

# Byline

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## Virginia's 'Rocket Docket' Continues To Roar

by Robert M. Tata

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The United States District Court for the Eastern District of Virginia — known nationally as the “Rocket Docket” — had the fastest trial docket in the country in 2014. Once again. For the seventh year in a row. The median time interval to trial for the 12-month time period ending Sept. 30, 2014 (the most recently released complete set of data) is 12.5 months. That’s 12.5 months from the filing of the complaint until the matter was tried and concluded. That’s compared to a nationwide average of 24.9 months to try a case. The EDVA is the fastest once again.

### By the Numbers

Let’s start with the data. The Administrative Office of the United States Courts issues its fiscal year data and statistics every year after the Judicial Conference meets in March. According to the latest data, the median time interval to try a federal civil case in the Eastern District of Virginia (that’s Alexandria, Richmond, Norfolk and Newport News divisions) is 12.5 months (compared to 11.9 months for this time period last year) to try its 39 civil trials. The national “silver medalist” goes to the Northern District of Florida with a median time of 13.0 months. Their bronze medal this year goes to the Southern District of Florida at 14.6 months. All the leaders changed this year except one, the Eastern District of Virginia.

The absolute slowest court in the country to try a case? For two years straight it had been the Western District of New York. But apparently not this year (its median was not reported because it had an insufficient number of trials). In 2014, this dubious honor went to the Eastern District of Tennessee, which had a median 55.5 months to try its 42 civil cases in fiscal year 2014. That’s twice as slow as the national average and over four times the amount of time it took to try a civil case in the EDVA “Rocket Docket.”

The District Court of the District of Columbia was second to last again this year posting a median time interval to trial of 44.1 months — about twice as long as the national average. Other slowpokes included the District Court of Nevada (39.5 months for its 16 civil trials), Connecticut (38.8 months for its 36 civil trials), the Virgin Islands (38.2 months for its 14 civil trials), Utah (37.9 months for its 16 civil trials) and the Eastern District of California (36.2 months

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for its 34 civil trials). Likewise, there's time to smell the roses in the Garden State, the District Court of New Jersey also lagged the pack (35.9 months for its 52 civil trials).

The statistics above concern average time through trial. But because most cases aren't tried, the average time to any "disposition" is shorter. The report indicates that the national median interval for disposition of a federal civil case was 8.3 months. But the average time to disposition in the EDVA in 2014 was 5.5 months, which was one of the fastest disposition medians in the country. Faster to nontrial disposition though were the Southern District of West Virginia (3.0 months), the Eastern District of Pennsylvania (4.0 months), Southern District of Florida (4.8 months) and the Central District of California (5.3 months).

The report tell us the busiest (and sleepest) federal district courts for civil cases as well. The busiest include the Central District of California (11,600 civil cases), the Southern District of New York (9,316 cases), and last year's leader the Eastern District of Pennsylvania (8,128). The sleepest include the District Court of Vermont (207 cases), the District Courts for South (218) and North Dakota (230), and, for the adventurous, the District of the Northern Mariana Islands (33 cases) or the District of Guam (29 cases).

**What Fuels the "Rocket Docket" Today and EDVA Practice Pointers?**

In my 2014 article, we discussed some of the factors that result in the speed and efficiency of the "Rocket Docket." We also discussed EDVA patent practice and the "patent wheel," which is a system for rotating patent cases among the divisions.

In my 2013 article, we discussed the EDVA divisions, including Alexandria, Richmond, Norfolk, and Newport News, and some of their nuances. These cities form a crescent on the map sweeping from Alexandria in the D.C. suburbs, through Richmond and Newport News, to Norfolk near the Atlantic Ocean in the southeast. We emphasized then, as we do now, that when practicing in the EDVA it is critically important to read and know the local rules. Each division and judge may also have some written and unwritten local rules that are known to local practitioners. An outline of specific practice tips and the key local rules are included in our prior article.

**Fourth Circuit Appellate Median Time Intervals**

This year, in addition to looking at the EDVA district court statistics, we thought it would be interesting to look at time intervals for the Fourth Circuit Court of Appeals, which is the court which takes appeals from the EDVA "Rocket Docket." While there may be some flexibility regarding where to initially file your civil case, there's no such flexibility after trial on where to bring the appeal. Nonetheless, we thought it would be interesting to look at appellate time intervals because this information can inform parties where they can expect to complete the trial and appeal the quickest.

There are 12 appellate courts, the D.C. Circuit and the First through Eleventh Circuit. As mentioned above, appeals from the EDVA "Rocket Docket" go to the Fourth Circuit Court of Appeals. So we are going to focus on that court.

The Administrative Office of the United States Courts also issues its fiscal year data and statistics regarding the appellate courts. Reported data includes the time from "Filing of Notice

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of Appeal to Last Opinion or Final Order.” When focusing strictly on civil appeals (as opposed to including “Prisoner Petitions” and “Criminal Appeals”), the median time interval for all circuits is 10.8 months from filing the notice to the last order.

Although the median time for all circuits is 10.8 months, individual circuits range from a low of six months to a high of 21.3 months. The Fourth Circuit posted the low of six months from notice to last order in handling 595 cases in fiscal years 2014. The Ninth Circuit was the slowest (by far) posting a median time of 21.3 months in handling 1,275 cases. Other quick circuits included the Eleventh (median nine months for 757 cases), the Seventh (9.7 months for 489 cases) and the Fifth Circuit (9.9 months for 778 cases). Again, this is only civil cases.

The Appellate Court data also reports the median time intervals from “Filing in Lower Court to Last Opinion or Final Order in Appeals Court.” In other words, the time it takes for the trial and appeal to be completed. Perhaps not surprisingly, the Fourth Circuit is the winner here as well. While the nationwide median time from district court filing to final appellate court order is 30.5 months, in the Fourth Circuit the median time is 21.5 months, significantly lower than anywhere else.

**Conclusion**

The data is clear. The EDVA “Rocket Docket” is the quickest civil trial court. And the Fourth Circuit — the court where appeals are taken from the “Rocket Docket” — is the fastest appellate court in the land.

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