

# United States Bankruptcy Appellate Panel

*For the Eighth Circuit*

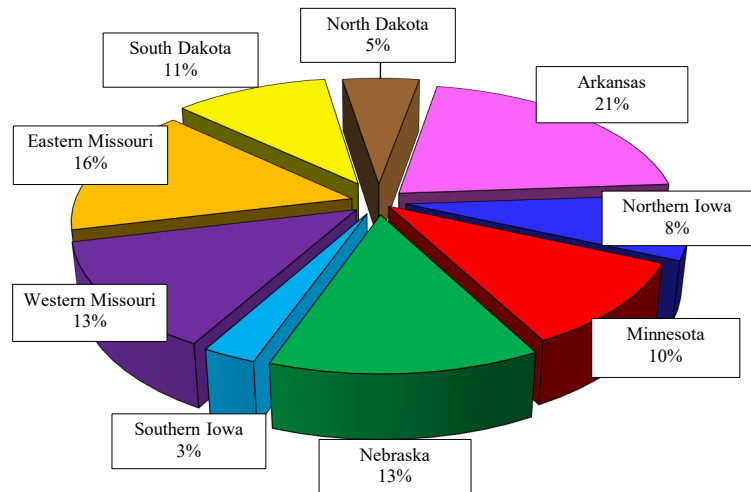
## Statistical Report – January 1, 2019 thru December 31, 2019

### New Case Filings

Forty-two new cases were docketed by the Bankruptcy Appellate Panel in 2019. Ten of those cases (24%) were filed by pro se litigants. Of the cases filed, twenty-eight were appeals from contested matters and fourteen were appeals from adversary proceedings. The graphics below illustrate the breakdown of case origin by district.

#### NEW CASES

Arkansas	8
Northern Iowa	3
Southern Iowa	1
Minnesota	4
Eastern Missouri	9
Western Missouri	5
Nebraska	6
South Dakota	4
North Dakota	2
<b>Total</b>	<b>42</b>



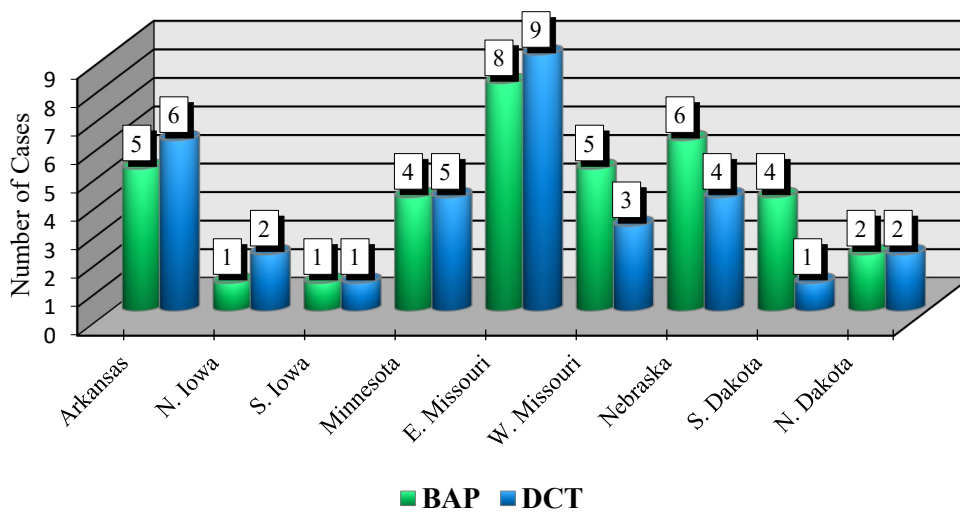
The chart below compares the number of new appeals filed over the past five years.

Year	Number of New Cases	Difference From Prior Year
2015	36	-12
2016	38	2
2017	33	-5
2018	33	0
2019	42	9

## District Court Elections

This chart compares the number of appeals taken to the District Courts with those taken to the Bankruptcy Appellate Panel. In 2019, sixty-nine appeals were taken from the Bankruptcy Courts. Thirty-six of those cases (52%) were appealed to and remained with the Bankruptcy Appellate Panel; thirty-three of the cases (48%) were appealed directly to or were transferred to the District Courts. The ratio of BAP appeals to District Court appeals remained steady from 2018 to 2019.

### Elections: BAP vs. District Court



## Case Processing Times

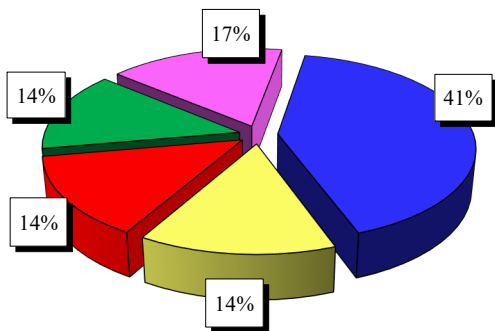
Listed in the tables below are average processing times calculated for cases which were briefed, submitted on the merits and subsequently closed in 2017, 2018 and 2019. The median total processing time for all cases in 2019 was 196 days.

### Cases Submitted without Argument

Interval:	1	2	3	Total Processing Time (in days)
From:	Docketing	Aplee's Brief	Submission	
To:	Aplee's Brief	Submission	Disposition	
2017	120	31	26	177
Difference from Prior Year	-12	-52	-12	-76
2018	84	36	31	151
Difference from Prior Year	-36	5	5	-26
2019	97	25	19	141
Difference from Prior Year	13	-11	-1	-10

### Cases Submitted with Argument

Interval:	1	2	3	Total Processing Time (in days)
From:	Docketing	Aplee's Brief	Submission	
To:	Aplee's Brief	Submission	Disposition	
2017	86	80	33	199
Difference from Prior Year	-12	-52	-12	-76
2018	102	97	36	235
Difference from Prior Year	16	17	3	36
2019	117	117	34	278
Difference from Prior Year	25	39	-1	63



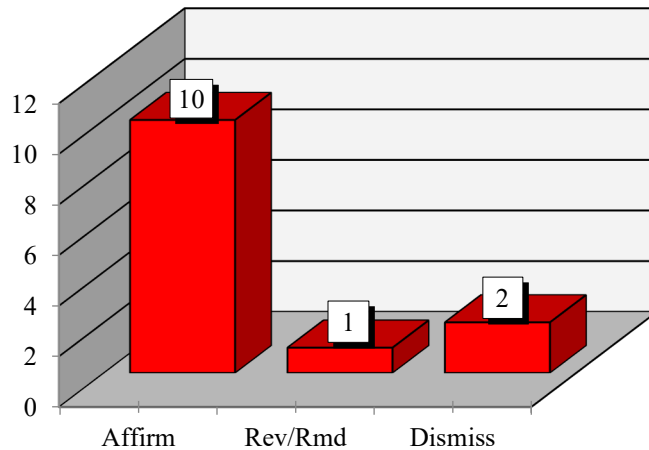
- Opinion - 15 Cases
- Voluntary Dismissal - 5 Cases
- Default Jmt. - 5 Cases
- Panel Disp. Order - 5 Cases
- D.Ct. Election - 6 Cases

## Case Dispositions

Thirty-six cases were closed in 2019. The court wrote a total of thirteen opinions which disposed of fifteen 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, 77% of the opinions affirmed the Bankruptcy Court decisions in 2019, slightly down from 78% in 2018.



## Panel Referrals

In 2019, ten initial referrals were made to Administrative Panels. In addition, three matters were referred back to prior Ad Panels, resulting in a total of thirteen Administrative Panel referrals. Five cases were submitted on the merits without oral argument and eight cases were submitted on the merits after oral argument. Hearings were held in St. Paul and St. Louis.

## Judge Statistics

As reported earlier, the court issued a total of thirteen opinions in 2019. The court also issued five dispositive orders and twenty-two non-dispositive orders. A breakdown by judge of all opinions and orders issued by the court is shown in the following table.

Judge	Dispositive Opinions				Dispositive Orders	Non-Dispositive Orders
	Signed	Per Curiam	Dissents	Concurs		
Saladino	3				1	14
Schermer	2					1
Nail	3				2	1
Shodeen	3					4
Dow	2				1	2
Sanberg					1	
<b>TOTAL</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>22</b>

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

A total of sixteen bankruptcy appeals were taken to the U.S. Court of Appeals in 2019. Of those appeals, twelve were from District Court decisions and four were from Bankruptcy Appellate Panel decisions.

Eight BAP cases were closed by the Court of Appeals in 2019. Following is a breakdown of the method by which BAP cases appealed to the Court of Appeals were closed:

Affirmed .....	5
Dismissed .....	3