

Senator Richard Burr, Ranking Member

Statement of Senator Richard Burr

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Room SD-562, Dirksen Senate Office Building

9:30 a.m.

Thank you, Mr. Chairman, for calling this hearing to discuss the U.S. Court of Appeals for Veterans Claims, and thank you to our witnesses for being here today.

Almost 20 years ago, Congress created this Court for a very important purpose: to provide "fundamental justice" to veterans and their families who are seeking veterans' benefits. In my view, to fulfill that purpose, everyone who comes before the Court must be provided with a prompt decision because, as we all know, justice delayed is justice denied.

Chief Judge Greene took a big step in that direction last year by bringing retired judges back to work. In fact, with the help of those retired judges, the Court provided over 4,800 decisions to veterans and their families last year. That's almost 50% more decisions than any year in the Court's history. This is an impressive milestone.

While I congratulate the Court on that accomplishment, today we need to focus on how to meet the current and future challenges facing the Court. And there are many:

- The Court is receiving record levels of incoming cases. In fact, there were over 4,600 new cases in fiscal year 2007, which is almost 25% more than in any prior year.
- The Court today has almost 6,300 pending cases, which is 36% more than two years ago and 4,000 more than 10 years ago.
- At least 750 cases are already awaiting action by the Court, and 3,700 more may be ready for a decision within the next year.
- The median number of days to decide cases is now 416, which is almost 20% higher than last year.

- And, as some of our witnesses will testify, the Court will often take 1 to 2 years to resolve even simple cases.

With these staggering statistics, it seems clear that something must be done soon to make sure no veteran will have to wait so long for a decision, now or in the future. I know that the Court and some of our witnesses today have made suggestions for how to do that. Some of those options include adding more judges, authorizing magistrates, and using alternative dispute resolution.

But, the way I see it, before we can find the right path forward, we need a clear understanding of the Court's workload, who is actually doing the work, and where there are bottlenecks. For example, we need to know how many cases are ultimately decided by a judge, how many are handled by the Clerk of the Court, and how many are resolved after the parties have reached an agreement. We need to know how long it takes for the parties to fulfill their responsibilities, such as filing briefs, and how long it takes the Court to make a decision once the parties have done their part.

It seems to me that we can't take steps to eliminate delays until we know the answers to these questions. I hope today the Committee will get some answers, so that we can start working on solving these problems now and for the future.

Also, Mr. Chairman, as we consider what actions this Committee should take, I think it is important for the Court to take steps to effectively use all of its existing resources. As long as the Court has such a massive caseload, I hope the Court will continue to rely on the experience and expertise of its retired judges for whatever assistance they can provide. We pay these judges as though they are active so they can be called on in a time of need. And I think it is very clear that the need is now and it is urgent.

Mr. Chairman, I look forward to the testimony today and to discussing how we can work together to make sure that veterans and their families get the "fundamental justice" they rightly deserve.

Thank you, Mr. Chairman. I yield the floor.