

**STATISTICS FOR THE SUPREME COURT'S
OCTOBER TERM 1997**

Prepared by Thomas C. Goldstein
Attorney – Boies & Schiller, LLP
Washington, D.C.

INTRODUCTION

This compilation of Supreme Court statistics provides a summary view of the recently completed Supreme Court term by reporting how the Court disposed of cases, as well as the degree to which the Justices agreed with each other. Readers are cautioned, however, that these statistics can give only the broadest overview of the term and cannot in any sense replace serious study of the Court's individual decisions.

STATISTICAL BREAKDOWN OF PUBLISHED OPINIONS

Decided Cases: Method of Disposition					
After argument and by signed opinion	91	After argument and without signed opinion	1	On the briefs	4

Splits in Decisions by Opinion (5-4 entry does not reflect one case that was 5-4 in part)							
Unanimous	34	9-0	13	8-1 or 7-1	9	7-2	10
6-3	14	5-4	15	4-4	0	Other	0

Treatment of the Lower Court							
Lower court reversed or vacated	56	Lower court affirmed	35	Lower court reversed or vacated in part and affirmed in part	1	Other	3

Treatment of the United States									
U.S. did not participate	31	U.S. prevailed as a party	25	U.S. prevailed as an amicus	16	U.S. lost as a party	11	U.S. lost as an amicus	12

OPINION AUTHORSHIP 97									
Total Number of Opinions									
Rehnquist	17	Stevens	32	O'Connor	17	Scalia	34	Kennedy	21
Souter	21	Thomas	18	Ginsburg	23	Breyer	27		
Majority Opinions									
Per Curiam	4	Rehnquist	11	Stevens	6	O'Connor	9	Scalia	10
Kennedy	10	Souter	10	Thomas	10	Ginsburg	11	Breyer	10
Plurality or Plurality-Like Opinions									
Per Curiam	0	Rehnquist	1	Stevens	2	O'Connor	1	Scalia	0
Kennedy	0	Souter	0	Thomas	0	Ginsburg	0	Breyer	0
Concurring Opinions									
Rehnquist	2	Stevens	9	O'Connor	4	Scalia	11	Kennedy	7
Souter	5	Thomas	2	Ginsburg	6	Breyer	8		
Dissenting Opinions									
Rehnquist	3	Stevens	15	O'Connor	3	Scalia	13	Kennedy	4
Souter	6	Thomas	6	Ginsburg	6	Breyer	9		
Unanimous Majority Opinions									
Per Curiam	3	Rehnquist	3	Stevens	1	O'Connor	4	Scalia	4
Kennedy	1	Souter	4	Thomas	4	Ginsburg	6	Breyer	4

DISSENTING VOTES									
Total Number									
Rehnquist	11	Stevens	23	O'Connor	11	Scalia	21	Kennedy	6
Souter	17	Thomas	17	Ginsburg	17	Breyer	14		
Number of Times the only Dissenter in a Case									
Rehnquist	0	Stevens	7	O'Connor	0	Scalia	0	Kennedy	1
Souter	1	Thomas	0	Ginsburg	0	Breyer	0		

FIVE-TO-FOUR CASES									
(1997)									
Five-to-Four Cases (including one case that was only 5-4 in part)									
Number of cases					16				
Alignments									
Rehnquist, O'Connor, Scalia, Kennedy, Thomas					6				
Rehnquist, O'Connor, Kennedy, Thomas, Breyer					2				
Rehnquist, Scalia, Kennedy, Thomas, Ginsburg					1				
Stevens, O'Connor, Souter, Ginsburg, Breyer					2				
Stevens, Kennedy, Souter, Ginsburg, Breyer					3				
Stevens, O'Connor, Kennedy, Thomas, Breyer					1				
Stevens, Souter, Thomas, Ginsburg, Breyer					1				
Authorship of the Opinion									
Rehnquist	1	Stevens	1	O'Connor	4	Scalia	1	Kennedy	3
Souter	0	Thomas	3	Ginsburg	0	Breyer	3		
Membership in the Majority									
Rehnquist	9	Stevens	7	O'Connor	11	Scalia	7	Kennedy	13
Souter	6	Thomas	11	Ginsburg	7	Breyer	9		

DT 97

VOTING RELATIONSHIPS BETWEEN THE JUSTICES

	Stevens	O'Connor	Scalia	Kennedy	Souter	Thomas	Ginsburg	Breyer
Rehnquist	95	94	95	95	95	95	95	95
	57 - 60%	75 - 80%	61 - 64%	80 - 84%	65 - 68%	68 - 72%	66 - 69%	61 - 64%
	4 - 64%	6 - 86%	12 - 77%	6 - 91%	7 - 76%	6 - 78%	6 - 76%	11 - 76%
	3 - 67%	2 - 88%	8 - 85%	3 - 94%	2 - 78%	6 - 84%	3 - 79%	1 - 77%
	31 - 33%	11 - 12%	14 - 15%	6 - 6%	21 - 22%	15 - 16%	20 - 21%	22 - 23%
Stevens	94	95	95	95	95	95	95	95
	55 - 59%	39 - 41%	57 - 60%	66 - 69%	48 - 51%	71 - 75%	71 - 75%	10 - 85%
	9 - 68%	11 - 53%	7 - 67%	12 - 82%	8 - 59%	10 - 85%	10 - 85%	2 - 87%
	6 - 74%	11 - 64%	5 - 73%	2 - 84%	7 - 66%	3 - 88%	3 - 88%	12 - 13%
	24 - 26%	34 - 36%	26 - 27%	15 - 16%	32 - 34%	11 - 12%	12 - 13%	
O'Connor	94	94	94	94	94	94	94	94
	59 - 63%	75 - 80%	62 - 66%	66 - 70%	59 - 63%	65 - 69%	65 - 69%	8 - 78%
	14 - 78%	7 - 87%	7 - 73%	10 - 81%	5 - 68%	8 - 78%	8 - 78%	3 - 81%
	8 - 86%	1 - 88%	3 - 77%	6 - 87%	5 - 73%	3 - 81%	3 - 81%	18 - 19%
	13 - 14%	11 - 12%	22 - 23%	12 - 13%	25 - 27%	18 - 19%	18 - 19%	
Scalia	95	95	95	95	95	95	95	95
	56 - 59%	49 - 52%	78 - 82%	47 - 49%	43 - 45%	15 - 61%	15 - 61%	7 - 68%
	12 - 72%	14 - 66%	6 - 88%	11 - 61%	10 - 72%	7 - 68%	7 - 68%	30 - 32%
	7 - 79%	6 - 73%	4 - 93%	10 - 72%	27 - 28%			
	20 - 21%	26 - 27%	7 - 7%	27 - 28%				
Kennedy	95	95	95	95	95	95	95	95
	63 - 66%	67 - 71%	65 - 68%	63 - 66%	12 - 79%	2 - 81%	18 - 19%	
	10 - 77%	7 - 78%	6 - 75%	12 - 79%	2 - 81%			
	3 - 80%	4 - 82%	4 - 79%	2 - 81%				
	19 - 20%	17 - 18%	20 - 21%	18 - 19%				
Souter	95	95	95	95	95	95	95	95
	51 - 54%	78 - 82%	73 - 77%	10 - 87%	2 - 89%	10 - 11%		
	11 - 65%	5 - 87%	10 - 87%					
	5 - 71%	1 - 88%	2 - 89%					
	28 - 29%	11 - 12%	10 - 11%					
Thomas	95	95	95	95	95	95	95	95
	52 - 55%	51 - 54%	12 - 66%	7 - 62%	5 - 72%	27 - 28%		
	7 - 62%	12 - 66%		7 - 69%				
	7 - 69%	5 - 72%						
	29 - 31%	27 - 28%						
Ginsburg	95	95	95	95	95	95	95	95
	74 - 78%	9 - 87%	1 - 88%	11 - 12%				
	9 - 87%							
	1 - 88%							
	11 - 12%							

KEY	
Total No. of Cases Together	
No. and % of Times Agreed in Full	
No. of Times Agreed in Part & % of Times Agreed in Full or in Part	
No. of Times Agreed in the Judgment & % of Times Agreed in Full, in Part, or in the Judgment	
No. and % of Times Disagreed Completely	