

# SCOTUS**blog** “StatPack”

*Edition 5: Following the Orders and Opinions of June 11, 2007*

## **Included in this download:**

1. Opinion Authors by Sitting
2. State of the Docket for OT07
3. Decisions by Final Vote
4. The Court’s Workload

*Case lists for OT06 and OT07 can now be downloaded separately.*

## **Key Dates for OT06:**

### **2** Remaining Conferences:

- June 14
- June 21

### Scheduled days for Orders and Opinions:

- June 14 (just added; opinions only)
- June 18
- June 25

## Opinion Authors by Sitting

Cases in color are pending; cases in red are highest profile outstanding

| OCT              | Author | Count |   |
|------------------|--------|-------|---|
| Lopez/T-F        | DHS    | JGR   | 1 |
| Belmontes        | AMK    | JPS   | 1 |
| MedImmune        | AS     | AS    | 1 |
| BP America       | SAA    | AMK   | 1 |
| Global Crossing  | SB     | DHS   | 1 |
| Norfolk Southern | JGR    | CT    | 1 |
| Resendiz-Ponce   | JPS    | RBG   | 1 |
| Cunningham       | RBG    | SGB   | 1 |
| Musladin         | CT     | SAA   | 1 |

| NOV                 | Author | Count |   |
|---------------------|--------|-------|---|
| Haley               | RBG    | JGR   | 1 |
| Williams/Bock       | JGR    | JPS   | 1 |
| Philip Morris       | SB     | AS    | 1 |
| Lawrence            | CT     | AMK   | 1 |
| Bockting            | SAA    | DHS   | 1 |
| Duke Energy         | DHS    | CT    | 1 |
| Wallace             | AS     | RBG   | 1 |
| Marrama             | JPS    | SB    | 1 |
| Burton              | PC     | SAA   | 2 |
| James               | SAA    |       |   |
| Pl. Parent./Carhart | AMK    |       |   |

| DEC               | Author | Count |   |
|-------------------|--------|-------|---|
| Ledbetter         | SAA    | JGR   | 0 |
| Bell Atlantic     | DHS    | JPS   | 1 |
| KSR               | AMK    | AS    | 1 |
| Weyerhaeuser      | CT     | AMK   | 1 |
| Mass v. EPA       | JPS    | DHS   | 1 |
| Watters           | RBG    | CT    | 1 |
| Jeff. County/PICS |        | RBG   | 1 |
| Rockwell          | AS     | SB    | 1 |
| Duenas-Alvarez    | SB     | SAA   | 1 |

| JAN                | Author   | Count |    |
|--------------------|----------|-------|----|
| United Hauler's    | JGR      | JGR   | 1  |
| Limtiaco           | CT       | JPS   | 2* |
| Landrigan          | CT       | AS    | 0  |
| Sinochem           | RBG      | AMK   | 1  |
| Zuni               | SB       | DHS   | 1  |
| WEA (consol)       |          | CT    | 2  |
| Travelers          | SAA      | RBG   | 1  |
| Safeco/Geico       | DHS      | SB    | 1  |
| Smith              | AMK      | SAA   | 1  |
| Brewer/Abdul-Kabir | JPS (x2) |       |    |

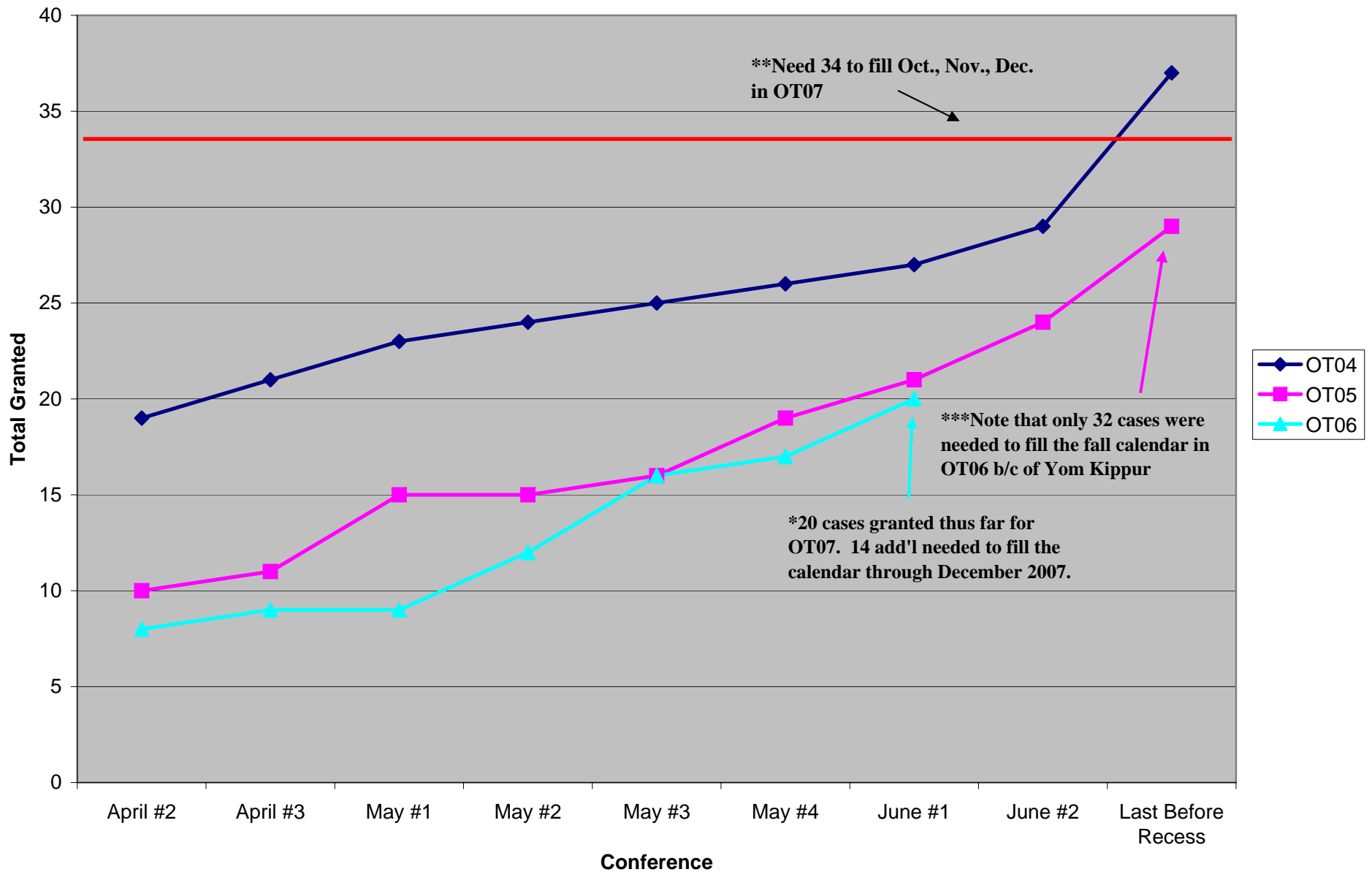
| FEB              | Author | Count |   |
|------------------|--------|-------|---|
| Claiborne        | PC     | JGR   | 0 |
| Rita             |        | JPS   | 0 |
| AT&T             | RBG    | AS    | 1 |
| EC Term of Years | DHS    | AMK   | 1 |
| Scott            | AS     | DHS   | 1 |
| Winkelman        | AMK    | CT    | 0 |
| Hein             |        | RBG   | 1 |
|                  |        | SB    | 0 |
|                  |        | SAA   | 0 |

| MAR             | Author | Count |   |
|-----------------|--------|-------|---|
| Morse           |        | JGR   | 0 |
| Wilkie          |        | JPS   | 0 |
| Fry             | AS     | AS    | 1 |
| Weaver          | PC     | AMK   | 0 |
| Leegin Creative |        | DHS   | 0 |
| Bowles          |        | CT    | 0 |
| CSFB            |        | RBG   | 0 |
| Tellabs         |        | SB    | 0 |
|                 |        | SAA   | 0 |

| APR (Wk 1)       | Author |
|------------------|--------|
| Powerex          |        |
| LI Care at Home  | SB     |
| Uttecht          | AMK    |
| Wyner            | RBG    |
| Def. of Wildlife |        |
| TSSAA            |        |
| Panetti          |        |
|                  |        |

| APR (Wk 2) | Author | All Apr Count |   |
|------------|--------|---------------|---|
| Hinck      | JGR    | JGR           | 1 |
| Atl Rsrch  | CT     | JPS           | 1 |
| Brendlin   |        | AS            | 1 |
| Beck       | AS     | AMK           | 1 |
| Perm. Miss |        | DHS           | 0 |
| Dayton     | JPS    | CT            | 1 |
| Watson     | SB     | RBG           | 1 |
| McCain/FEC |        | SB            | 2 |
|            |        | SAA           | 0 |

## Granted Cases Heading Into Summer



*Note: In OT04, the Court added an additional Conference at the end of June, on the last Monday of the Term, to consider relists. Thus, the final jump of 8 cases reflects the grant of 5 cases in Conference on June 23, 2005 and an additional 3 on June 27, 2005.*

## OT06 - Decisions by Final Vote

| 9-0 (or unan.)<br>27 (48%) | 8-1 (or 7-1)<br>6 (11%) | 7-2 (or 6-2)<br>5 (9%) | 6-3 (or 5-3)<br>4 (7%)     | 5-4<br>14 (25%)       |
|----------------------------|-------------------------|------------------------|----------------------------|-----------------------|
| <i>Coke</i>                | <i>Erickson (PC)</i>    | <i>Twombly</i>         | <i>Roper (PC)</i>          | <i>Uttecht</i>        |
| <i>Watson</i>              | <i>Scott</i>            | <i>Global Crossing</i> | <i>United Hauler's</i>     | <i>Ledbetter</i>      |
| <i>Atl. Research</i>       | <i>MedImmune</i>        | <i>Wallace</i>         | <i>Cunningham</i>          | <i>Schiro</i>         |
| <i>Fry</i>                 | <i>Resendiz-Ponce</i>   | <i>Osborn</i>          | <i>Watters (5-3)</i>       | <i>Smith</i>          |
| <i>Beck</i>                | <i>Lopez</i>            | <i>Rockwell (6-2)</i>  |                            | <i>Brewer</i>         |
| <i>Sole</i>                | <i>Microsoft (7-1)</i>  |                        |                            | <i>Abdul-Kabir</i>    |
| <i>Safeco</i>              |                         |                        |                            | <i>James</i>          |
| <i>Rettele (PC)</i>        |                         |                        |                            | <i>Carhart</i>        |
| <i>Winkelman</i>           |                         |                        |                            | <i>Zuni</i>           |
| <i>Hinck</i>               |                         |                        |                            | <i>Mass v. EPA</i>    |
| <i>EC Term of Yrs</i>      |                         |                        |                            | <i>Marrama</i>        |
| <i>KSR</i>                 |                         |                        |                            | <i>PM v. Williams</i> |
| <i>Duke Energy</i>         |                         |                        |                            | <i>Lawrence</i>       |
| <i>Limtiaco</i>            |                         |                        |                            | <i>Belmontes</i>      |
| <i>Travelers</i>           |                         |                        |                            |                       |
| <i>Lance (PC)</i>          |                         |                        |                            |                       |
| <i>Sinochem</i>            |                         |                        |                            |                       |
| <i>Whorton</i>             |                         |                        |                            |                       |
| <i>Weyerhaeuser</i>        |                         |                        |                            |                       |
| <i>Jones</i>               |                         |                        |                            |                       |
| <i>Duenas-Alvarez</i>      |                         |                        |                            |                       |
| <i>Norfolk Southern</i>    |                         |                        |                            |                       |
| <i>Burton (PC)</i>         |                         |                        |                            |                       |
| <i>Musladin</i>            | <b>DIG</b>              |                        | <b>Otherwise Dismissed</b> |                       |
| <i>Purcell (PC)</i>        | <i>Roper (6-3)</i>      |                        | <i>Burton</i>              |                       |
| <i>Dayton (8-0)</i>        | <i>Toledo-Flores*</i>   |                        | <i>Dayton</i>              |                       |
| <i>BP America (7-0)</i>    |                         |                        | <i>Claiborne</i>           |                       |

|                 |               |                           |                 |                 |
|-----------------|---------------|---------------------------|-----------------|-----------------|
|                 |               | <b>Final OT05</b>         |                 |                 |
| <b>45 (52%)</b> | <b>5 (6%)</b> | <b>12 (14%)</b>           | <b>13 (15%)</b> | <b>11 (13%)</b> |
|                 |               | <b>OT05 To this point</b> |                 |                 |
| <b>43 (70%)</b> | <b>3 (5%)</b> | <b>7 (11%)</b>            | <b>5 (8%)</b>   | <b>3 (5%)</b>   |

-The per curiam dismissals in *Toledo-Flores* and *Claiborne* are not included in the voting breakdown. The summary reversals in *Rettele*, *Lance*, *Purcell*, and *Erickson* are. A look at which justices form the majority and the minority in all of the cases can be found at: [http://dailywrit.com/?page\\_id=55](http://dailywrit.com/?page_id=55).

-Detailed voting relationships between each pair of justices will be released immediately upon Term's end.

-Finally, it is worth noting that the timing of decisions issued in OT05 may have been effected by three cases that may have been decided earlier in that Term but needed to be reargued. All three of those ended up 5-4.

\*Note that this issue was decided in *Lopez v. Gonzales*.

### The Court's Workload in OT06

|   |    |
|---|----|
| Cases Granted or Probable Jurisdiction Noted: | 73 |
| Dismissed Before Argument:                    | 2  |
| Hours of Argument:                            | 71 |

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|   |    |
|---|----|
| Argued Merits Cases Disposed of (as of 6/11/07):  | 53 |
| Non-merits Dispositions After Argument:           | 4  |
| Expected Remaining Merits Opinions:               | 17 |
| Expected Merits Opinions in OT06 After Argument*: | 66 |
| Summary Reversals of Non-Argued Cases:            | 4  |
| Total Expected Merits Decisions:                  | 70 |

*Notes:* These numbers assume that the two school integration cases, which were argued separately, will be decided with one majority opinion; it further assumes that no remaining consolidated cases which were argued in one hour (i.e. the union fees cases, campaign finance cases, and *Defenders of Wildlife*) will be decided with multiple opinions. The total number of expected merits decisions also assumes that no additional summary reversals will be issued.

Thus, the final number of expected merits opinions after argument is calculated by taking the number of cases argued (71), subtracting the per curiam opinions or dismissals (-4), subtracting the number of times that cases argued separately were disposed of with one opinion (-2: *Carhart* and, presumably, the school integration cases), and adding the number of times that cases that were originally consolidated but disposed of with two majority opinions (+1: *Brewer* and *Abdul-Kabir*).