

Lawyer Insights

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The 9-Year Winning Streak Of Virginia ‘Rocket Docket’

by Bob Tata

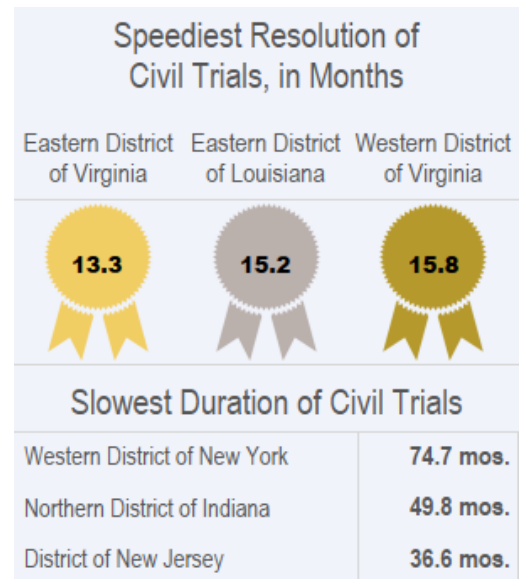
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Some of the greatest winning streaks in sports? How about the University of Connecticut Huskies women’s basketball team’s four consecutive NCAA national championships from 2013-2016? The New York Yankees’ five World Series championships in a row from 1949-1953? The UCLA Bruins’ seven NCAA championships from 1967-1973? The Boston Celtics’ eight NBA championships in a row from 1959-1966. The University of North Carolina Tar Heels women’s soccer team’s nine national championships in a row from 1986-1994? And, of course, who can forget the longest winning streak in college sports history, the Trinity College Bantams men’s squash team’s 13-year, 252-match winning streak, which included national championships from 1998-2011? The Eastern District of Virginia “rocket docket” has a similarly impressive record for sustained excellence as it had the fastest federal court civil trial docket for the ninth straight year this year.

The “United States Courts Judicial Business” report, which is usually posted in mid- or late March each year, tracks civil cases for the 12-month period ending on Sept. 30 of the prior year. This year the EDVA, which includes divisions in Norfolk, Richmond and Alexandria, Virginia, had a median time interval in months to trial of 13.3 months. The silver and bronze “medals” for speedy and efficient resolution of civil cases this year go to the Eastern District of Louisiana (15.2 months) and the Western District of Virginia (15.8 months). Just off the medal stand are the Western District of Texas (16.2 months) and the Western District of Wisconsin (16.2 months). On the other hand, bringing up the rear again this year according to the report, is the Western District of New York at 74.7 months, a median time interval of over six years to trial. Next slowest according to the report are the Northern District of Indiana (49.8 months) and the District of New Jersey (36.6 months).

Other courts besides the EDVA are referred to as “rocket dockets” from time to time. How did they do this year? The Western District of Wisconsin did well at 16.2 months to trial (second overall). Others sometimes referred to as “rockets” clocked in as follows: Eastern District of Texas (22.5 months), Northern District of California (24.8 months), Northern District of Georgia (28.7 months), and Southern District of California (35.6 months). Last year these other courts ranged from 24 percent to 172 percent slower than the Eastern District of Virginia.



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What Fuels the EDVA Rocket Docket and Some Comments From the Judges

We have been reporting on the speed and efficiency of the EDVA “rocket docket” in Law360 for five years now. Each year we wait with great anticipation for the issuance of the United States Courts Judicial Business report in March reporting on statistics through the end of the prior September. Will the EDVA be first? After all, the report including all 94 federal districts spanning from Maine to Alaska, to Virgin Islands and to Guam. Some courts are very busy (Central District of California, 12,242 civil cases, 120 civil trials last year), and some less so (Northern Mariana Islands, 26 civil cases, zero civil trials). Each year we think that “certainly this year one of these other courts will post a faster and more efficient trial docket than the EDVA.”¹ But yet again, EDVA is No. 1.

What drives this “rocket?” In 2013, we talked about the EDVA divisions, the key local rules, and the local judges’ belief that early “trial dates settle cases.” In 2014, we discussed how Judge Walter E. “Beef” Hoffman instituted the policies and discipline that created the “rocket docket” many years ago, and the critical role of the senior judges and magistrate judges today in maintaining the historic efficiency. In 2015, we added a discussion of the Fourth Circuit’s speed and efficiency. And last year, we talked to several local judges who emphasized early scheduling conferences and sticking to the trial schedule, as well as discussing the handling of patent and class action cases.

This year we met with, had calls with, or otherwise communicated with a number of the EDVA judges, including a couple we had not talked with in the past. We had a variety of questions but always asked something like: “What is it about the EDVA that enables it year after year to remain the fastest civil trial docket in the country?”

It is clear that all of the local judges are aware of the EDVA reputation for speed and efficiency — and proud of it — but it does not appear that this is top-down managed in any aggressive way. There does not even appear to be a great deal of discussion on the subject among the judges we spoke with. Instead, it appears that the key is the professionalism and dedication of the individual judges, magistrates, court clerks and staff. When asked what the causes are, the following comment of one very experienced judge is representative:

Trial dates and discovery schedules are set at the Rule 16(b) pretrial conferences, and these schedules are strictly adhered to by the attorneys and the judges. Also, the EDVA has outstanding Magistrate Judges who manage pre-trial discovery disputes, settlement conferences, and various other pre-trial matters in all divisions of the court, which greatly contributes to our faster trial dockets.²

Other representative comments included: “I feel public service is an honor, I feel it’s my duty to be quick and efficient,” “for me, my military background contributes,” and there’s always a “mindset to ‘move it along.’” Also, while it does not appear anyone is actively chiding judges when their civil cases fall behind schedule, the judges are certainly “aware of our numbers,” cognizant of “the six-month report,” and may feel “some unspoken institutional peer pressure” to keep the cases on track.³

One judge, who called it an absolute privilege to being a federal district judge and described it as “the greatest job,” put it this way: “[W]e are simply dedicated as judges to doing justice in a prompt fashion.” Judges also credit the local bar for the efficient docket, noting that since lawyers know that the cases will be moved quickly in the district there is a feeling the lawyers often do more pre-filing investigation, planning, and attempts at resolution. Therefore, when cases are filed, they are in a better position to move swiftly toward settlement or trial.

Conclusion

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Out of 94 district courts, the EDVA has been the fastest civil trial docket in the country for nine straight years! Without micromanaging the process, the judges, magistrate judges and, importantly, the clerks and staff of the EDVA continue to perform at a stunningly efficient level. As one judge succinctly replied when asked why this matters: “Litigants get their disputes resolved in a timely, less expensive manner. The costs of litigation, associated with protracted cases, are reduced.” While justice is certainly not a “sport,” sustained excellence is recognizable across disciplines. With the streaks of the Huskies, Yankees, Bruins and Celtics in the rearview mirror, and having equaled the UNC Tar Heels women’s soccer team’s incredible nine-year streak, only the Bantams men’s squash team’s streak lays ahead for the EDVA!

¹ Median time intervals are not computed when fewer than 10 cases are reported from a district. The computations also do not include land condemnations, prisoner petitions, deportation reviews, recovery of overpayments, and enforcement of judgments.

² Trial dates are set after the close of discovery, at the final pretrial conference in the Alexandria division.

³ The “six-month report” identifies dispositive motions that have been pending over six months and EDVA judges want to have few or no cases on that report.

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