

## **Texas Supreme Court Advisory Committee**

### **Initial Report of the SCAC Subcommittee on Legislative Mandates Regarding “Rocket Dockets” and the “Vanishing Jury Trial” December 8, 2006**

#### **A. Subcommittees’ Charge**

To explore, evaluate, and advise the SCAC on whether and how the implementation of a “rocket docket” within the Texas state court system may reduce cost and delay and thereby promote the role and use of jury trials in the resolution of legal disputes.

#### **B. Preliminary List of Issues to Address**

- 1 Background data.
  - a. What are the current Texas state court statistics for time from filing to disposition by jury trial, and how have they changed over time?
  - b. How have changes in the discovery process (under both the “new” rules and the “old new” rules) affected the percentage of jury resolutions and the time required for resolution.
2. What is a “rocket docket?”
3. Does a “rocket docket” offer a method to address the perceived problem of “the vanishing jury trial?”
4. What courts have previously implemented a form of a “rocket docket?” (e.g., E.D. Virginia; E.D. Texas; N.D. California; S.D. California; N.D. Georgia; W.D. Wisconsin; W.D. Pennsylvania; E.D. Oklahoma; W.D. Oklahoma; W.D. Arkansas; D. Maine; Vermont State Courts (appellate))
5. What rules and procedures do “rocket dockets” use?
  - a. Early setting of fixed and immutable trial date.
  - b. Short discovery period that begins soon after filing of petition/answer.
  - c. Short period for pleading amendments and dispositive motions.
  - d. No continuances or delays permitted (with rare exceptions).
  - e. Central docket, rather than individual dockets.
  - f. Mediation/settlement conferences occur in parallel with discovery.
6. What other factors are inherent in successful “rocket dockets?”
  - a. Judges committed to speedy resolutions and willing to work hard.
  - b. A bar that accepts and commits to the concept.
  - c. Leaders (among bench and bar) who will promote the concept early on.
  - d. Magistrate or pro tem judges (?)

7. How can a court successfully transition to a “rocket docket?”
8. What are the benefits/downsides to a “rocket docket?”
  - a. Limits time and cost required to resolve disputes.
  - b. Tends to favor the (well-prepared) plaintiff.
  - c. Requires local counsel experienced with that “rocket docket.”
9. Under what circumstances could “rocket dockets” be made available?
  - a. Mandatory for all cases.
  - b. Mandatory if one side requests.
  - c. Mandatory if one side requests, subject to court order removing.
  - d. Available if both sides agree.
  - e. Available if court orders for good cause.
  - f. Available if court orders based on objective criteria.
10. Other issues
  - a. Types of cases: civil, criminal, family, juvenile?
  - b. Types of courts: trial, appellate, district, county, etc.?
  - c. State-imposed vs. encouraged locally?