**3:25 pm: The EDTex Docket: Past, Present & Future Predictions from Those Who have Seen it All…or Most of it at Least**

 **Panelists: Judge David Folsom, Mike Jones, Mark Mann, Gil Gillam, Joe Mueller**

 **Moderator: Jennifer Ainsworth**

**Past**

 History of innovation

Asbestos (experiments in consolidation, class action, bellwether trials, summary trials), Tobacco, Courts always up for a challenge

(War story- asbestos consolidation and a settlement program put into place by Judge Parker- it was not working so Rex Houston and Walter Umphrey filed a “Motion to Scrap” the program and Judge Parker signed an order “scrapping” the program. I imagine no other Judge has ever granted a Motion to Scrap)

 Development of Rules and procedural structure

 Eastern District Plan / Development of automatic disclosure

 Patent Rules / Streamlining of procedure

 Willingness to try cases

 Ability to try cases in timely manner (18 months vs years)

 Having this framework in place – allowed for patent litigation to flourish

(Discussion about impact on patent docket - why there are many patent cases in EDTX. It has been earned over a long period of time and we have judges, clerks and staff that relish being a destination for solving complex cases)

Theme – Importance of Procedure and Rules

**Present**

 Patent litigation – latest and most complex in a series of dockets

Always evolving – effect of legislation

(How the relevant questions change with changes in case law and legislation: venue and physical presence)

 Themes:

 User friendly

 Trial friendly

 Innovation friendly

 Time limits, jury questions

 Juries take it very seriously, formality (Judge Folsom talk about)

Workload of judges and law clerks

**Future**

 Evolution in dockets in different divisions

Sherman / Plano – proximity to Dallas influencing, white collar criminal, commercial litigation

 Evolution in litigation itself

 Remote, video usage – depositions, hearings, trials

Evolving law on what physical presence is for patent cases?

New and different types of litigation coming into the District: such as more False Claims Act cases, Pharmaceutical cases and Environmental cases due to concerns of climate change

Issue: If Procedure drives dockets (examples from past and present with disclosure and patent rules) what procedural changes could be coming and how could that affect the docket?