

ANNUAL REPORT OF THE JUDICIAL OFFICER

Fiscal Year 2005

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 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 Protection 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 six Packers and Stockyards Act reparation orders and the 424 Perishable Agricultural Commodities Act reparation orders issued by the Judicial Officer in FY 2005.

CASES RECEIVED – DECIDED – PENDING

	FY 03	FY 04	FY 05
Cases Pending Beginning of Year	3	4	6
Cases Received During Year	30	39	55
Cases Decided During Year	29	37	53
Cases Pending End of Year	4	6	8

NUMBER OF CASES DECIDED BY JUDICIAL OFFICER

Fiscal Year	No.	Fiscal Year	No.
1979	26	1992	62
1980	21	1993	53
1981	29	1994	51
1982	33	1995	36
1983	34	1996	34
1984	26	1997	43
1985	50	1998	48
1986	42	1999	45
1987	36	2000	35
1988	40	2001	30
1989	43	2002	30
1990	42	2003	29
1991	56	2004	37
		2005	53

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
2005	1 wk. 3 da.	1 yr. 6 mo.	3	1

A summary of the major decisions issued by the Judicial Officer in FY 2005 is attached as Appendix 1; a list of the pending cases referred to the Judicial Officer is attached as Appendix 2; and a list of decisions issued by the Judicial Officer, which were appealed in FY 2005, is attached as Appendix 3.