

# SCOTUSblog StatPack – OT07, Edition 1

## Included in this StatPack:

1. Grant Rates by Conference
2. Circuit Scorecard
3. Case List for OT07

## Key Dates in the October Sitting:

*Oct. 1*

- Orders
- 06-713/06-730: *Wash/Wash. State Grange v. Wash. St. Rep. Party.*
- 06-637: *Board of Education of New York v. Tom F.*

*Oct. 2*

- 06-7949: *Gall v. US*
- 06-6330: *Kimbrough v. US*

*Oct. 3*

- 06-766: *NY Board of Elections v. Lopez-Torres*
- 06-1005: *Santos v. US*

*Oct. 5*

- Conference

*Oct. 9*

- Orders
- 06-571: *Watson v. US*
- 06-43: *Stoneridge v. Scientific-Atlanta*

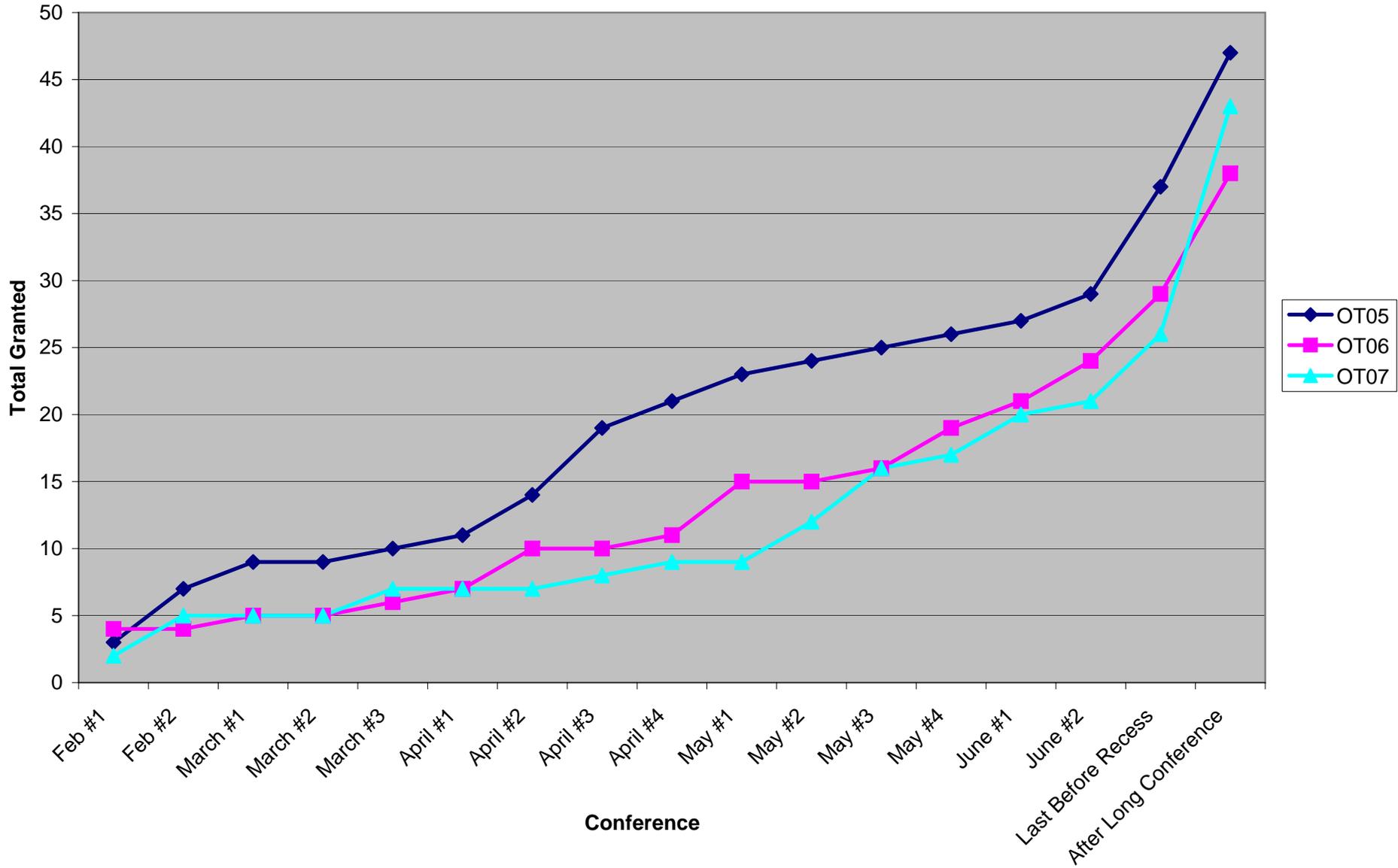
*Oct. 10*

- 06-984: *Medellin v. US*

*Oct. 12*

- Conference

### Grant Rate 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%            | 4.3%                 |
| CA2                 | 0        | 7           | 0        | 0.0%        | 0        | 0.0%        | 0               | 0.0%            | 14.9%                |
| 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%            | 4.3%                 |
| CA5                 | 0        | 3           | 0        | 0.0%        | 0        | 0.0%        | 0               | 0.0%            | 6.4%                 |
| CA6                 | 0        | 1           | 0        | 0.0%        | 0        | 0.0%        | 0               | 0.0%            | 2.1%                 |
| CA7                 | 0        | 6           | 0        | 0.0%        | 0        | 0.0%        | 0               | 0.0%            | 12.8%                |
| CA8                 | 0        | 2           | 0        | 0.0%        | 0        | 0.0%        | 0               | 0.0%            | 4.3%                 |
| CA9                 | 0        | 7           | 0        | 0.0%        | 0        | 0.0%        | 0               | 0.0%            | 14.9%                |
| CA10                | 0        | 2           | 0        | 0.0%        | 0        | 0.0%        | 0               | 0.0%            | 4.3%                 |
| CA11                | 0        | 3           | 0        | 0.0%        | 0        | 0.0%        | 0               | 0.0%            | 6.4%                 |
| CADC                | 0        | 2           | 0        | 0.0%        | 0        | 0.0%        | 0               | 0.0%            | 4.3%                 |
| CAFC                | 0        | 2           | 0        | 0.0%        | 0        | 0.0%        | 0               | 0.0%            | 4.3%                 |
| <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%            | 17.0%                |
| <b>Total</b>        | <b>0</b> | <b>47</b>   | <b>0</b> | <b>0.0%</b> | <b>0</b> | <b>0.0%</b> | <b>0</b>        | <b>0.0%</b>     |                      |

Consolidated cases here counted individually (43 total hours of argument thus far).

## 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.

*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.

*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.

## October Term 2007 - Merits Cases

*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.

*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.

*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.

*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.

*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.

## October Term 2007 - Merits Cases

*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.

*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.

*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:

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

## October Term 2007 - Merits Cases

*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:

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

*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:

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

*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.

*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.

## 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.

*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:

- Constitutional jurisdiction over habeas petitions from Guantanamo detainees.

*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:

- 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:

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

*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:

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

## October Term 2007 - Merits Cases

*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.

*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.

## October Term 2007 - Merits Cases

*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

*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

*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.

*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.