

Lawyer Insights

April 30, 2018

The Fastest Federal Civil Court for a Decade

by Bob Tata

Published in Law360



The annual statistics from the United States Courts Judicial Business report have been released. The Eastern District of Virginia “rocket docket” is the fastest in the country for the 10th straight year with a median time of 12.3 months from case filing to trial for the period ending Sept. 30, 2017.¹ So this year’s “gold,” “silver” and “bronze” medals for civil speed and efficiency for getting a federal civil case from filing to trial go to the Eastern District of Virginia (12.3 months), the Southern District of Florida (14.3 months), and the Eastern District of Pennsylvania (14.7 months). The slowest federal courts to trial last year were the District of D.C. (40.1 months), the Central District of Illinois (41.9 months), and, bringing up the rear, the Northern District of Indiana (44.2).

The Administrative Office of the United States Courts issues its fiscal year data and statistics every year after the Judicial Conference meets in March. Many statistics are compiled and reported and the entire report may be found at <http://www.uscourts.gov/> under the “Statistics and Reports” tab and at “Data Tables.” There are dozens of tables there compiling all sorts of interesting data, including “U.S. District Court — Miscellaneous Matters Conducted by U.S. Magistrate Judges,” “U.S. Court of Appeals — Cases Filed, Terminated or Pending,” and many others. For this article — this is our sixth year reporting on time to trial for civil trials — we usually focus on Table C-5, “U.S. District Courts — Median Time Intervals From Filing to Disposition of Civil Cases Terminated, by District and Method of Disposition.”

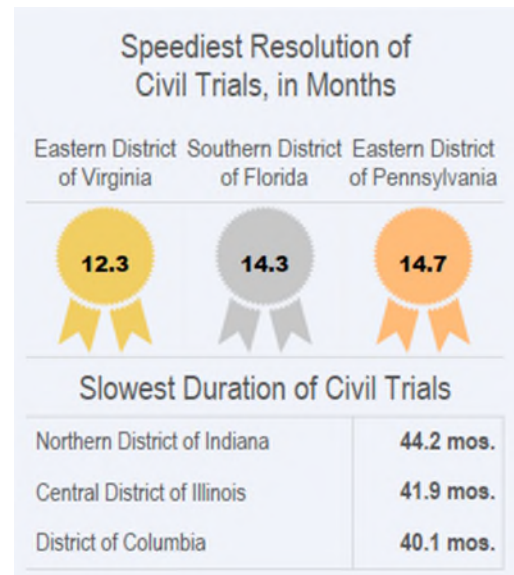


Table C-5 alone contains a wealth of information regarding civil cases, including numbers of cases in each district, median time interval to disposition before, after and at trial, and much more. For instance, the busiest district courts in the country last year included the Central District of California (11,987 civil cases), the Northern District of Illinois (8,631 civil cases), and the Southern District of New York (8,600 civil cases). The federal courts with the quietest civil dockets last year included the District Court of the Virgin Islands (142 civil cases with three tried), the District Court of Guam (54 civil cases with none tried), and the District Court of the Northern Mariana Islands (31 civil cases with one trial). Stateside, the District of Wyoming had the least number of civil cases filed last year at only 182, but 10 actually went to trial.

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More About Local Practice and Some EDVA Judges' Comments

This year, as we have for the last few years, we talked to some of the judges in the Eastern District of Virginia. In the past, we have met or communicated with all of the district court judges in the Norfolk division for this article. But we had not formally interviewed any magistrate judges, nor had we met with or interviewed Richmond division and Alexandria division judges specifically about this article. This year, we have.

Every year in meeting with the judges, we feel like we learn new insights. But first, let's review some history. As one judge emphasized, Judge Albert V. Bryan Jr. is "the real founder of the modern 'Rocket Docket' in Virginia." Though Judge Bryan is so self-effacing he would never claim credit (one of the judges called the nonagenarian to discuss this topic), it was his initiative over 40 years ago that put in place such mechanisms as the master docket, limitations on the time for discovery, and no (or very rare) continuances. Judges in other divisions saw how well it was working, were sold on the idea, and adopted many of Judge Bryan's procedures — and certainly the spirit of seeking to provide fast, efficient justice.

We asked, "But with so many judges having come and gone over the years, how does the EDVA rocket docket continue to be so efficient" at resolving cases? In pondering this question, one of our interviewees contacted us to provide what was described as a partial answer: The modern EDVA bench clearly takes pride in efficiently dispensing justice, and "if you know you are doing something well, there's an obligation to keep it up." And this dedication to efficiency has continued even in the face of a "mammoth increase in filings."

Today, it is clear that all the judges and magistrate judges are very proud of the work of their colleagues. More than one emphasized how hardworking and conscientious the judges — including the senior judges — continue to be. The collegiality of the EDVA bench was emphasized as well. This point was made not simply to acknowledge a positive working environment, but also to note that efficiencies result when magistrates and judges are comfortable talking to each other about docket management and other issues.

All the EDVA judges and magistrate judges (about 25 total) are invited to (and most attend) an annual meeting. A number of topics are discussed here, including some management reports. Our clear sense is that the judges take great pride in remaining off what is referred to as the "six-month report," — which indicates any motion that has remained on the docket unresolved for six months. Nobody in the EDVA wants to be on the six-month report.

In discussing the role of the magistrate judges in the EDVA, we learned that a magistrate judge's civil caseload might even exceed the criminal caseload, at least as far as time spent on that docket. On the civil side, magistrate judges may handle cases pursuant to a consent, may be assigned to prepare a report and recommendation, and may handle many nondispositive motions such as discovery motions. Also, the magistrate judges frequently conduct settlement conferences, and many have a very good track record at settling cases. While most EDVA judges do not require a settlement conference (at least one we have spoken to does), all of them that we have spoken to strongly encourage them.

As we have discussed in prior years, the starting point for practice in the EDVA is the "Local Rules for the United States District Court Eastern District of Virginia," which are available on the website. Indeed,

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attorneys seeking admission pro hac vice must certify that they have read the 98-page rules. In addition to these local rules for the entire EDVA, there are also division-specific local procedures for things like motions and courtesy copies noted on the website. Finally, some judges have their own published local practices as well.

While many of the EDVA judges' pretrial orders are very similar, there can be important differences. Some will build in time for things like Markman hearings in patent cases while some will not. Also, their individual practices may be different. While in most cases the docket clerks handle the initial pretrial conference, we talked to at least one judge who handles these him- or herself, sometimes sharing early "impressions of the case," and seeking to clearly convey that deadlines are meaningful.

A couple of the judges we spoke to this year had particularly dim views of discovery disputes. One judge expressed frustration with litigants claiming common terms were "vague," instead of simply answering the interrogatories. Though magistrates handle most discovery motions in the district, at least one district judge indicated he/she would get on the phone with counsel and quickly resolve discovery disputes. Another judge stated: "The key to early trials is limiting the time for discovery."

Conclusion

Once again, out of 94 district courts nationwide, the EDVA has the fastest civil trial docket in the country, now for at least the 10th straight year. As one judge succinctly put it, borrowing from British writer Samuel Johnson's famous quote referring to the impending hanging of an Anglican clergyman: The EDVA deadlines and docket "concentrates the mind wonderfully." The judge concluded that "there's simply no reason for most cases to last a long time, most cases can be resolved quickly." Remarkably, long after Judge Albert V. Bryan Jr. launched the "rocket docket" in the EDVA over 40 years ago, the rocket continues to roar!

Notes

¹ For at least 10 years, the EDVA has been the fastest "median time interval in months" to trial in at least one of the statistical tables published each year.

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