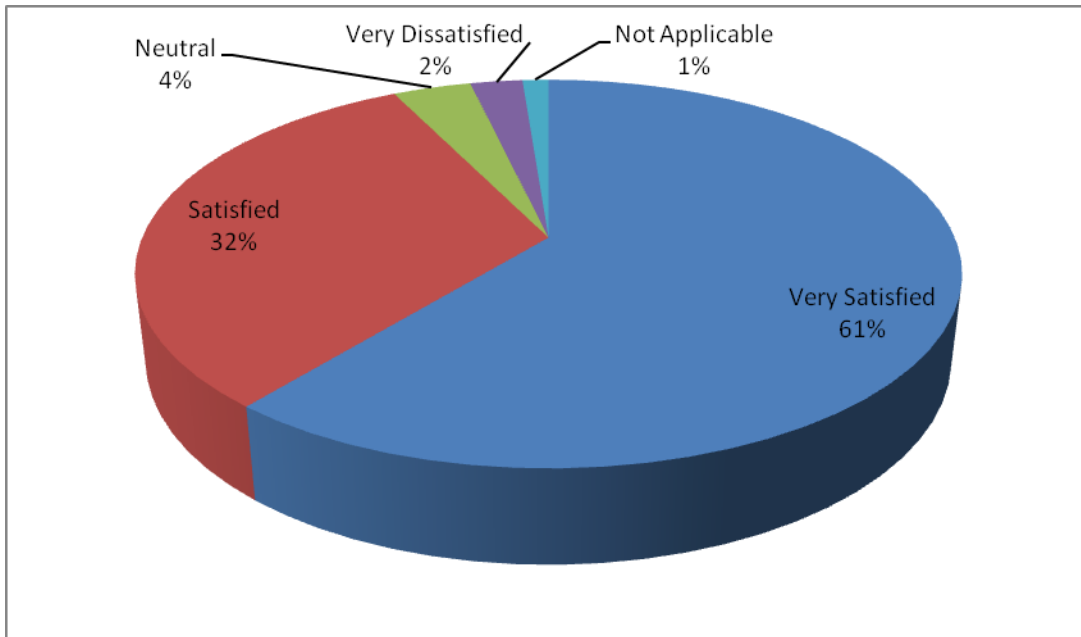


Figure 5. Quality of Case Management.

Comments regarding case management were primarily positive. Eighteen positive comments were submitted regarding the Court's efficient case management. Additional benefits cited included the accessible and effective Court staff (11 comments), effective communication with attorneys (5 comments), and use of regular status conferences (1 comment).

## Impartiality of Business Court Judges

Respondents were generally satisfied with the impartiality of the Business Court Judges, with 85% expressing that they were satisfied, or very satisfied, regarding that criterion. This criterion also had a higher negative response, with 8% indicating that they were either dissatisfied, or very dissatisfied. Full results are detailed in Figure 6, below.

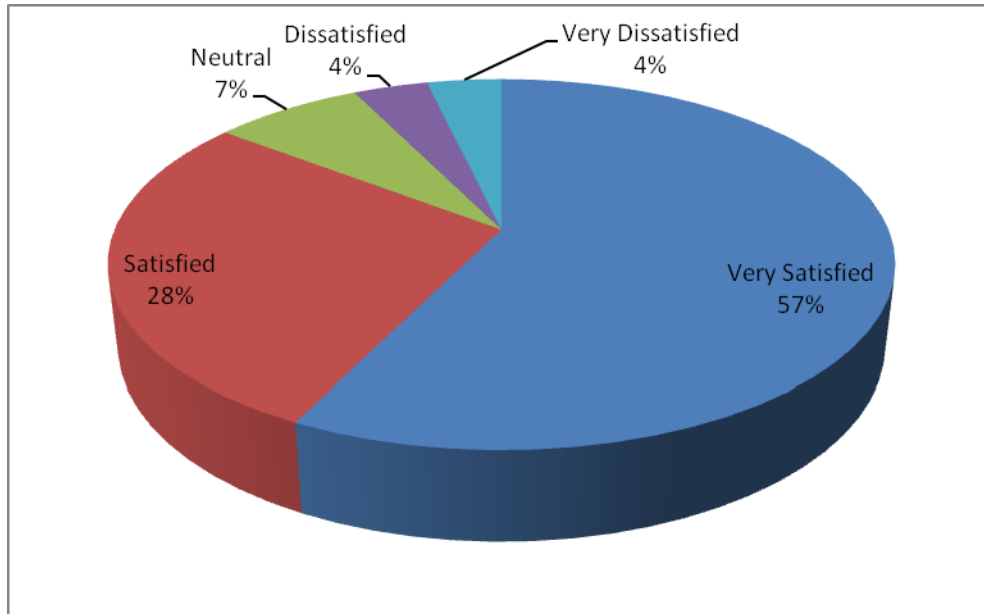


Figure 6. Impartiality of Business Court Judges.

Impartiality in adjudication was listed as a positive attribute of the Court by two respondents. Eleven comments reflected the opinion that the Court is biased towards defendants and/or businesses and corporations.

Demographic data of the survey respondents revealed that 33 respondents (40%) represented plaintiffs, with 49 respondents (60%) indicating that they represented defendants.

## Respondent Commentary

Respondents were given an opportunity to comment on attributes of the Court that they viewed as either positive, or negative. The responses were overwhelmingly favorable. Positive attributes included:

- Fast /or efficient adjudication (77 comments)
- Experienced, knowledgeable, or sophisticated judges (60 comments)
- Accessible, or effective staff (19 comments)
- Accessible judges (27 comments)
- Efficient case management (18 comments)

- Willingness to accommodate attorneys' schedules (3 comments)
- Consistent rulings (4 comments)
- Impartial consideration of cases (3 comments)
- Clear or well-reasoned rulings (9 comments)
- Availability and use of regular status conferences (3 comments)
- Participation of the Court in managing discovery (3 comments)
- Good/timely communication with counsel (6 comments)

Negative attributes given generally appeared with lower frequencies than the positive comments, and included:

- Judges biased towards businesses or corporations (11 comments)
- Insufficient analysis by judges (2 comments)
- Burdensome expense of transfer to Business Court (1 comment)
- Judges can be "rough" on parties or counsel (1 comment)
- The Court can't be accessed quickly enough in emergencies, such as to file a TRO (2 comments)
- The Court uses unnecessary oral argument hearings (1 comment)
- The Court needs to be more accessible (1 comment)
- The Court needs to be more involved in discovery disputes (1 comment)
- Decisions take too long (1 comment)
- Not enough resources/staff devoted to Business Court (2 comments)
- Inability to file case directly in Business Court/ cumbersome transfer process (2 comments)
- High staff turnover (1 comment)

Respondents were also given the opportunity to offer suggestions for how to improve the court. Feedback included:

- The need for electronic filing (5 comments)
- The need for more judges (4 comments)
- Expanding the Business Court to cover the entire state (2 comments)
- Better publication of what cases are eligible for transfer to the Business Court (2 comments)
- Publication of a list of sophisticated business litigators to serve as special masters or mediators (1 comment)
- Greater familiarity with e-discovery issues (1 comment)
- The need for more resources and staff (2 comments)
- The need for a specialty in construction litigation (1 comment)
- Greater involvement in resolving discovery disputes (1 comment)
- Ability to file directly in Business Court (2 comments)
- Less judicial involvement—"let counsel try their cases" (1 comment)

- Greater impartiality (2 comments)

Regarding the technological resources of the court, 61 respondents (91%) indicated that they would like the court to utilize electronic filing. Three respondents indicated that they would like the court to have a document camera, or “elmo” technology available, and one respondent indicated that she would like the Court to have greater presentation technology, in general.