Georgia Law Prof Launches Study on Litigant Satisfaction in Women's Health MDLs

University of Georgia School of Law professor Elizabeth Chamblee Burch is performing a study focusing on women's health MDLs, including the pelvic mesh litigation, the talc litigation and the litigations involving birth control drugs, like Yasmin/Yaz.

By Max Mitchell | December 17, 2018 at 02:39 PM

Elizabeth Chamblee Burch of the University of Georgia School of Law.

Many law review articles have been written about the procedural challenges for lawyers and judges when it comes to handling multidistrict litigation, but few studies have focused on what hurdles litigants may face when their cases are part of large consolidated actions.

One law professor is looking to change that with a study she is undertaking that seeks to hear from litigants who have brought a claim through the MDL process.
University of Georgia School of Law professor Elizabeth Chamblee Burch is performing a study focusing on women's health MDLs, including the pelvic mesh litigation, the talc litigation and the litigations involving birth control drugs, like Yasmin/Yaz. The study consists of a questionnaire meant to gauge the satisfaction of litigants when it comes to the various aspects of the system they may have interacted with, such as judges, lawyers or third-party litigation funders. Burch has set Jan. 8 as the deadline for litigants to take part in the survey.

According to Burch, the last study done focusing on the experience of the plaintiffs in mass litigations was done in 1989. Although her study is focusing on products that deal with women's health issues, she said the narrow focus should give insight into the satisfaction of plaintiffs in MDLs as a whole.

“It just struck me that there are so many products aimed at women,” she said.

Burch said the study is designed somewhat like a customer satisfaction survey, but aimed at the civil justice system at large. The questionnaire, Burch said, branches off like a choose-your-own adventure story, where the questions are tailored to gauge the satisfaction at each possible twist that a case can take, like whether the litigant ever appeared before the judge, whether their case was referred to multiple attorneys, whether third-party financial agreements were involved and whether the litigant had to go through a post-settlement claims administration process.

“The hope is to figure out if we can pinpoint the satisfaction, or dissatisfaction,” she said. “I really don't want to just get people who are disgruntled. If there are aspects people are happy about, I absolutely want to know that.”

In the short term, Burch said she is hoping the research will lead to a law review article, but in the long term, she said she hopes the research serves as a launching pad for a larger in-depth study that will become a book.

However, Burch said she has run into difficulty so far, both from lawyers and from the litigants, when it comes to participation. Some litigants, she said, are suspicious and have accused her of working with or being funded by attorneys involved in the litigation. The project, she said, is being funded entirely by the university. Attorneys, she said, also haven't appeared eager to pass the word along about the study.
“Nobody really wants you to look under the hood. Nobody much has an incentive to get people to participate,” she said.

A glance into the social media pages dedicated to women who underwent pelvic mesh procedures might give some indication why, as many commenters report difficulty getting in touch with attorneys and feeling largely left out of the process. An attorney involved in the pelvic mesh litigation also recently took the unusual step of criticizing several of his colleagues, accusing them of taking on more cases than they could handle and then settling the cases for cheap.

Although many complaints express dissatisfaction with the system as a whole, Burch said she hopes the study will help tease out exactly where the problem areas might be.

With more than 100,000 women involved at its peak, the pelvic mesh MDL was one of the largest consolidated actions ever, according to mass tort attorneys. It is far from the first large-scale litigation where claimants have been openly frustrated with the system—in particular, the $1 billion class settlement the NFL reached regarding former players with concussion-related injuries has also recently come under scrutiny.

When asked whether dissatisfaction typically always increases the larger the litigation is, or whether dissatisfaction appears to be increasing on the whole, Burch said she can't say for sure, but the study may help provide an answer in the future.

“We don't have a baseline,” Burch said. “We don't know how happy people used to be.”

Max Mitchell

Max Mitchell is a reporter with The Legal Intelligencer, focusing on litigation in Pennsylvania with a specific emphasis on Philadelphia courts. Follow him on Twitter @MMitchellTLI.
Trending Stories

1. Lawyer Identified as Attacker in New York Subway Incident
   THE AMERICAN LAWYER (AMERICANLAWYER/)

2. Backlash Mounts Against Attorney Whose Racist Rant Went Viral
   (https://www.law.com/americanlawyer/2018/05/17/backlash-mounts-against-attorney-whose-racist-rant-went-viral/)
   THE AMERICAN LAWYER (AMERICANLAWYER/)

3. Manhattan Attorney Decried as Racist Apologizes on Twitter
   (https://www.law.com/newyorklawjournal/2018/05/22/manhattan-attorney-decried-as-racist-apologizes-on-twitter/)
   NEW YORK LAW JOURNAL (NEWYORKLAWJOURNAL/)

4. Slideshow: A Roundup of Memorable Images From Justice Carol Hunstein's Career
   DAILY REPORT ONLINE (DAILYREPORTONLINE/)

5. Wife's Dying Word Pushed DA to Seek Tex McIver Murder Charge
   DAILY REPORT ONLINE (DAILYREPORTONLINE/)
"The future in law or anything is an imprecise place, to be reached via a challenging terrain."

Recommended Stories

**Tort Reform Group Raps Georgia High Court Again**

AMANDA BRONSTAD | DECEMBER 05, 2018

A Georgia plaintiffs lawyer said Georgia’s reputation as being a top business-friendly state belies the tort reform group’s claims.

**NALP Loosens the Reins on Summer Associate Recruiting**

KAREN SLOAN | DECEMBER 13, 2018

NALP has ditched a guideline that firms give law students 28 days to accept a summer associate offer, as well as one prohibiting law firms from recruiting law students in their first semester. The overhaul is intended to spur innovation in entry level legal recruiting.

**Greenberg Traurig Lobbyists Lead Battle for Amazon’s Expansion in New York City**

MICHAEL WASHBURN | DECEMBER 12, 2018

Greenberg Traurig's lobbying efforts were instrumental in the city’s decision to award Amazon with a new headquarters.
The experienced advocates have been hired to help fight growing opposition to the retail giant's plans.

**Featured Firms**

<table>
<thead>
<tr>
<th>Law Offices of Mark E. Salomone</th>
<th>Gary Martin &amp; Associates P.C.</th>
<th>Smith &amp; Hassler</th>
</tr>
</thead>
<tbody>
<tr>
<td>2 OLIVER ST #608 BOSTON, MA 02109</td>
<td>235 PEACHTREE ST NE #400 ATLANTA, GA 30303</td>
<td>225 N LOOP W #525 HOUSTON, TX 77008</td>
</tr>
</tbody>
</table>

Presented by BigVoodoo ➔

**More from ALM**

**Premium Subscription**

With this subscription you will receive unlimited access to high quality, online, on-demand premium content from well-respected faculty in the legal industry. This is perfect for attorneys licensed in multiple jurisdictions or for attorneys that have fulfilled their CLE requirement but need to access resourceful information for their practice areas.

View Now (http://clecenter.com/Program/Premium.aspx)

**Team Accounts**

Our Team Account subscription service are for legal teams of four or more attorneys. Each attorney is granted unlimited access to high quality, on-demand premium content from well-respected faculty in the legal industry along with administrative access to easily manage CLE for the entire team.

View Now (http://clecenter.com/CleForFirm/Default.aspx)

**Bundle Subscriptions**

Gain access to some of the most knowledgeable and experienced attorneys with our 2 bundle options! Our Compliance bundles are curated by CLE Counselors and include current legal topics and challenges within the industry. Our second option allows you to build your bundle and strategically select the content that pertains to your needs. Both option are priced the same.

View Now (http://clecenter.com/Default.aspx)

**CLE Center** → (http://clecenter.com)

**ALM Legal Publication Newsletters**

**Sign Up Today and Never Miss Another Story.**

As part of your digital membership, you can sign up for an unlimited number of a wide range of complimentary newsletters. Visit your My Account (https://store.law.com/Registration/myAccount.aspx? promoCode=GA#/EmailPref) page to make your selections. Get the timely legal news and critical analysis you cannot afford to miss. Tailored just for you. In your inbox. Every day.

Subscribe Now (https://store.law.com/Registration/myAc

**Daily Report** (https://dailyreportonline/)

Publications (publications/) / Law Topics (topics/) / Surveys & Rankings (dailyreportonline/rankings/) / Cases (dailyreportonline/case-digests/) / Public Notice & Classifieds (dailyreportonline/public-notices/) / Court Calendars (dailyreportonline/) / Legal Newswire (legalnewswire/)