

# UNITED STATES BANKRUPTCY APPELLATE PANEL *for the Eighth Circuit*

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## STATISTICAL REPORT

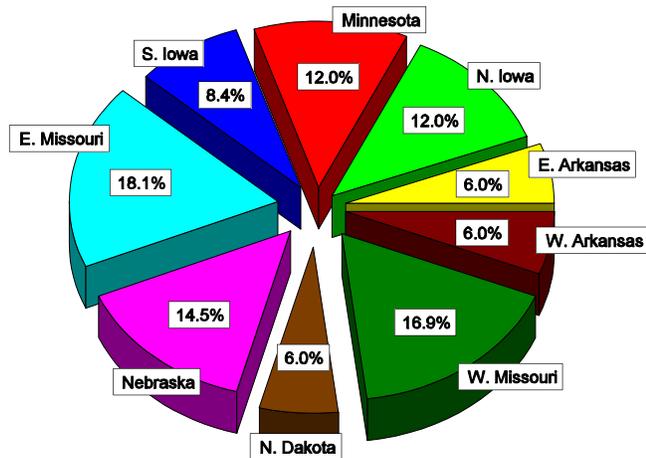
**JANUARY 1, 2004 thru DECEMBER 31, 2004**

### New Case Filings

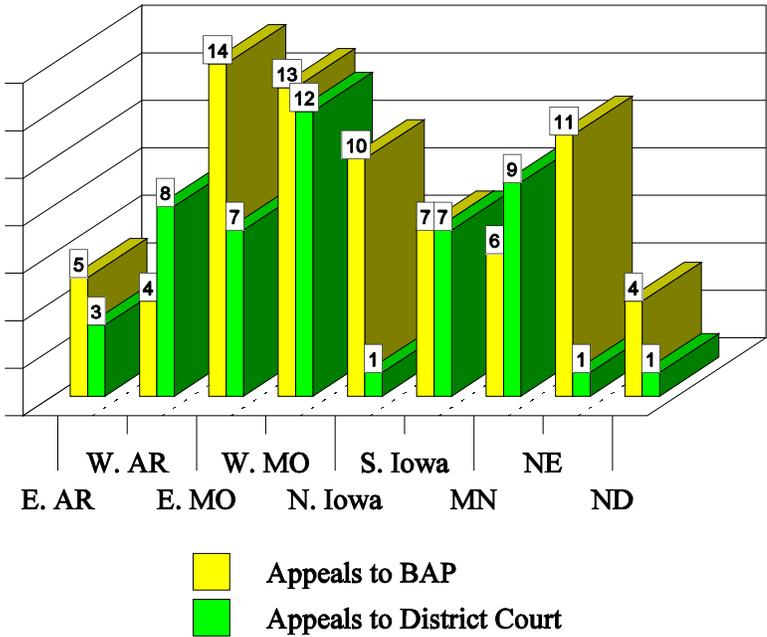
In 2004, eighty-three cases were docketed by the Bankruptcy Appellate Panel. Twenty-two of those cases (26.5%) were filed by pro se litigants. Of the cases filed, forty-nine were appeals from contested matters and thirty-four were appeals from adversary proceedings. The graphics below illustrate the breakdown of case origin by district.

**New Cases**

Eastern Arkansas	5
Western Arkansas	5
Northern Iowa	10
Southern Iowa	7
Minnesota	10
Eastern Missouri	15
Western Missouri	14
Nebraska	12
North Dakota	5
<b>TOTAL</b>	<b>83</b>



# District Court Elections

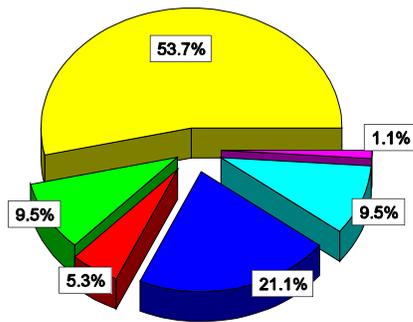


The chart to the left compares the number of appeals taken to the Bankruptcy Appellate Panel with those taken to the District Courts. In 2004, one hundred twenty-one appeals were taken from the Bankruptcy Courts. Seventy-two of those cases (59.5%) were appealed to and remained with the Bankruptcy Appellate Panel; forty-nine of the cases (40.5%) were appealed directly to or were transferred to the District Courts.

## Case Processing Time

In 2004, Administrative Panel matters were resolved, on average, in seven days. Listed in the table below are average processing times calculated for cases which were briefed, submitted on the merits and subsequently closed in 2004.

Interval:	1	2	3	Total Processing Time
From:	Docketing	Aplee's Brief	Submission	
To:	Aplee's Brief	Submission	Disposition	
Cases Submitted w/Argument	70 days 2.3 months	70 days 2.3 months	28 days .9 months	168 days 5.5 months
Cases Submitted w/o Argument	95 days 3.1 months	22 days .7 months	20 days .7 months	137 days 4.5 months
All Cases	75 days 2.5 months	60 days 2 months	26 days .8 months	161 days 5.3 months



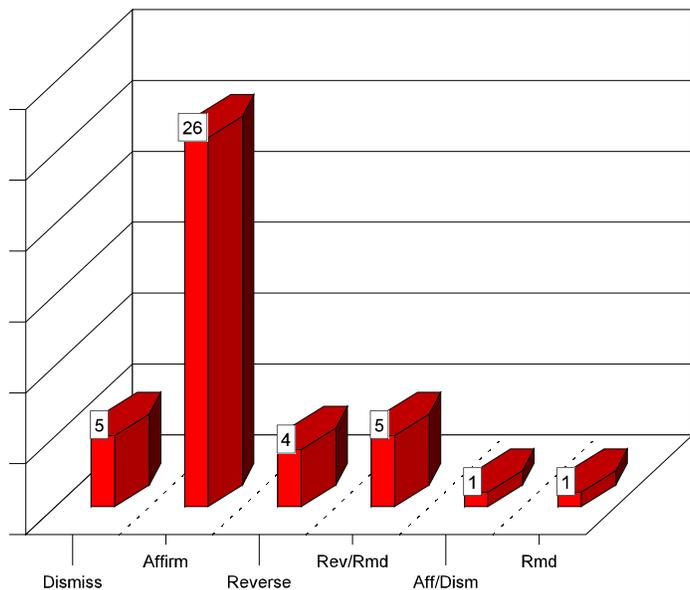
- Opinion - 51 Cases
- Aplee Election to D.Ct. - 9 Cases
- Voluntary Dismissal - 5 Cases
- Panel Disp. Order - 20 Cases
- Default Jmt. - 9 Cases
- New Jmt. per USCA8 Remand - 1 Case

## Case Dispositions

Ninety-four cases were closed in 2004. In addition, one previously-closed case was re-opened and an amended judgment was entered pursuant to a remand order from the 8<sup>th</sup> Circuit Court. The court wrote a total of forty-two opinions which disposed of fifty-one cases. In addition, twenty dispositive orders were entered at the direction of the court. To the left is a breakdown of the method by which each case was closed.

## Opinion Breakdown

The chart to the right breaks down each opinion by its outcome. As shown in the chart, the majority of opinions (76%) either affirmed the Bankruptcy Court decision or dismissed the appeal.



## **Panel Referrals**

In 2004, twenty-three referrals were made to Administrative Panels; four of those cases were subsequently referred back to the panel, resulting in a total of twenty-seven Administrative Panel referrals. Twelve cases were submitted to panels without oral argument and thirty-seven cases were submitted with oral argument in 2004. Hearings were held in St. Paul, St. Louis, Kansas City, Little Rock, Omaha, Fargo and Des Moines. In addition, three hearings were held by video-conference between Minneapolis and Little Rock.

## **Appeals to the U.S. Court of Appeals**

A total of twenty-five appeals were taken to the U.S. Court of Appeals in bankruptcy cases in 2004. Of those appeals, twelve (48%) were from District Court decisions and thirteen (52%) were from Bankruptcy Appellate Panel decisions.

In addition to the thirteen notices of appeal taken from the Bankruptcy Appellate Panel to the Court of Appeals this year, nine cases were pending before the Court of Appeals at the beginning of the year. Eleven cases were closed by the Court of Appeals during the last year, leaving a total of eleven cases pending at the close of 2004. Following is a breakdown of the method by which BAP cases appealed to the Court of Appeals were closed:

Affirmed . . . . .	6
Voluntarily Dismissed . . . . .	1
Dismissed . . . . .	3
Reversed . . . . .	1