

# Lawyer Insights

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## Expert Analysis: 'Rocket Docket' Justifies Its Name For 11th Straight Year

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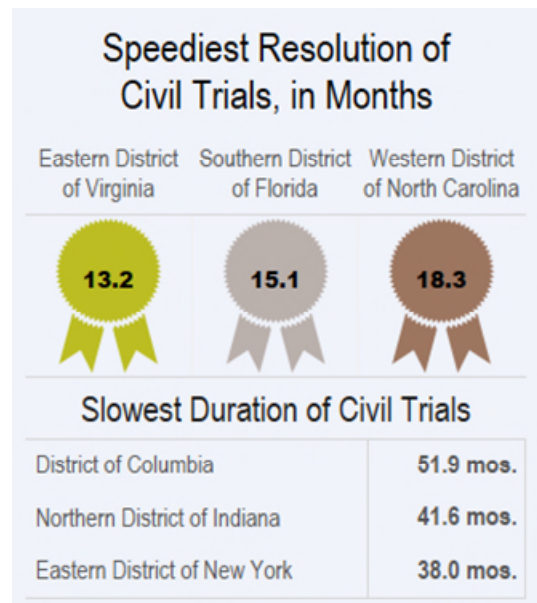


For the 11th year in a row, the U.S. District Court for the Eastern District of Virginia “rocket docket” is the fastest federal civil trial court in the country. This year, the EDVA rocket docket (Alexandria, Richmond, Newport News and Norfolk) won the “gold medal” with a median time to trial of 13.2 months.<sup>1</sup> The U.S. District Court for the Southern District of Florida took the “silver” with 15.1 months. And the U.S. District Court for the Western District of North Carolina took the “bronze” with 18.3 months.

The slowest-pokes included the U.S. District Court for the Eastern District of New York (38 months), the U.S. District Court for the Northern District of Indiana (41.6 months) and, lagging behind in dead-last 94th place, the U.S. District Court for the District of Columbia (51.9 months).

This is our seventh year of writing for Law360 regarding the Eastern District “rocket docket.” In the past, in addition to reporting on the speed-to-trial, we have highlighted the EDVA local rules (2013), the EDVA “patent wheel,” which rotates patent cases filed in other divisions throughout the district (2014), the U.S. Court of Appeals for the Fourth Circuit appellate time intervals (2015), patent and class action cases (2016), what continues to fuel the “rocket docket” (2017), and more about the local practice in the district (2018). For the last few years, we have interviewed one or more of the district judges, sometimes several. We have now interviewed judges in all of the divisions.

The United States Courts’ “Caseload Statistics Data Tables” page allows access to a treasure trove of data. As stated on the webpage: “This section of [uscourts.gov](http://uscourts.gov) provides statistical data on the business of the federal [j]udiciary. Specific publications address the work of the appellate, district, and bankruptcy courts; the probation and pretrial services systems; and other components of the U.S. courts.”



We focus here on Data Table C-5, which deals exclusively with civil cases. It includes total numbers of cases, method of disposition and time intervals to disposition. It breaks down statistics by circuit and district

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court. The busiest civil circuit court in 2018 was the U.S. Court of Appeals for the Fourth Circuit with its district courts handling 47,551 cases. The busiest individual district court was the Southern District of West Virginia, handling 36,423 civil cases in 2018. This is an anomaly. A large volume of the West Virginia filings, likewise contributing to the Fourth Circuit totals, are cases resulting from West Virginia's pelvic mesh multidistrict litigation. The busiest district court aside from West Virginia was the Central District of California with 12,151 civil suits in 2018.

Last year, generally, courts in the Northeast were slow to trial while courts in the South were much faster. The U.S. Court of Appeals for the First Circuit courts (Maine, Massachusetts, New Hampshire, Rhode Island, Puerto Rico) had a 35-month median interval to trial. And the U.S. Court of Appeals for the Second Circuit (Connecticut, New York, Vermont) had a 35.2-month median interval. Meanwhile, more southern circuits such as the U.S. Court of Appeals for the Fourth Circuit (Maryland, North Carolina, South Carolina, Virginia, West Virginia), Fifth Circuit (Louisiana, Mississippi, Texas) and Eleventh Circuit (Alabama, Florida, Georgia) had median intervals to trial of 21.7 months, 23.9 months and 20.9 months, respectively.

Based on our recent discussion with one EDVA judge, four factors are contributing to the efficient docket: (1) prompt, short scheduling orders; (2) a reticence to continue cases; (3) active and engaged senior and magistrate judges; and (4) dedication to duty and a pride in efficient docket management.

No doubt, some recent trends are exerting pressure on the trial times in the EDVA. In 2013, the average time-to-trial was 11.9 months, which slid to 13.2 months for the most recent reporting year of 2018. Complex patent suits are simply more time consuming. Many of these are filed in the Alexandria Division (right outside the District of Columbia). To help the Alexandria Division not get overwhelmed, patent cases are rotated through the divisions pursuant to the "patent wheel," where such cases are randomly assigned to other divisions. Nonetheless, some judges build more time into the pretrial schedule at the front end to handle a Markman hearing, which contributes to longer times to resolution at trial.<sup>2</sup> There is also a sense that the district may be seeing more complex white-collar fraud cases, which could also add to the median time to trial for civil cases.

## Conclusion

Year after year, the Eastern District of Virginia "rocket docket" has been the fastest civil trial court in the land with a median time in months to trial of 13.2 months. Other courts are sometimes referred to as "rocket dockets" — such as the U.S. District Court for the Eastern District of Texas (27.7 months), the Northern District of California (27.7 months), the Central District of California (21.4 months), the Northern District of Georgia (23.3 months) and the Western District of Wisconsin (20 months). The EDVA resolves civil trial at almost twice the speed of these other "rocket dockets" and it is currently on a remarkable run, clocking in as the absolute fastest civil trial court in the country for 11 years straight.

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## Notes

<sup>1</sup> We obtain the data for our annual article from Table C-5 of the annual caseload statistics. [www.uscourts.gov/statistics-reports/caseload-statistics-data-tables](http://www.uscourts.gov/statistics-reports/caseload-statistics-data-tables). Traditionally, we have used the tables that are published in March for September of the prior year, but this year we have been able to move to a calendar year calculation ending in December of the prior year.

<sup>2</sup> However, if lead counsel quibble too long over scheduling a Markman hearing, at least one local judge has been known to set a trial a few months out from the initial conference with no provision for a Markman hearing at all.

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