

SCOTUSblog StatPack – OT07, Edition 3

Included in this StatPack:

1. Grant Rates by Conference
2. Circuit Scorecard
3. Case List By Sitting/Author
4. Case List for OT07

Key Upcoming Dates:

Nov. 6

- 06-1164: [*John R. Sand and Gravel v. US*](#)
- 06-1322: [*Federal Express v. Holowecki*](#)

Nov. 7

- 06-989: [*Hall Street v. Mattel*](#)

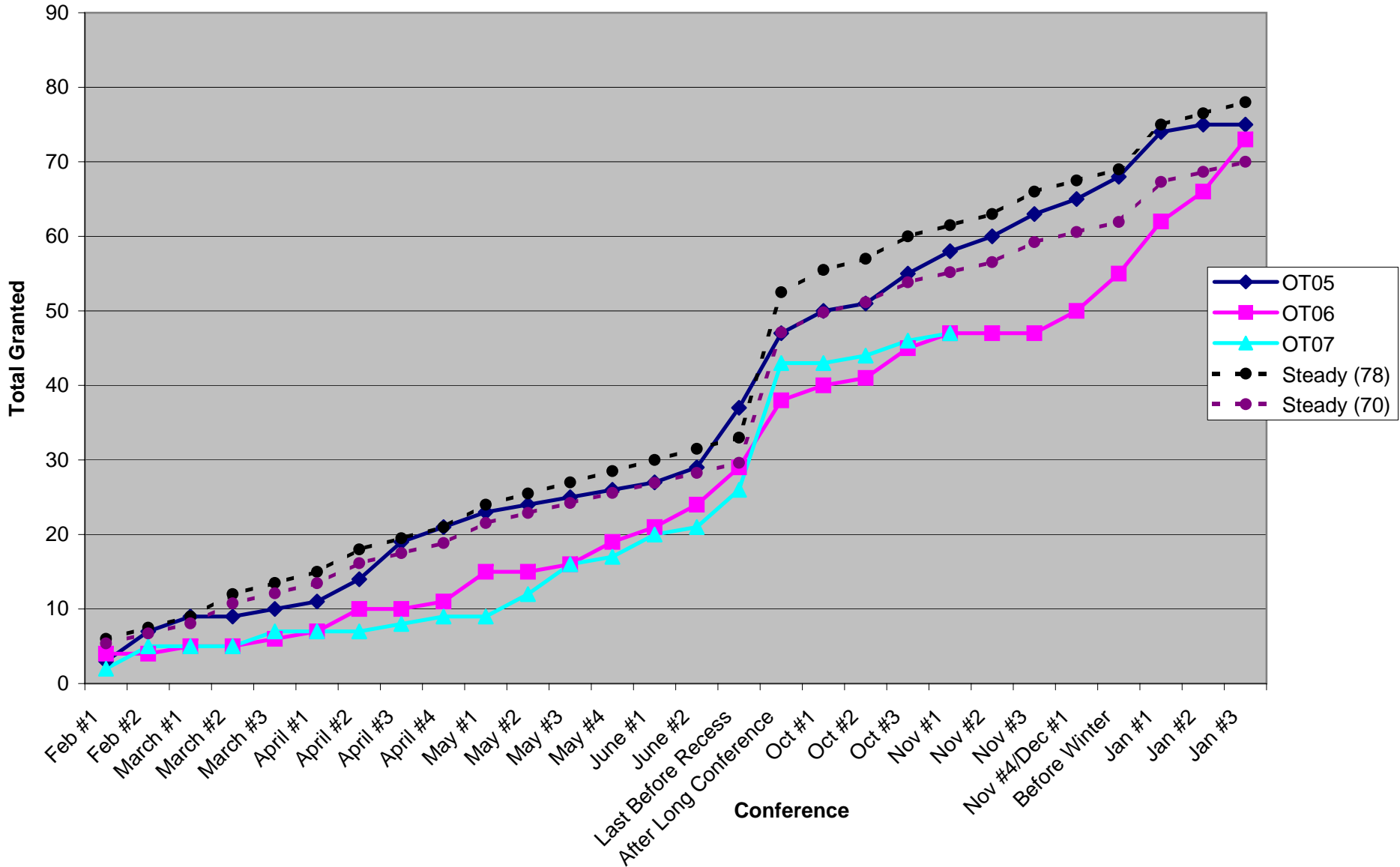
Nov. 9

- Conference

Nov. 13

- Orders

Granted Cases by Conference



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 jump of 8 cases reflects the grant of 5 cases in Conference on June 23, 2005 and an additional 3 on June 27, 2005.

Circuit Scorecard - OT07

Court	Decided	Outstanding	# Aff'd	% Aff'd	# Rev'd	% Rev'd	# Aff'd in Part	% Aff'd in Part	% of SCOTUS Caseload
CA1	0	2	0	0.0%	0	0.0%	0	0.0%	3.8%
CA2*	1	6	1	100.0%	0	0.0%	0	0.0%	13.5%
CA3	0	0	0	0.0%	0	0.0%	0	0.0%	0.0%
CA4	0	2	0	0.0%	0	0.0%	0	0.0%	3.8%
CA5	0	4	0	0.0%	0	0.0%	0	0.0%	7.7%
CA6	0	2	0	0.0%	0	0.0%	0	0.0%	3.8%
CA7	0	6	0	0.0%	0	0.0%	0	0.0%	11.5%
CA8	0	2	0	0.0%	0	0.0%	0	0.0%	3.8%
CA9	0	9	0	0.0%	0	0.0%	0	0.0%	17.3%
CA10	0	2	0	0.0%	0	0.0%	0	0.0%	3.8%
CA11	0	3	0	0.0%	0	0.0%	0	0.0%	5.8%
CADC	0	2	0	0.0%	0	0.0%	0	0.0%	3.8%
CAFC	0	2	0	0.0%	0	0.0%	0	0.0%	3.8%
<i>Dist. Courts</i>	0	0	0	0.0%	0	0.0%	0	0.0%	0.0%
<i>State Courts</i>	0	8	0	0.0%	0	0.0%	0	0.0%	15.4%
<i>Original</i>	0	1	N/A	N/A	N/A	N/A	N/A	N/A	1.9%
Total	1	51	1	100.0%	0	0.0%	0	0.0%	

Consolidated cases are here counted individually (45 total hours of argument docketed thus far).

*The Court affirmed the Second Circuit in *NY Bd. Of Education v. Tom F.* by a vote of 4-4, and wrote no opinion.

Opinion Authors by Sitting

OCT	<i>Author</i>	Count	
Wash Grange		JGR	0
Tom F.	PC	JPS	0
Gall		AS	0
Kimbrough		AMK	0
Lopez-Torres		DHS	0
Santos		CT	0
Watson		RBG	0
Stonerige		SGB	0
Medellin		SAA	0

NOV	<i>Author</i>	Count	
Klein & Co.		JGR	0
Ali		JPS	0
US v. Williams		AS	0
Logan		AMK	0
Danforth		DHS	0
CSX v. Ga. Bd.		CT	0
Ky. v. Davis		RBG	0
John R. Sand		SB	0
Holowiecki		SAA	0
Hall Street			

DEC	<i>Author</i>	Count	
LaRue		JGR	0
NJ v. Del.		JPS	0
Knight v. CIR		AS	0
Rowe		AMK	0
Sprint/United		DHS	0
Riegel		CT	0
Snyder		RBG	0
Boumediene		SB	0
		SAA	0

JAN	<i>Author</i>	Count	
		JGR	0
		JPS	0
		AS	0
		AMK	0
		DHS	0
		CT	0
		RBG	0
		SB	0
		SAA	0

FEB	<i>Author</i>	Count	
		JGR	0
		JPS	0
		AS	0
		AMK	0
		DHS	0
		CT	0
		RBG	0
		SB	0
		SAA	0

MAR	<i>Author</i>	Count	
		JGR	0
		JPS	0
		AS	0
		AMK	0
		DHS	0
		CT	0
		RBG	0
		SB	0
		SAA	0

APR	<i>Author</i>	Count	
		JGR	0
		JPS	0
		AS	0
		AMK	0
		DHS	0
		CT	0
		RBG	0
		SB	0
		SAA	0

October Term 2007 - Merits Cases

NY Sch. Bd. v. Tom F.

06-637

CA2

Categories: Civil Rights Non-Biz Statutory IDEA

Timeline: Pet: 11/3/2006 Grant: 2/26/2007 Top: 5/11/2007 Bot: 7/18/2007 Arg: 10/1/2007

- Parents' right to tuition reimbursement for their disabled child's schooling.

AFFIRMED by equally divided Court.

Wash./Wash. St. v. Wash. St. Rep. Party

06-713

CA9/CA9

Consol. with 06-730

Categories: Civil Rights Non-Biz Constitutional Election Law

Timeline: Pet: 11/20/2007 Grant: 2/26/2007 Top: 5/21/2007 Bot: 8/6/2007 Arg: 10/1/2007

- Constitutionality of limits on party identification on primary election ballots.

Kimbrough v. US

06-6330

CA4

Categories: Criminal Non-Biz Constitutional Sentencing

Timeline: Pet: 9/5/2006 Grant: 6/11/2007 Top: 7/24/2007 Bot: 8/30/2007 Arg: 10/2/2007

- Reasonableness of the heavier sentences imposed for crack vs. powder cocaine crimes.

Gall v. US

06-7949

CA8

Categories: Criminal Non-Biz Constitutional Sentencing

Timeline: Pet: 11/22/2006 Grant: 6/11/2007 Top: 7/18/2007 Bot: 8/22/2007 Arg: 10/2/2007

- Reasonableness of a federal sentence that is below the Sentencing Guidelines' range.

NY Bd. of Election v. Torres

06-766

CA2

Categories: Civil Rights Non-Biz Constitutional Election Law

Timeline: Pet: 11/28/2007 Grant: 2/20/2007 Top: 5/7/2007 Bot: 7/13/2007 Arg: 10/3/2007

- Validity of selection of state judicial candidates by party convention instead of by election.

October Term 2007 - Merits Cases

US v. Santos

06-1005

CA7

Categories: Criminal Non-Biz Statutory Money Laundering

Timeline: Pet: 1/22/2007 Grant: 4/23/2007 Top: 6/7/2007 Bot: 8/20/2007 Arg: 10/3/2007

- Definition of "proceeds" under federal money-laundering law.

Watson v. US

06-571

CA5

Categories: Criminal Non-Biz Statutory Drug Trafficking

Timeline: Pet: 10/23/2006 Grant: 2/26/2007 Top: 5/4/2007 Bot: 6/28/2007 Arg: 10/9/2007

- Definition of "use" of firearm for enhanced sentence.

Stoneridge v. Scientific-Atlanta

06-43

CA8

Categories: General Civil Business Statutory Securities

Timeline: Pet: 7/7/2006 Grant: 3/26/2007 Top: 6/11/2007 Bot: 8/15/2007 Arg: 10/9/2007

- Liability of third-party entities for securities fraud scheme.

Medellin v. Texas

06-984

Tx. Ct. of Cr.

Categories: Criminal Non-Biz Constitutional ICJ

Timeline: Pet: 1/16/2007 Grant: 4/30/2007 Top: 6/28/2007 Bot: 8/23/2007 Arg: 10/10/2007

- President's power to require U.S. states, under the Vienna consular convention, to allow foreign nationals to contest their convictions and sentences in state court, to satisfy World Court decisions.

Klein & Co. Futures v. Bd. of Trade of NY

06-1265

CA2

Categories: General Civil Business Statutory Commodities Futures

Timeline: Pet: 3/14/2007 Grant: 5/21/2007 Top: 7/19/2007 Bot: Arg: 10/29/2007

- Commodity commission merchants' right to sue for losses in trading.

October Term 2007 - Merits Cases

Ali v. BOP 06-9130 CA11

Categories: General Civil Non-Biz Statutory Sovereign Immunity

Timeline: Pet: 1/25/2007 Grant: 5/29/2007 Top: 7/31/2007 Bot: Arg: 10/29/2007

- Right to sue for loss of inmate's personal property.

Logan v. US 06-6911 CA7

Categories: Criminal Non-Biz Statutory Armed Career Criminal

Timeline: Pet: 9/29/2006 Grant: 2/20/2007 Top: 5/25/2007 Bot: 7/30/2007 Arg: 10/30/2007

- Definition of predicate offenses for sentencing of "armed career criminal."

US v. Williams 06-694 CA11

Categories: Criminal Non-Biz Constitutional Child Pornography

Timeline: Pet: 11/17/2006 Grant: 3/26/2007 Top: 6/11/2007 Bot: 8/20/2007 Arg: 10/30/2007

- Constitutionality of federal law against Internet-based child pornography.

Danforth v. Minnesota 06-8273 S. Ct. of Minn.

Categories: Criminal Non-Biz Constitutional Retroactivity

Timeline: Pet: 12/6/2006 Grant: 5/21/2007 Top: 7/19/2007 Bot: 8/23/2007 Arg: 10/31/2007

- Limits on state courts' authority to expand retroactivity of Supreme Court criminal procedure rulings.

Ky. Dept. of Rev. v. Davis 06-666 KY Ct. of App.

Categories: General Civil Business Constitutional Municipal Bonds

Timeline: Pet: 11/9/2006 Grant: 5/21/2007 Top: 7/19/2007 Bot: Arg: 11/5/2007

- State power to tax residents' interest income on other states' bonds, if home-state bond interest is exempt.

October Term 2007 - Merits Cases

CSX v. Ga. Bd. of Equal. 06-1287 CA11

Categories: General Civil Business Statutory Tax

Timeline: Pet: 3/23/2007 Grant: 5/29/2007 Top: 7/30/2007 Bot: Arg: 11/5/2007

- Valuation of railroad property for state tax purposes.

John R. Sand & v. US 06-1164 CAFed

Categories: General Civil Business Statutory Jurisdiction

Timeline: Pet: 2/26/2007 Grant: 5/29/2007 Top: 8/3/2007 Bot: Arg: 11/6/2007

- Time limits for filings claims against the U.S. government in the Court of Federal Claims.

FedEx v. Holowecki 06-1322 CA2

Categories: Civil Rights Business Statutory ADEA

Timeline: Pet: 3/30/2007 Grant: 6/4/2007 Top: 8/9/2007 Bot: Arg: 11/6/2007

- Scope of right to sue for age discrimination on the job; mode of filing initial discrimination charge.

Hall Street v. Mattel 06-989 CA9

Categories: General Civil Business Statutory Arbitration

Timeline: Pet: 1/12/2007 Grant: 5/29/2007 Top: 7/27/2007 Bot: Arg: 11/7/2007

- Contracting parties' right to expand scope of judicial review of arbitration awards.

Larue v. DeWolff, Boberg & 06-856 CA4

Categories: General Civil Business Statutory ERISA

Timeline: Pet: 11/6/2006 Grant: 6/18/2007 Top: 8/7/2007 Bot: Arg: 11/26/2007

- Whether a participant may bring an action to recover losses due to fiduciary breach.

October Term 2007 - Merits Cases

Knight v. CIR

06-1286

CA2

Categories: General Civil Business Statutory Tax

Timeline: Pet: 3/23/2007 Grant: 6/25/2007 Top: 8/23/2007 Bot: Arg: 11/27/2007

- Whether investment management and advisory fees are fully-deductible administrative expenses for trusts and estates.

Rowe, AG of ME v. NH Motor Trans.

06-457

CA1

Categories: General Civil Business Statutory Shipping Regulations

Timeline: Pet: 8/16/2006 Grant: 6/25/2007 Top: 8/23/2007 Bot: Arg: 11/28/2007

- State power to regulate carriers of dangerous substances (for children).

Sprint/United Mgmt. v. Mendelsohn

06-1221

CA10

Categories: Civil Rights Business Statutory ADEA

Timeline: Pet: 3/5/2007 Grant: 6/11/2007 Top: 8/20/2007 Bot: Arg: 12/3/2007

- Admissibility of "me, too" testimony in age discrimination suits.

Snyder v. Louisiana

06-10119

S. Ct. of LA

Categories: Criminal Non-Biz Constitutional Discrimination

Timeline: Pet: 3/14/2007 Grant: 6/25/2007 Top: Bot: Arg: 12/4/2007

- Discriminatory jury selection and prosecutor's references to the O.J. Simpson case

Riegel v. Medtronic, Inc.

06-179

CA2

Categories: General Civil Business Statutory Medical Devices

Timeline: Pet: 8/3/2006 Grant: 6/25/2007 Top: 8/27/2007 Bot: Arg: 12/4/2007

- Whether federal preemption provision preempts state-law suit over FDA-approved medical devices.

October Term 2007 - Merits Cases

Boumediene/Al- v. *Bush*06-1195 CADC/CADC *Consol. with 06-1196*

Categories: Criminal Non-Biz Constitutional Detainees

Timeline: Pet: 3/5/2007 Grant: 6/29/2007 Top: 8/24/2007 Bot: Arg: 12/5/2007

- Constitutional jurisdiction over habeas petitions from Guantanamo detainees.

Ky. Retire. Sys. v. *EEOC*

06-1037 CA6

Categories: Civil Rights Business Statutory Benefits

Timeline: Pet: 1/23/2007 Grant: 9/25/2007 Top: Bot: Arg:

- Age bias in disability benefits packages.

Virginia v. *Moore*

06-1082 S. Ct. of Va.

Categories: Civil Rights Non-Biz Constitutional Fourth Amendment

Timeline: Pet: 2/1/2007 Grant: 9/25/2007 Top: Bot: Arg:

- Suppression of evidence obtained incident to an arrest that is based upon probable cause, where the arrest violates a provision of state law.

Begay v. *US*

06-11543 CA10

Categories: Criminal Non-Biz Statutory Armed Career Crim.

Timeline: Pet: 5/22/2007 Grant: 9/25/2007 Top: Bot: Arg:

- Whether felony drunk driving is a violent felony for purposes of enhanced sentencing under armed career criminal law.

Gonzalez v. *US*

06-11612 CA5

Categories: Criminal Non-Biz Statutory

Timeline: Pet: 5/24/2007 Grant: 9/25/2007 Top: Bot: Arg:

- Waiver of right to Art. III judge to preside over jury selection when counsel agreed to have a U.S. magistrate instead.

October Term 2007 - Merits Cases

Dada v. Keisler

06-1181

CA5

Categories: General Civil Non-Biz Statutory Immigration

Timeline: Pet: 2/26/2007 Grant: 9/25/2007 Top: Bot: Arg:

- Postponement of agreement for alien to voluntarily leave U.S.

Gomez-Perez v. Potter

06-1321

CA1

Categories: Civil Rights Business Statutory Age Bias

Timeline: Pet: 3/30/2007 Grant: 9/25/2007 Top: Bot: Arg:

- Federal employees' protection against retaliation for complaining about age bias in workplace.

Ali v. Achim

06-1346

CA7

Categories: Criminal Non-Biz Statutory Immigration

Timeline: Pet: 4/5/2007 Grant: 9/25/2007 Top: Bot: Arg:

- Definition of aggravated felony for deportation purposes.

Medwestvaco v. Ill. Dept. of Rev.

06-1413

App. Ct. of Ill,

Categories: General Civil Business Statutory Tax

Timeline: Pet: 4/20/2007 Grant: 9/25/2007 Top: Bot: Arg:

- Tax on sale of investment in LexisNexis.

CBOCS West v. Humphries

06-1431

CA7

Categories: Civil Rights Business Statutory Discrimination

Timeline: Pet: 4/25/2007 Grant: 9/25/2007 Top: Bot: Arg:

- Race retaliation claim under Sec. 1981 of civil rights law.

October Term 2007 - Merits Cases

Morgan Stanley v. Public Utility 1

06-1457

CA9/CA9

Consol. with 06-1462

Categories: General Civil Business Statutory Energy

Timeline: Pet: 5/3/2007 Grant: 9/25/2007 Top: Bot: Arg:

- Federal regulators' power to take an energy crisis into account in reviewing electric power sale contracts.

Preston v. Ferrer

06-1463

CA of Calif, 2d

Categories: General Civil Business Statutory Arbitration

Timeline: Pet: 5/4/2007 Grant: 9/25/2007 Top: Bot: Arg:

- Preemption of arbitration agreement.

Warner-Lambert v. Kent

06-1498

CA2

Categories: General Civil Business Statutory Preemption

Timeline: Pet: 5/10/2007 Grant: 9/25/2007 Top: Bot: Arg:

- Preemption of claim of fraud on a federal agency.

Boulware v. US

06-1509

CA9

Categories: General Civil Business Statutory Tax

Timeline: Pet: 5/11/2007 Grant: 9/25/2007 Top: Bot: Arg:

- Taxation on diversion of corporate funds to shareholder

US v. Rodriguez

06-1646

CA9

Categories: Criminal Non-Biz Statutory Armed Career Crim.

Timeline: Pet: 6/11/2007 Grant: 9/25/2007 Top: Bot: Arg:

- Crimes that qualify for enhanced sentence under armed career criminal law.

October Term 2007 - Merits Cases

Quanta v. LG

06-937

CAFed

Categories: General Civil Business Statutory Patent

Timeline: Pet: 11/30/2006 Grant: 9/25/2007 Top: Bot: Arg:

- Whether a patentee's federal patent rights are exhausted by a licensee's authorized sale of an essential component.

Crawford et al. v. Marion Cty. Election

07-21

CA7/CA7

Consol. with 07-25

Categories: Civil Rights Non-Biz Constitutional

Timeline: Pet: 7/2/2007 Grant: 9/25/2007 Top: Bot: Arg:

- Constitutionality of requiring voters to show a photo ID before they may vote.

Baze v. Rees

07-5439

S. Ct. of Ky.

Categories: Criminal Non-Biz Constitutional

Timeline: Pet: 7/11/2007 Grant: 9/25/2007 Top: Bot: Arg:

- Constitutionality of execution by lethal drugs when the chemical protocol poses a risk of pain and suffering.

Cuellar v. US

06-1456

CA5

Categories: Criminal Non-Biz Statutory Money Laundering

Timeline: Pet: 5/3/2007 Grant: 10/15/2007 Top: Bot: Arg:

- Whether the principal federal money laundering statute, 18 U.S.C. § 1956, requires a design to create the appearance of legitimate wealth.

Allison Engine v. US

07-214

CA6

Categories: General Civil Business Constitutional False Claims Act

Timeline: Pet: 8/17/2007 Grant: 10/29/2007 Top: Bot: Arg:

- Whether a plaintiff asserting a cause of action under the False Claims Act is required to prove that a false claim was submitted to the federal government.

October Term 2007 - Merits Cases

Exxon v. Baker

07-219

CA9

Categories: General Civil Business Statutory Maritime Law

Timeline: Pet: 8/20/2007 Grant: 10/29/2007 Top: Bot: Arg:

- Whether a \$2.5 billion dollar judgment against Exxon stemming from the Exxon Valdez oil spill is allowed under Maritime Law.

Arave v. Hoffman

07-110

CA9

Categories: Criminal Non-Biz Statutory Plea Bargain

Timeline: Pet: 7/26/2007 Grant: 11/5/2007 Top: Bot: Arg:

- The remedy that may be available for ineffective defense lawyer's efforts during plea bargaining, if the individual was later convicted at a fair trial.