

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

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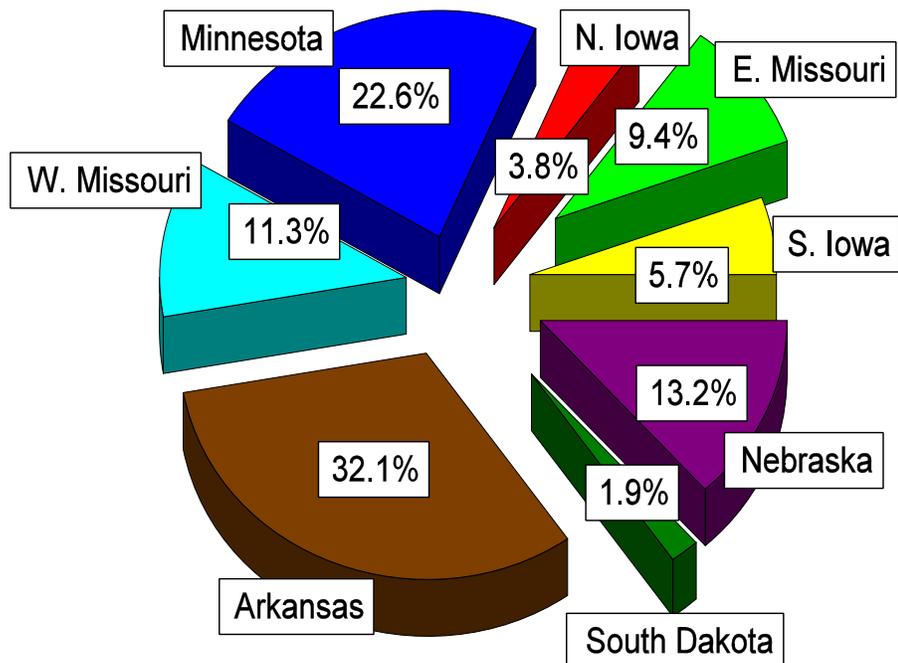
## STATISTICAL REPORT

**JANUARY 1, 2008 thru DECEMBER 31, 2008**

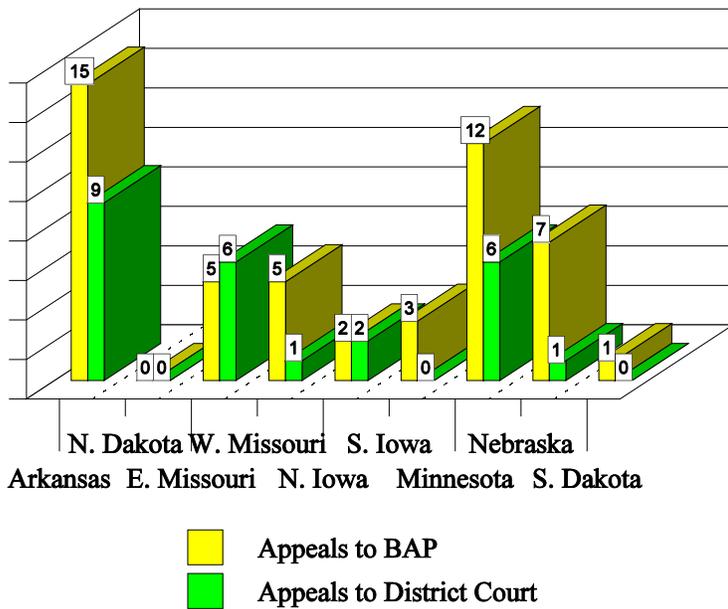
### New Case Filings

Fifty-three cases were docketed by the Bankruptcy Appellate Panel in 2008. Six of those cases (11%) were filed by pro se litigants. Of the cases filed, thirty-eight were appeals from contested matters and fifteen were appeals from adversary proceedings. The graphics below illustrate the breakdown of case origin by district.

Arkansas	17
Northern Iowa	2
Southern Iowa	3
Minnesota	12
Eastern Missouri	5
Western Missouri	6
Nebraska	7
South Dakota	1
North Dakota	0
<b>TOTAL</b>	<b>53</b>



## District Court Elections



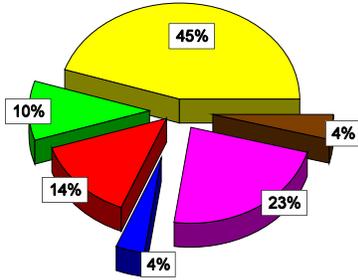
The chart to the left compares the number of appeals taken to the Bankruptcy Appellate Panel with those taken to the District Courts. In 2008, seventy-five appeals were taken from the Bankruptcy Courts. Fifty of those cases (67%) were appealed to and remained with the Bankruptcy Appellate Panel; twenty-five of the cases (33%) were appealed directly to or were transferred to the District Courts.

## Case Processing Time

In 2008, Administrative Panel matters were resolved, on average, in six days. Listed in the table below are average processing times calculated for cases which were briefed, submitted on the merits and subsequently closed in 2008.

Interval:	1	2	3	Total Processing Time
From:	Docketing	Aplee's Brief	Submission	
To:	Aplee's Brief	Submission	Disposition	
Cases Submitted w/Arg.	64 days 2.1 months	83 days 3 months	31 days 1 month	188 days 6.1 months
Cases Submitted w/o Arg.	69 days 2.2 months	69 days 2.2 months	14 days .5 months	152 days 4.9 months
All Cases	67 days 2.2 months	82 days 2.6 months	23 days .7 month	172 days 5.5 months

# Case Dispositions

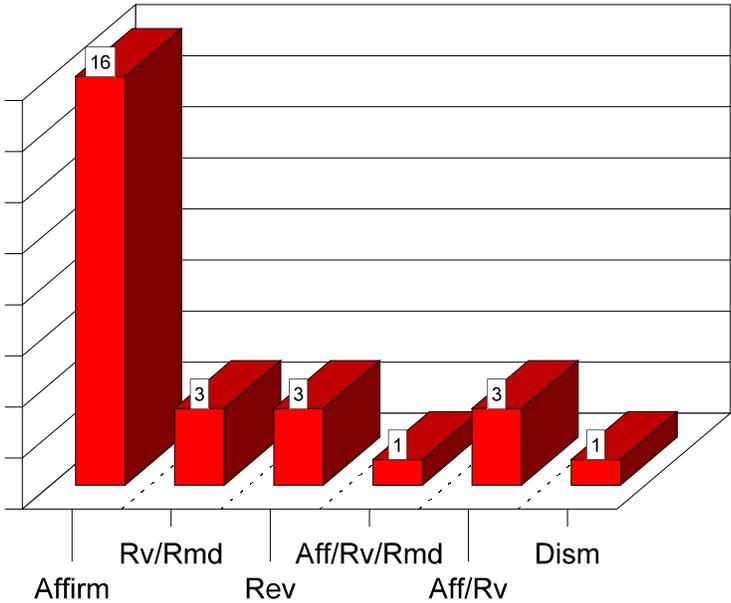


- Opinion - 32 Cases
- Jmt. per USCA8 Reversal - 7 Cases
- Voluntary Dismissal - 10 Cases
- Default Jmt. - 3 Cases
- Panel Disp. Order - 16 Cases
- D.Ct. Election - 3 Cases

Sixty-four cases were closed in 2008. In addition, seven cases which had previously been closed were re-opened and new judgments were entered pursuant to reversal orders from the U.S. Court of Appeals. The court wrote a total of twenty-seven opinions which disposed of thirty-two cases. 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 (59%) affirmed the Bankruptcy Court decision.



## **Panel Referrals**

In 2008, twenty referrals were made to Administrative Panels; two of those cases were subsequently referred back to the panels, resulting in a total of twenty-two Administrative Panel referrals. Twelve cases were submitted on the merits without oral argument and eighteen cases were submitted on the merits after oral argument in 2008. Hearings were held in Little Rock, Minneapolis and Fargo.

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

A total of twenty-seven bankruptcy appeals were taken to the U.S. Court of Appeals in 2008. Of those appeals, thirteen were from District Court decisions, ten were from Bankruptcy Appellate Panel decisions and four were direct appeals from the bankruptcy courts.

In addition to the ten notices of appeal taken from the Bankruptcy Appellate Panel to the Court of Appeals in 2008, nineteen cases were pending before the Court of Appeals at the beginning of the year. Sixteen cases were closed by the Court of Appeals during the last year, leaving a total of thirteen pending cases. Following is a breakdown of the method by which BAP cases appealed to the Court of Appeals were closed:

Affirmed . . . . .	5
Voluntarily Dismissed . . . . .	1
Dismissed . . . . .	2
Reversed . . . . .	5
Reversed & Remanded . . . . .	2
Affirmed in Part, Reversed in Part & Remanded . . . . .	1