

# United States Bankruptcy Appellate Panel

*For the Eighth Circuit*

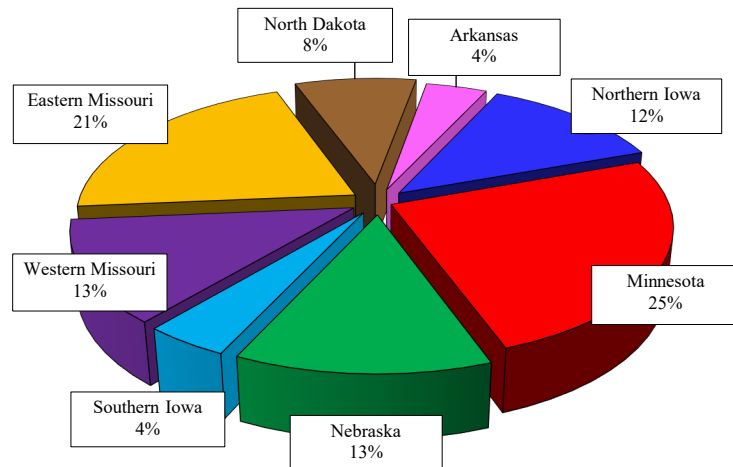
## Statistical Report – January 1, 2020 thru December 31, 2020

### New Case Filings

Twenty-four new cases were docketed by the Bankruptcy Appellate Panel in 2020. Three of those cases (12%) were filed by pro se litigants. Of the cases filed, twelve were appeals from contested matters and twelve were appeals from adversary proceedings. The graphics below illustrate the breakdown of case origin by district.

#### NEW CASES

Arkansas	1
Northern Iowa	3
Southern Iowa	1
Minnesota	6
Eastern Missouri	5
Western Missouri	3
Nebraska	3
South Dakota	0
North Dakota	2
<b>Total</b>	<b>24</b>



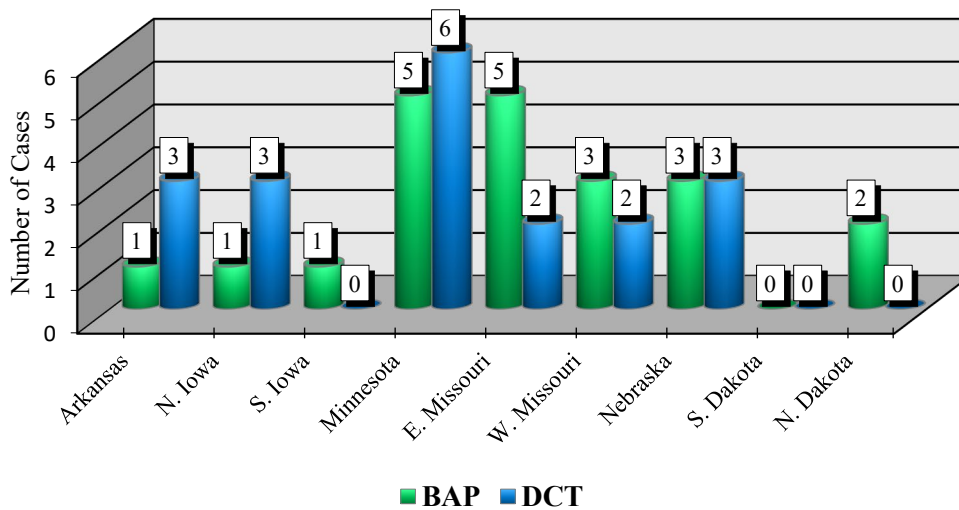
The chart below compares the number of new appeals filed over the past five years.

Year	Number of New Cases	Difference From Prior Year
2016	38	2
2017	33	-5
2018	33	0
2019	42	9
2020	24	-18

## District Court Elections

This chart compares the number of appeals taken to the District Courts with those taken to the Bankruptcy Appellate Panel. In 2020, forty appeals were taken from the Bankruptcy Courts. Twenty-one of those cases (52%) were appealed to and remained with the Bankruptcy Appellate Panel; nineteen 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 2019 to 2020.

### Elections: BAP vs. District Court



## Case Processing Times

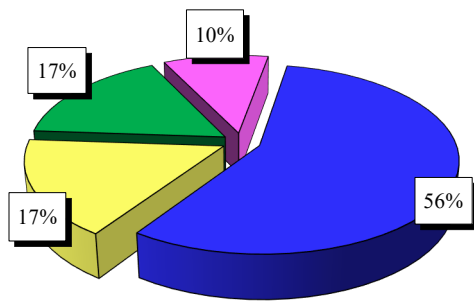
Listed in the tables below are average processing times calculated for cases which were briefed, submitted on the merits and subsequently closed in 2018, 2019 and 2020. The median total processing time for all cases in 2020 was 188 days, which is down from 196 days in 2019.

### 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	
2018	84	36	31	151
Difference from Prior Year	-36	5	5	-26
2019	97	25	19	141
Difference from Prior Year	13	-11	-12	-10
2020	111	27	25	163
Difference from Prior Year	14	2	6	22

### 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	
2018	102	97	36	235
Difference from Prior Year	16	17	3	36
2019	117	117	34	268
Difference from Prior Year	15	20	-2	33
2020	100	72	35	207
Difference from Prior Year	-17	-45	1	-61



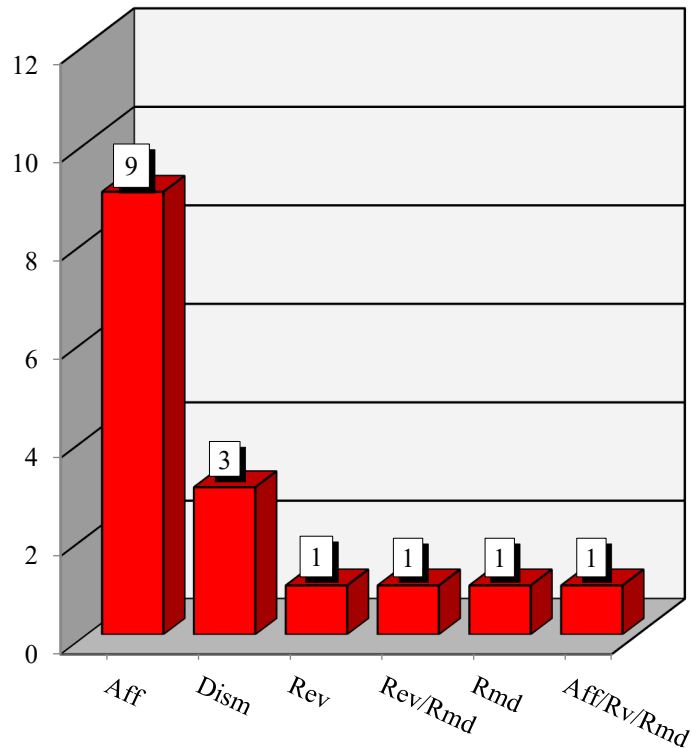
- Opinion - 17 Cases
- Voluntary Dismissal - 5 Cases
- Panel Disp. Order - 5 Cases
- D.Ct. Election - 3 Cases

## Case Dispositions

Thirty cases were closed in 2020. The court wrote a total of sixteen opinions which disposed of seventeen cases. To the left is a breakdown of the method by which each case was closed.

## Opinion Breakdown

As stated earlier, the court filed sixteen opinions which disposed of seventeen cases. The chart to the right breaks down each of those sixteen opinions by its outcome. As shown in the chart, 56% of the opinions affirmed the bankruptcy court decisions in 2020, down from 77% in 2019.



## Panel Referrals

In 2020, ten initial referrals were made to Administrative Panels. In addition, two matters were referred back to prior Ad Panels, resulting in a total of twelve Administrative Panel referrals. Nine cases were submitted on the merits without oral argument and ten cases were submitted on the merits after oral argument. The Panel held a hearing in Kansas City in February; the remaining five hearings were held by teleconference.

## Judge Statistics

As reported earlier, the court issued a total of sixteen opinions in 2020. The court also issued five dispositive orders and thirteen 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	2					1
Schermer	5				3	1
Nail	3				2	2
Shodeen	1					4
Dow	3					4
Sanberg	2					1
<b>TOTAL</b>	<b>16</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>13</b>

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

A total of eighteen bankruptcy appeals were taken to the U.S. Court of Appeals in 2020. Of those appeals, twelve were from District Court decisions and six were from Bankruptcy Appellate Panel decisions.

Seven BAP cases were closed by the Court of Appeals in 2020. Following is a breakdown of the method by which BAP cases appealed to the Court of Appeals were closed:

Affirmed .....	3
Dismissed .....	1
Reversed .....	1
Voluntary Dismissal .....	2