

ANNUAL REPORT

ANNUAL REPORT OF THE JUDICIAL OFFICER

Fiscal Year 1999

The Judicial Officer issues the final decision for the Secretary of Agriculture in all cases appealed from initial decisions of USDA's Administrative Law Judges (ALJs). The cases arise under, among other Acts, the Agricultural Marketing Agreement Act of 1937; the Animal Welfare Act; the Beef Promotion and Research Act of 1985; the Equal Access to Justice Act; the Federal Meat Inspection Act; the Federal Plant Pest Act; the Forest Resources Conservation and Shortage Relief Act; the Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Act; the Horse Protection Act of 1970; the Mushroom Promotion, Research, and Consumer Information Act; the Packers and Stockyards Act, 1921; the Perishable Agricultural Commodities Act, 1930; the Plant Quarantine Act; the Poultry Products Inspection Act; and various animal quarantine acts. The Judicial Officer also rules on motions filed by parties to proceedings and questions submitted by ALJs and signs reparation orders for money damages prepared by the Office of the General Counsel under the Packers and Stockyards Act and the Perishable Agricultural Commodities Act. Appeals from the Judicial Officer's decisions lie primarily to the United States Courts of Appeals, but, under some statutes, appeals lie to the United States District Courts. The Department has no right of appeal from a decision by the Judicial Officer.

The Office of the Judicial Officer is staffed by three persons: the Judicial Officer, the Assistant to the Judicial Officer, and the Legal Technician, who also serves as secretary, paralegal, and administrative assistant.

The following three tables provide an indication of the production of the office and the direction of the backlog in the office.

CASES RECEIVED - DECIDED - PENDING

| | FY 1997 | FY 1998 | FY 1999 |
|---------------------------------|---------|---------|---------|
| Cases Pending Beginning of Year | 12 | 8 | 2 |
| Cases Received During Year | 39 | 42 | 44 |

| | | | |
|---------------------------|----|----|----|
| Cases Decided During Year | 43 | 48 | 45 |
| Cases Pending End of Year | 8 | 2 | 1 |

NUMBER OF CASES DECIDED BY JUDICIAL OFFICER

| Fiscal Year | No. |
|-------------|-----|
| 1979 | 26 |
| 1980 | 21 |
| 1981 | 29 |
| 1982 | 33 |
| 1983 | 34 |
| 1984 | 26 |
| 1985 | 50 |
| 1986 | 42 |
| 1987 | 36 |
| 1988 | 40 |
| 1989 | 43 |
| 1990 | 42 |
| 1991 | 56 |
| 1992 | 62 |
| 1993 | 53 |
| 1994 | 51 |
| 1995 | 36 |
| 1996 | 34 |
| 1997 | 43 |
| 1998 | 48 |
| 1999 | 45 |

INTERVAL BETWEEN REFERRAL TO JO AND JO DISPOSITION

| Fiscal Year | Median Interval | Longest Interval | Number of Cases Over 4 Months | Number of Cases Over 8 Months |
|--------------------|------------------------|-------------------------|--------------------------------------|--------------------------------------|
| 1996 | 1 mo. | 7 mo. | 10 | 0 |
| 1997 | 2 mo. 2 wk. | 1 yr. 3 wk | 13 | 8 |
| 1998 | 2 mo. | 2 yr. 3 mo. | 3 | 1 |
| 1999 | 1 mo. | 6 mo. 2 wk | 2 | 0 |

During FY 1999, respondents appealed five decisions issued by the Judicial Officer and courts affirmed eight decisions issued by the Judicial Officer, dismissed seven appeals from the Judicial Officer's decisions, remanded four cases to the Judicial Officer, and reversed two decisions issued by the Judicial Officer. The Supreme Court of the United States denied a petition for certiorari filed by a respondent in one case issued by the Judicial Officer.

A summary of the Judicial Officer's decisions issued in FY 1999 is attached as Appendix 1; a list of the pending case referred to the Judicial Officer is attached as Appendix 2; a list of decisions issued by the Judicial Officer, which respondents appealed in FY 1999, is attached as Appendix 3; and a list of FY 1999 court dispositions of the Judicial Officer's decisions is attached as Appendix 4.