

# United States Court of Appeals for the Federal Circuit

## Caseload Analysis FY 2008 - FY 2009

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|  | <b>FY 2009</b>                | <b>FY 2008</b>                |            |
|--|-------------------------------|-------------------------------|------------|
|  | 12 Months Ending<br>9/30/2009 | 12 Months Ending<br>9/30/2008 | % Change   |
| <b>FILINGS</b>                           |                               |                               |            |
| Total Filings <sup>1</sup>               | 1367                          | 1459                          | -6.3%      |
| District Court                           | 445                           | 459                           | -3.1%      |
| Court of Federal Claims                  | 154                           | 205                           | -24.9%     |
| Court of Appeals for Veterans Claims     | 156                           | 170                           | -8.2%      |
| Court of International Trade             | 47                            | 45                            | 4.4%       |
| Merit Systems Protection Board           | 381                           | 419                           | -9.1%      |
| Patent & Trademark Office                | 95                            | 82                            | 15.9%      |
| Boards of Contract Appeals               | 25                            | 24                            | 4.2%       |
| International Trade Commission           | 28                            | 24                            | 16.7%      |
| Department of Veterans Affairs           | 1                             | 3                             | -66.7%     |
| Office of Compliance                     | 2                             | 1                             | 100.0%     |
| Department of Justice                    | 7                             | 0                             | 700.0%     |
| Writs                                    | 26                            | 27                            | -3.7%      |
| <br>Total Filings per Panel <sup>2</sup> | <br>342                       | <br>365                       | <br>-6.3%  |
| <b>TERMINATIONS</b>                      |                               |                               |            |
| Total Terminations <sup>3</sup>          | 1417                          | 1745                          | -18.8%     |
| District Court                           | 432                           | 478                           | -9.6%      |
| Court of Federal Claims                  | 156                           | 177                           | -11.9%     |
| Court of Appeals for Veterans Claims     | 173                           | 478                           | -63.8%     |
| Court of International Trade             | 49                            | 64                            | -23.4%     |
| Merit Systems Protection Board           | 409                           | 420                           | -2.6%      |
| Patent & Trademark Office                | 101                           | 60                            | 68.3%      |
| Boards of Contract Appeals               | 23                            | 23                            | 0.0%       |
| International Trade Commission           | 38                            | 16                            | 137.5%     |
| Department of Veterans Affairs           | 1                             | 3                             | -66.7%     |
| Office of Compliance                     | 2                             | 3                             | -33.3%     |
| Department of Justice                    | 5                             | 0                             | 500.0%     |
| Writs                                    | 28                            | 23                            | 21.7%      |
| <br>Total Terminations per Panel         | <br>354                       | <br>436                       | <br>-18.8% |

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<sup>1</sup> Filings: Total number of appeals (including cross- and consolidated appeals) docketed or reinstated during the 12-month review period.

<sup>2</sup> Per panel figures are calculated by dividing by four (the number of three-judge panels of authorized judgeships for the court).

<sup>3</sup> Terminations: Total number of appeals (including cross- and consolidated appeals) terminated during the 12-month review period.

|   | <b>FY 2009</b><br>12 Months Ending<br>9/30/2009 | <b>FY 2008</b><br>12 Months Ending<br>9/30/2008 | % Change |
|---|---|---|----------|
| Total Merits Terminations <sup>4</sup>                        | 698   | 716   | -2.5%    |
| District Court  | 187   | 208   | -10.1%   |
| Court of Federal Claims                                       | 83  | 85  | -2.4%    |
| Court of Appeals for Veterans Claims                          | 95  | 107   | -11.2%   |
| Court of International Trade                                  | 32  | 37  | -13.5%   |
| Merit Systems Protection Board                                | 234   | 228   | 2.6%     |
| Patent & Trademark Office                                     | 45  | 27  | 66.7%    |
| Boards of Contract Appeals                                    | 12  | 11  | 9.1%     |
| International Trade Commission                                | 7   | 10  | -30.0%   |
| Department of Veterans Affairs                                | 1   | 1   | 0.0%     |
| Office of Compliance  | 0   | 2   | -200.0%  |
| Department of Justice   | 2   | 0   | 200.0%   |
| Writs   | 0   | 0   | 0.0%     |
| Percentage of Merits Terminations Orally Argued: <sup>5</sup> | 59.2%   | 61.0%   |          |
| Dispositions:   |   |   |          |
| FCR 36 Summary Orders   | 126   | 129   | -2.3%    |
| Other Non-Precedential Opinions                               | 327   | 346   | -5.5%    |
| Precedential Opinions   | 245   | 241   | 1.7%     |
| Percentage Non-Precedential Dispositions:                     | 64.9%   | 66.3%   |          |

### CASE EVENT TIMELINES

#### Median Time: Docketing to Disposition<sup>6</sup>

|                     |            |            |
|---------------------|------------|------------|
| All Appeals         | 6.5 months | 8.4 months |
| Merits Dispositions | 9.3 months | 9.0 months |

#### Median Time: Calendar to Disposition<sup>7</sup>

|                         |            |            |
|-------------------------|------------|------------|
| All Merits Dispositions | 1.6 months | 1.6 months |
|-------------------------|------------|------------|

<sup>4</sup> Merits Terminations: Dispositions by three-judge merits panels or by the court en banc based on the merits of a case after presentation in briefs pursuant to FRAP 28. Excludes cross- and consolidated appeals and dispositions by motions panels.

<sup>5</sup> Percentage of Merits Terminations Orally Argued: Most appeals where the parties are represented by counsel are argued orally. Pro se appeals are not argued orally.

<sup>6</sup> Median Time Docketing to Disposition: Median number of months between docketing and disposition for appeals terminated during the 12-month review period.

<sup>7</sup> Median Time Calendar to Disposition: Median number of months between oral argument or submission on the briefs and disposition for appeals terminated during the 12-month review period.