

**Annual Report of Bankruptcy Appeals in Participating BAP
Districts for the Statistical Year July 1, 2003 – June 30, 2004
(Including Disposition Statistics for Appeals Disposed of
Since July 1, 1996)**

Prepared by the BAP Clerk's Office
on behalf of the
United States Bankruptcy Appellate Panel
of the Tenth Circuit

September 14, 2004

PRELIMINARY NOTES

The following numbers were calculated from monthly reports provided by the Bankruptcy Courts. The relevant dockets of the Bankruptcy Courts, the District Courts, and the Court of Appeals were examined to verify the information.

ELECTIONS (Filed Appeals)

The following chart shows the data for all appeals in which the notice of appeal was filed with the Bankruptcy Court between July 1, 2003, and June 30, 2004. The data contained in this table was selected using criteria that differs from that used to select data for the other tables contained in this report,¹ and the information in this table may not correspond to that contained in the other tables.

	'03-04:	% of Appeals:	Change '02-03 to '03-04:
All appeals:	138	100%	5%
Initial election to appear before the BAP:	104	75.4%	12%
Initial elections to have appeal heard by District Courts:	34	24.6%	-11%
BAP appeals transferred to District Court on subsequent election:	8 ²	5.8%	0%
Total cases electing to proceed before BAP:	96	69.6%	13%
Total cases electing to proceed before District Courts:	42	30.4%	-9%

¹For the purposes of this particular table, information was gathered regarding all appeals filed in the Bankruptcy Courts during the period from July 1, 2003, to June 30, 2004. All later tables show only appeals docketed by either the District Court or the BAP during that time period. Use of the date the notice of appeal was filed with the Bankruptcy Court prevents undercounting elections where either the notice of appeal was disposed of by the Bankruptcy Court before the record was sent to the District Court, or where an election was granted by the BAP but the record had not been received by the District Court.

²This figure shows all elections to have an appeal heard by the U.S. District Court granted by the BAP from July 1, 2003, to June 30, 2004, regardless of when the notice of appeal was filed.

ELECTIONS (Docketed Appeals)

The following chart is based only upon cases docketed by either the District Courts or the BAP between July 1, 2003, and June 30, 2004. This is in accord with the practice of the Administrative Office.

	'03-04:	% of Appeals:	Change '02-03 to '03-04:
Total number of appeals docketed:	136	100%	5%
Appeals initially docketed with the BAP:	104 ¹	76.5%	12%
Appeals subsequently transferred to the District Courts:	8 ²	5.9%	0%
Appeals initially docketed with the District Courts:	32	23.5%	-11%

(cont'd)

¹This figure shows only new appeals docket with the BAP and does not include eleven reopened appeals.

²This figure shows all elections to have an appeal heard by the U.S. District Court granted by the BAP from July 1, 2003, to June 30, 2004, regardless of when the appeal was filed, and regardless of whether the District Court has docketed the appeal. Some of these elections were not docketed by the District Courts before the end of this reporting period. Conversely, some elections docketed by the District Courts may have been granted by the BAP during the previous reporting period.

ELECTIONS (Docketed Appeals) (cont'd)

The total number of appeals subject to final disposition before each court is as follows:

	'03-04:	% of Appeals:	Change '02-03 to '03-04:
Total appeals docketed and proceeding before both intermediate appellate courts:	136	100%	6%
Appeals docketed and finally proceeding before the BAP:	96	70.6%	13%
Appeals docketed and finally proceeding before District Courts:	40 ¹	29.4%	-7%

¹This figure includes only those elections actually docketed by the District Courts during the reporting period. Some elections granted by the BAP were not docketed by the District Courts before the end of this reporting period. Conversely, some elections docketed by the District Courts may have been granted by the BAP during the previous reporting period.

DISPOSITIONS

The following chart is based upon all cases docketed by the BAP for the eight-year period from July 1, 1996, to June 30, 2004.

	Total:	% of All Docketed BAP Appeals:
Appeals docketed and finally proceeding before the BAP:	623	100%
Appeals disposed of by the BAP:	593	95.2%

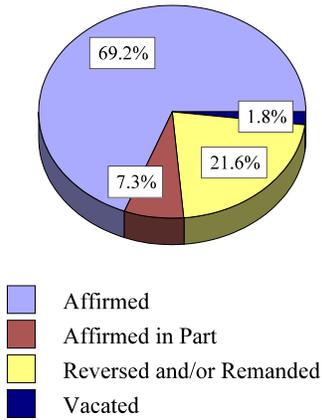
DISPOSITIONS ON THE MERITS

The following calculations are based on appeals actually disposed of by the BAP for the eight-year period from July 1, 1996, to June 30, 2004.

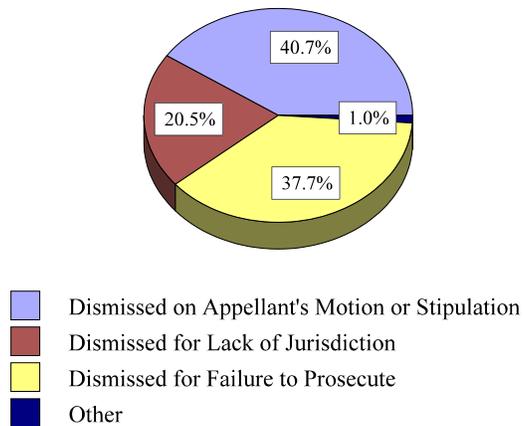
		% of All Disposed BAP Appeals:
Appeals Disposed of by the BAP:	593	100%
Appeals Disposed of by the BAP on the Merits:	273	46%
Appeals Affirmed:	189	31.9% (69.2% of appeals disposed of on merits)
Appeals Affirmed in Part:	20	3.4% (7.3% of appeals disposed of on merits)
Appeals Vacated:	5	.8% (1.8% of appeals disposed of on merits)
Appeals Reversed (or Reversed and Remanded):	59	9.9% (21.6% of appeals disposed of on merits)

COMPARISON OF DISPOSITION METHODS
July 1, 1996 to June 30, 2004

BAP Dispositions on the Merits



BAP Procedural Dispositions



DISPOSITION TIME

The following calculations are based only on appeals actually disposed of by the BAP between July 1, 1996, and June 30, 2004. Note that the disposition time is measured from the date that the notice of appeal was filed with the Bankruptcy Court to the date of entry of the final disposition in the appeal.

BAP Appeals--Average Disposition Time:	152.8 ¹
Median Disposition Time:	142

¹Eleven of the appeals disposed of during the report period were filed with the District Court and subsequently transferred to the BAP. Including those figures here would severely skew the results (an average of 456.7 days elapsed between the date the notice of appeal was filed and the date the BAP docketed the appeal). The disposition time for the eleven appeals averaged 136.6 days, measured from the date the notice of appeal was docketed by the BAP to the date the appeal was terminated.

APPEALS TO CIRCUIT

The figures below provide the number of appeals from the BAP to the Tenth Circuit Court of Appeals for the six-year period from July 1, 1996, to June 30, 2004.

		% of Appeals Disposed of By The BAP:
Appeals from BAP to Circuit:	107	18% (39.2% of all appeals disposed of on the merits).

Circuit Appeals from BAP Disposed:	84	
Circuit Appeals from BAP Disposed of on Merits:	44	
Appeals Affirmed:	39	88.6% of appeals disposed of by Circuit on merits.
Appeals Affirmed in Part:	1	2.3% of appeals disposed of by Circuit on merits.
Appeals Reversed (or Reversed and Remanded):	4	9.1% of appeals disposed of by Circuit on merits.

Average Disposition Time for Circuit for Appeals taken from BAP (from date notice of appeal filed with the BAP to date terminated):	296.6
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