

Lawyer Insights

The Fastest Federal Trial Courts: A Look At Virginia, Florida

By Robert M. “Bob” Tata
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For 11 straight years through 2018, the [U.S. District Court for the Eastern District of Virginia](#), known as the rocket docket, had been the nation's fastest civil trial court of the 94 U.S. district courts.

But, for the third year in a row, the Eastern District of Virginia — with courthouses in Alexandria, Richmond, Newport News and Norfolk — has been nudged down to second, finishing this year slightly behind the [U.S. District Court for the Northern District of Florida](#).

So, the EDVA remains very, very fast — just not the fastest in the past three years. This is our 10th year [writing](#) for Law360 regarding the EDVA rocket docket. And this year, in addition to speaking with the newest Norfolk EDVA judge, we interviewed the chief judge from the Northern District of Florida to determine some of that court's best practices since it has been the fastest civil trial docket for now two years in a row.

Recently available data from the U.S. Courts' Caseload Statistics Data Tables page shows that in 2021, the Northern District of Florida won the gold medal for fastest civil trials with a median time to civil trial of 12.7 months. The EDVA won the silver at 18.6 months. And the [U.S. District Court for the Southern District of Florida](#) took the bronze with 19 months.

Meanwhile, the slowest pokes in the country last year were the [U.S. District Court for the Eastern District of New York](#) (at a stunning 55.9 months to civil trial — third year in a row to place last or second to last), the [U.S. District Court for the Northern District of Illinois](#) (42.8 months to trial) and the [U.S. District Court for the District of Nevada](#) (41.8 months). Of course, the longer it takes to try a federal case, the more likely it is to cost more, maybe much more.

In past years, in addition to reporting on the speed to trial, we have highlighted the EDVA local rules ([2013](#)), the EDVA's so-called 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 cases and class actions ([2016](#)), what continues to fuel the rocket docket ([2017](#)), more about the local practice in the district ([2018](#)), some national comparisons ([2019](#)) and COVID-19 practice in the EDVA ([2020](#) and [2021](#)).

For historical context, when I first wrote on this topic in 2013 regarding 2012 statistics, the median time to civil trial in the EDVA was 11.3 months. This year it is 18.6 months. That computes to a 65% increase in the amount of time to civil trial



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in the EDVA over nine years.

It is easy to attribute the increase in trial time over the last few years to the COVID-19 pandemic. But even though the COVID-19 measures have contributed to delays, the increasing time to civil trial in the EDVA has continued to rise over the years due to other factors, too. The 2020 number reported last year was 16.9 months, so the time to trial in the EDVA has been trending upward for a while.

The Virginia Rocket Docket's Newest Norfolk Judge

On Sept. 29, 2020, U.S. District Judge Roderick C. Young received his judicial commission to fill the seat previously held by U.S. District Judge Rebecca Beach Smith, who had assumed senior status. Judge Young was recommended by both Virginia Sens. Tim Kaine and Mark Warner. He was subsequently nominated by then-President Donald Trump and confirmed in the [U.S. Senate](#) almost unanimously.

It is no wonder Judge Young was nearly unanimously confirmed. His depth and breadth of legal experience and achievements are impressive. Judge Young has had positions including Virginia assistant public defender in Portsmouth, Virginia, senior assistant commonwealth's attorney in Richmond, Virginia, assistant U.S. attorney for the EDVA, special assistant U.S. attorney for the District of Columbia and law school adjunct professor at William & Mary Law School, before his most recent position as a U.S. magistrate judge for the Eastern District of Virginia from 2014 until 2020.

Judge Young was kind enough to grant us an opportunity to talk with him to discuss his observations regarding EDVA best practices. He has a somewhat unique perspective because he served as a magistrate in Richmond, but was commissioned to fill a Norfolk/Newport News district judge seat, so he has worked closely with both Richmond and the Norfolk/Newport News judges.

As we have learned from other judges in the past, Judge Young noted that the EDVA judges are not formally indoctrinated regarding trial speed. Instead, it appears to be more a general sensibility and long-standing culture that permeates this bench. He specifically mentioned several factors that contribute to the continuing efficiency of the EDVA despite the passage of time and turnover of judges.

Judge Young pointed to the knowledge and expectations of the local bar practitioners that are accustomed to speed as an important factor. He also noted the extreme reluctance of the EDVA bench to grant continuances as a bedrock factor. Even as an assistant U.S. attorney he recalled cases were almost never continued.

Judge Young also pointed to certain logistical best practices that contribute to docket efficiency. Most of the divisions set the trial date at the initial pretrial conference. That date may be seven to nine months out from the initial pretrial conference depending on the judge. Likewise, many judges set the initial pretrial conference as soon as a response is filed, even if it is a motion to dismiss.

Sometimes, if it is a patent case, judges provide additional time for a Markman hearing — but not always. These practices, and the swift resolution of motions and discovery disputes, all contribute to the speed and efficiency of the EDVA.

COVID-19 Champ — The Northern District of Florida

While this article has always focused on the Eastern District of Virginia, this year we thought it would be

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interesting to learn more about the Northern District of Florida because it has been the fastest civil trial district for two years straight. So we contacted Chief U.S. District Judge Mark E. Walker, and he was kind enough to talk with us.

The NDFL has four districts — Gainesville, Panama City, Pensacola and Tallahassee. Five years ago, it was ranked 21st in civil trial speed, but the last two years it has been ranked first, averaging 16.3 months in 2020 and 12.7 months in 2021.

We asked Chief Judge Walker to what he attributed the NDFL's success. First, he pointed to the fact that several judgeships had been recently filled and the critical importance of having a bench at full strength. But during our conversation, a number of best practices became apparent, including the following, which sometimes vary somewhat by judge:

- Setting cases for trial in the initial schedule and mediation order;
- Promptly setting, hearing, and ruling on motions, often ruling from the bench even often on dispositive motions; and
- Hardworking judges, including active and effective senior judges.

Judge Walker deflected any personal credit for the nation's leading speed to civil trial district and instead praised his hardworking colleagues both on the bench and the civil clerks. The judge provided examples of the industry and skill of his colleagues on the NDFL bench. We take this opportunity to mention two.

Judge Walker clearly has tremendous respect for U.S. District Judge Robert Hinkle, for whom he clerked many years ago. At one point, Judge Walker referred to Judge Hinkle as perhaps "the finest trial judge in the country." High praise indeed, but it illustrates a point that is true for the EDVA as well. Active and effective senior judges can really help make the difference between efficient and effective justice — or cases possibly languishing for years.

The NDFL chief also cited U.S. District Judge Casey Rodgers' handling of the In re: 3M Combat Arms Earplug Products Liability Litigation caseload. Judge Rodgers is handling the largest multidistrict litigation in the country. But, while handling that, she continues to maintain a full docket of other cases.

Judge Walker was quick to point out that every district is unique and has unique challenges, and that he is not suggesting that any other court is not working just as hard as the NDFL. Indeed, he pointed out that he is humbled by the dedication and skill of his colleagues in the NDFL and beyond.

Judge Walker did note a future concern for the federal bench in general. More and more younger judges are being placed on the bench. Because it will take years for the young judges to potentially become senior judges, more and more senior judges will age out. And, since in many districts the senior judges help keep the district on top of the docket as they age out, there will likely be delays. That is another reason that it is vitally important that docket vacancies be filled promptly.

One final point: Judge Walker noted that the NDFL courtroom deputies keep careful track of the judges' hours in trial and nontrial, but in the courtroom. For instance, Judge Walker has logged 445 trial hours

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and more than 100 nontrial, but in court, hours over the last nine months.

While trial hours are very important, the nontrial hours can be just as important. These are hours in court handling such things as discovery or dispositive motions. Again, setting, having and ruling upon hearings helps speed the trial docket.

Conclusion

For 11 years of the last 14 years, the EDVA rocket docket has been the fastest civil docket in the land. This year, it is second among the nation's 94 district courts to the NDFL which, as we have seen, embraces some of the same best practices as the EDVA. And in any case, the EDVA rocket docket resolves civil trials at almost twice the speed of the average district court nationally.

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