

ANNUAL REPORT OF THE JUDICIAL OFFICER

Fiscal Year 2004

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 the Agricultural Adjustment Act; the Agricultural Marketing Agreement Act; the Animal Health Protection Act; the Animal Welfare Act; the Beef Promotion and Research Act; the Equal Access to Justice Act; the Federal Crop Insurance 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 Organic Foods Production Act of 1990; the Packers and Stockyards Act; the Perishable Agricultural Commodities Act; the Plant Quarantine Act; the Plant Variety Protection Act; and the Poultry Products Inspection Act. The Judicial Officer also rules on motions filed by parties to proceedings and questions submitted by ALJs and issues reparation orders for money damages 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, an attorney examiner, and a 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. I have not included in these tables the four Packers and Stockyards Act reparation orders and the 478 Perishable Agricultural Commodities Act reparation orders issued by the Judicial Officer in FY 2004.

CASES RECEIVED - DECIDED - PENDING

	FY 02	FY 03	FY 04
Cases Pending Beginning of Year	1	3	4
Cases Received During Year	32	30	39
Cases Decided During Year	30	29	37
Cases Pending End of Year	3	4	6

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
2000	35
2001	30
2002	30
2003	29
2004	37

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€
2001	1 wk.	2 mo.	0	0€
2002	2 wk.	3 mo 2€ wk. .€	0	0€
2003	1 wk.	11 mo. 2€ wk. €	3	3€
2004	1 wk.	1 yr. 5 mo.	4	4€

A summary of the major decisions issued by the Judicial Officer in FY 2004 is attached as Appendix 1; a list of the pending cases referred to the Judicial Officer is attached as Appendix 2; a list of decisions issued by the Judicial Officer, which respondents appealed in FY 2004, is attached as Appendix 3; and a list of FY 2004 court dispositions of the Judicial Officer's decisions is attached as Appendix 4.
