

ANNUAL REPORT OF THE JUDICIAL OFFICER

Fiscal Year 2000

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 98	FY 99	FY 00
Cases Pending Beginning of Year	8	2	1
Cases Received During Year	42	44	35
Cases Decided During Year	48	45	35
Cases Pending End of Year	2	1	1

NUMBER OF CASES DECIDED BY JUDICIAL OFFICER

Fiscal Year	No.	Fiscal Year	No.
1979	26	1990	42
1980	21	1991	56
1981	29	1992	62
1982	33	1993	53
1983	34	1994	51
1984	26	1995	36
1985	50	1996	34
1986	42	1997	43
1987	36	1998	48
1988	40	1999	45
1989	43	2000	35

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
2000	3 wk.	6 mo. 2 wk.	1	0

During FY 2000, respondents appealed eight decisions issued by the Judicial Officer. Courts affirmed four decisions issued by the Judicial Officer, dismissed two appeals from the Judicial Officer's decisions, and reversed one decision issued by the Judicial Officer. A respondent in a case issued by the Judicial Officer withdrew his appeal. The Supreme Court of the United States denied two petitions for certiorari filed by respondents in two cases issued by the Judicial Officer.

A summary of the Judicial Officer's decisions issued in FY 2000 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 2000, is attached as Appendix 3; and a list of FY 2000 court dispositions of the Judicial Officer's decisions is attached as Appendix 4.