

SCOTUSblog StatPack – OT07, Edition 6

Included in this StatPack:

1. Grant Rates by Conference
2. Circuit Scorecard
3. Opinion Authors by Sitting
4. Case List for OT07

Key Upcoming Dates:

Jan. 11

Conference

Jan. 14

Orders

1. 06-1082: [Virginia v. Moore](#)
2. 06-1463: [Preston v. Ferrer](#)

Jan. 15

Poss. Opinions

1. 06-1646: [US v. Rodriguez](#)
2. 06-11543: [Begay v. US](#)

Jan. 16

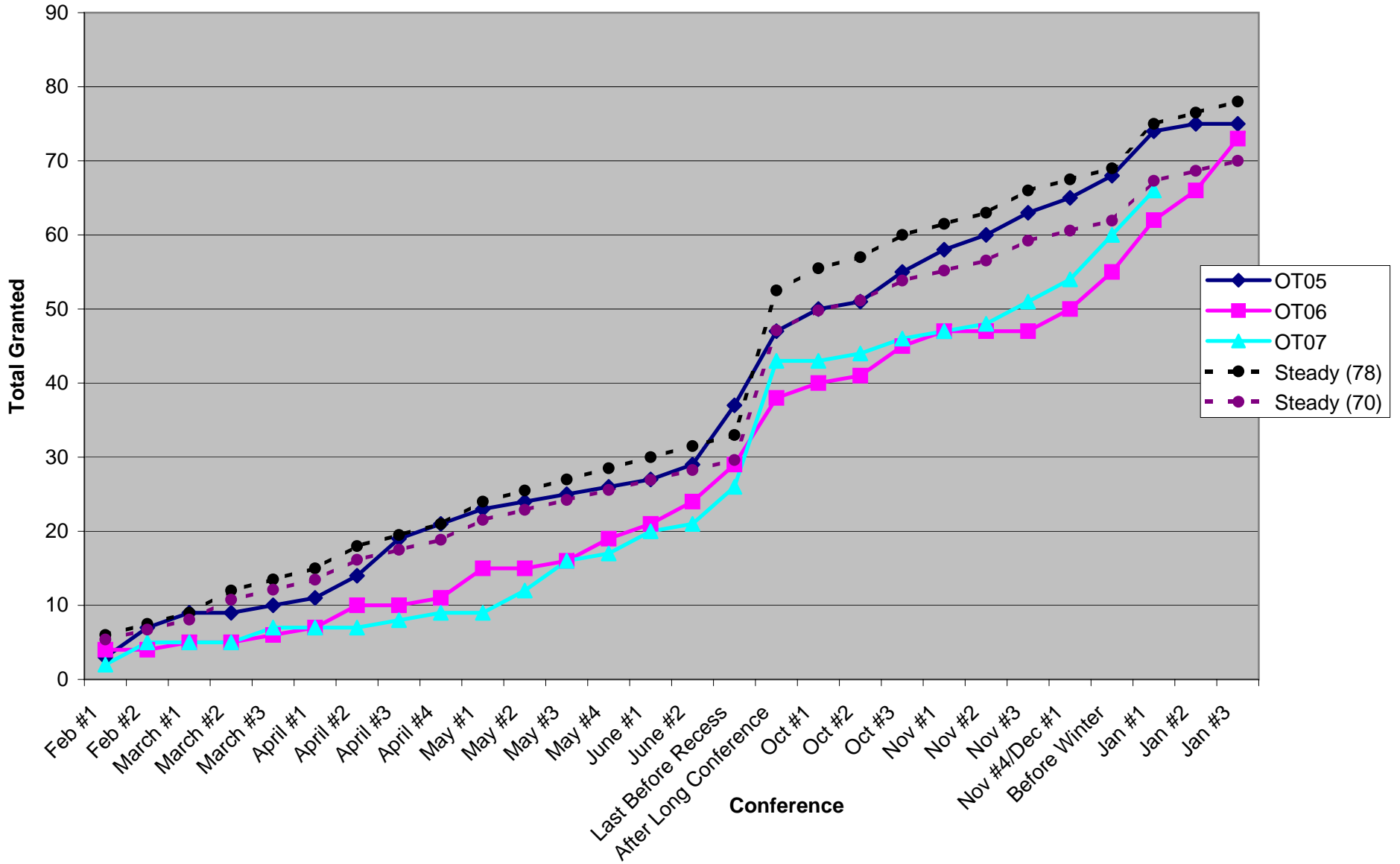
Poss. Opinions

1. 06-937: [Quanta v. LG](#)
2. 06-1413: [Meadwestvaco v. Ill. Dept. of Revenue](#)

Jan. 18

Conference

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%	2.9%
CA2*	1	6	1	100.0%	0	0.0%	0	0.0%	10.0%
CA3	0	0	0	0.0%	0	0.0%	0	0.0%	0.0%
CA4	1	2	0	0.0%	1	100.0%	0	0.0%	4.3%
CA5	1	4	0	0.0%	1	100.0%	0	0.0%	7.1%
CA6	0	2	0	0.0%	0	0.0%	0	0.0%	2.9%
CA7	1	5	1	100.0%	0	0.0%	0	0.0%	8.6%
CA8	1	4	0	0.0%	1	100.0%	0	0.0%	7.1%
CA9	0	11	0	0.0%	0	0.0%	0	0.0%	15.7%
CA10	0	2	0	0.0%	0	0.0%	0	0.0%	2.9%
CA11	1	4	0	0.0%	1	100.0%	0	0.0%	7.1%
CADC	0	4	0	0.0%	0	0.0%	0	0.0%	5.7%
CAFC	1	5	1	0.0%	0	0.0%	0	0.0%	8.6%
<i>Dist. Courts</i>	0	1	0	0.0%	0	0.0%	0	0.0%	1.4%
<i>State Courts</i>	0	10	0	0.0%	0	0.0%	0	0.0%	14.3%
<i>Original</i>	0	1	N/A	N/A	N/A	N/A	N/A	N/A	1.4%
Total	7	63	3	42.9%	4	57.1%	0	0.0%	

Consolidated cases are here counted individually (65 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	1
Gall	JPS	AS	0
Kimbrough	RBG	AMK	0
Lopez-Torres		DHS	1
Santos		CT	0
Watson	DHS	RBG	1
Stonerige		SGB	0
Medellin		SAA	0

NOV	<i>Author</i>	Count	
Klein & Co.		JGR	1
Ali		JPS	0
US v. Williams		AS	0
Logan	RBG	AMK	0
Danforth		DHS	0
CSX v. Ga. Bd.	JGR	CT	0
Ky. v. Davis		RBG	1
John R. Sand	SB	SB	1
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	
Baze		JGR	0
Dada		JPS	0
Gonzalez		AS	0
Boulware		AMK	0
Crawford		DHS	0
Ky. Retire		CT	0
Moore		RBG	0
Preston		SB	0
Rodriquez		SAA	0
Begay			
Quanta			
Meadwestvaco			

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: Grant: 2/26/2007 Arg: 10/1/2007 Dec: 10/10/2007
Affirmed

- 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: Grant: 2/26/2007 Arg: 10/1/2007 Dec:

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

Kimbrough v. US

06-6330

CA4

Categories: Criminal Non-Biz Constitutional Sentencing

Timeline: Grant: 6/11/2007 Arg: 10/2/2007 Dec: 12/10/2007
Reversed or Vacated

- 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: Grant: 6/11/2007 Arg: 10/2/2007 Dec: 12/10/2007
Reversed or Vacated

- 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: Grant: 2/20/2007 Arg: 10/3/2007 Dec:

- 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: Grant: 4/23/2007 Arg: 10/3/2007 Dec:

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

Watson v. US

06-571

CA5

Categories: Criminal Non-Biz Statutory Drug Trafficking

Timeline: Grant: 2/26/2007 Arg: 10/9/2007 Dec: 12/10/2007

Reversed or Vacated

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

Stoneridge v. Scientific-Atlanta

06-43

CA8

Categories: General Civil Business Statutory Securities

Timeline: Grant: 3/26/2007 Arg: 10/9/2007 Dec:

- 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: Grant: 4/30/2007 Arg: 10/10/2007 Dec:

- 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: Grant: 5/21/2007 Arg: 10/29/2007 Dec:

- 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: Grant: 5/29/2007 Arg: 10/29/2007 Dec:

- 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: Grant: 2/20/2007 Arg: 10/30/2007 Dec: 12/4/2007

Affirmed

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

US v. Williams 06-694 CA11

Categories: Criminal Non-Biz Constitutional Child Pornography

Timeline: Grant: 3/26/2007 Arg: 10/30/2007 Dec:

- 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: Grant: 5/21/2007 Arg: 10/31/2007 Dec:

- 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: Grant: 5/21/2007 Arg: 11/5/2007 Dec:

- 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: Grant: 5/29/2007 Arg: 11/5/2007 Dec: 12/4/2007 *Reversed or Vacated*

- Valuation of railroad property for state tax purposes.

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

Categories: General Civil Business Statutory Jurisdiction

Timeline: Grant: 5/29/2007 Arg: 11/6/2007 Dec: 1/8/2008 *Affirmed*

- 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: Grant: 6/4/2007 Arg: 11/6/2007 Dec:

- 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: Grant: 5/29/2007 Arg: 11/7/2007 Dec:

- 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: Grant: 6/18/2007 Arg: 11/26/2007 Dec:

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

October Term 2007 - Merits Cases

Knigh v. *CIR*

06-1286

CA2

Categories: General Civil Business Statutory Tax

Timeline: Grant: 6/25/2007 Arg: 11/27/2007 Dec:

- 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: Grant: 6/25/2007 Arg: 11/28/2007 Dec:

- 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: Grant: 6/11/2007 Arg: 12/3/2007 Dec:

- 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: Grant: 6/25/2007 Arg: 12/4/2007 Dec:

- 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: Grant: 6/25/2007 Arg: 12/4/2007 Dec:

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

October Term 2007 - Merits Cases

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

Categories: Criminal Non-Biz Constitutional Detainees

Timeline: Grant: 6/29/2007 Arg: 12/5/2007 Dec:

- Constitutional jurisdiction over habeas petitions from Guantanamo detainees.

Dada v. Keisler

06-1181 CA5

Categories: General Civil Non-Biz Statutory Immigration

Timeline: Grant: 9/25/2007 Arg: 1/7/2007 Dec:

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

Baze v. Rees

07-5439 S. Ct. of Ky.

Categories: Criminal Non-Biz Constitutional

Timeline: Grant: 9/25/2007 Arg: 1/7/2007 Dec:

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

Gonzalez v. US

06-11612 CA5

Categories: Criminal Non-Biz Statutory

Timeline: Grant: 9/25/2007 Arg: 1/8/2007 Dec:

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

Boulware v. US

06-1509 CA9

Categories: General Civil Business Statutory Tax

Timeline: Grant: 9/25/2007 Arg: 1/8/2007 Dec:

- Taxation on diversion of corporate funds to shareholder

October Term 2007 - Merits Cases

Ky. Retire. Sys. v. EEOC

06-1037

CA6

Categories: Civil Rights Business Statutory Benefits

Timeline: Grant: 9/25/2007 Arg: 1/9/2007 Dec:

- Age bias in disability benefits packages.

Crawford et al. v. Marion Cty. Election

07-21

CA7/CA7

Consol. with 07-25

Categories: Civil Rights Non-Biz Constitutional

Timeline: Grant: 9/25/2007 Arg: 1/9/2007 Dec:

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

Virginia v. Moore

06-1082

S. Ct. of Va.

Categories: Criminal Non-Biz Constitutional Fourth Amendment

Timeline: Grant: 9/25/2007 Arg: 1/14/2007 Dec:

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

Preston v. Ferrer

06-1463

CA of Calif, 2d

Categories: General Civil Business Statutory Arbitration

Timeline: Grant: 9/25/2007 Arg: 1/14/2007 Dec:

- Preemption of arbitration agreement.

Begay v. US

06-11543

CA10

Categories: Criminal Non-Biz Statutory Armed Career Crim.

Timeline: Grant: 9/25/2007 Arg: 1/15/2007 Dec:

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

October Term 2007 - Merits Cases

US v. Rodriguez

06-1646

CA9

Categories: Criminal Non-Biz Statutory Armed Career Crim.

Timeline: Grant: 9/25/2007 Arg: 1/15/2007 Dec:

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

Meadwestvaco v. Ill. Dept. of Rev.

06-1413

App. Ct. of Ill,

Categories: General Civil Business Statutory Tax

Timeline: Grant: 9/25/2007 Arg: 1/16/2007 Dec:

- Tax on sale of investment in LexisNexis.

Quanta v. LG

06-937

CAFed

Categories: General Civil Business Statutory Patent

Timeline: Grant: 9/25/2007 Arg: 1/16/2007 Dec:

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

Gomez-Perez v. Potter

06-1321

CA1

Categories: Civil Rights Business Statutory Age Bias

Timeline: Grant: 9/25/2007 Arg: Dec:

- 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: Grant: 9/25/2007 Arg: Dec:

Other

- DISMISSED. Definition of aggravated felony for deportation purposes.

October Term 2007 - Merits Cases

CBOCS West v. Humphries

06-1431

CA7

Categories: Civil Rights Business Statutory Discrimination

Timeline: Grant: 9/25/2007 Arg: Dec:

- 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: Grant: 9/25/2007 Arg: Dec:

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

Warner-Lambert v. Kent

06-1498

CA2

Categories: General Civil Business Statutory Preemption

Timeline: Grant: 9/25/2007 Arg: Dec:

- Preemption of claim of fraud on a federal agency.

Cuellar v. US

06-1456

CA5

Categories: Criminal Non-Biz Statutory Money Laundering

Timeline: Grant: 10/15/2007 Arg: Dec:

- 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: Grant: 10/29/2007 Arg: Dec:

- 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: Grant: 10/29/2007 Arg: Dec:

- 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: Grant: 11/5/2007 Arg: Dec: **Other**

- DISMISSED. 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.

Richlin Sec. Svc. v. Chertoff

06-1717

CAFed

Categories: General Civil Business Statutory Paralegal Fees

Timeline: Grant: 11/13/2007 Arg: Dec:

- Whether a prevailing party may be awarded attorney fees for paralegal services at the market rate or cost only.

Chamber of Comm. v. Brown

06-939

CA9

Categories: General Civil Business Statutory Unions

Timeline: Grant: 11/20/2007 Arg: Dec:

- Whether federal labor law bars a state from forbidding a company that receives state funds from using any of those funds to speak out on issues in bargaining with a labor union.

DC v. Heller

07-290

CADC

Categories: Civil Rights Non-Biz Constitutional Gun Rights

Timeline: Grant: 11/20/2007 Arg: Dec:

- Whether provisions of the D.C. Code violate the Second Amendment rights of individuals who wish to keep handguns and other firearms for private use in their homes.

October Term 2007 - Merits Cases

Riley v. Kennedy

07-77 USDC MD Ala

Categories: Civil Rights Non-Biz Statutory Voting Rights

Timeline: Grant: 11/20/2007 Arg: Dec:

- Whether state Supreme Court rulings on the meaning of state or local election law bring about the kind of changes in voting rights that must first get federal clearance before going into effect.

Philippines v. Pimental

06-1204 CA9

Categories: General Civil Non-Biz Statutory Civil Procedure

Timeline: Grant: 12/3/2007 Arg: Dec:

- Whether, under Federal Rules of Civil Procedure 19(a) and (b), a court must dismiss an interpleader action involving a foreign country that has successfully claimed sovereign immunity.

U.S. v. Clintwood Elkhorn

07-308 CA Fed

Categories: General Civil Business Constitutional Tax

Timeline: Grant: 12/3/2007 Arg: Dec:

- Whether, if a taxpayer could have sued for a federal tax refund in federal court, but failed to first pursue an administrative claim that was required before pursuing such a lawsuit, he may sue directly under the Constitution.

Rothgery v. Gillespie County

07-440 CA5

Categories: Criminal Non-Biz Constitutional Right to Counsel

Timeline: Grant: 12/3/2007 Arg: Dec:

- Whether that right to counsel sets in when an individual has been taken before a magistrate, who finds reason to believe a crime has been committed and sends the individual to jail.

Burgess v. US

06-11429 CA4

Categories: Criminal Non-Biz Statutory Sentencing

Timeline: Grant: 12/7/2007 Arg: Dec:

- Whether the federal law requiring a mandatory minimum for a drug offender with a prior conviction for a “felony drug offense” applies when the prior is treated as a misdemeanor but is punishable by more than a year in prison.

October Term 2007 - Merits Cases

*Munaf v. Geren*06-1666 CADC/CADC *Consol. with 07-394*

Categories: Criminal Non-Biz Constitutional Detainees

Timeline: Grant: 12/7/2007 Arg: Dec:

- Whether U.S. citizens in Iraq have a right to challenge their detention there and future transfer to Iraqi authorities.

Indiana v. Edwards

07-208 S. Ct. of Ind.

Categories: Criminal Non-Biz Constitutional Competency

Timeline: Grant: 12/7/2007 Arg: Dec:

- Whether states may adopt a higher standard for measuring competency to represent oneself at trial than for measuring competency to stand trial.

Florida DIR v. Piccadilly Cafeterias

07-312 CA11

Categories: General Civil Business Statutory Tax

Timeline: Grant: 12/7/2007 Arg: Dec:

- Whether a tax exemption applies only if the transfer of assets occurs after a plan of reorganization has been confirmed in court.

US v. Ressam

07-455 CA9

Categories: Criminal Non-Biz Statutory

Timeline: Grant: 12/7/2007 Arg: Dec:

- Whether, for an explosives charge, the law requires that the explosives be carried "in relation to" the underlying felony.

Huber v. Wal-Mart

07-480 CA8

Categories: General Civil Business ADA

Timeline: Grant: 12/7/2007 Arg: Dec:

- Whether an individual who is disabled and cannot perform her present job must be reassigned to a vacant, equivalent position without having to compete with other workers for that slot.

October Term 2007 - Merits Cases

Irizarry v. US

06-7517

CA11

Categories: Criminal Non-Biz Statutory Sentencing

Timeline: Grant: 1/4/2008 Arg: Dec:

- Whether a judge must give both sides notice in advance of imposing a criminal sentence that departs from the Sentencing Guidelines.

Bridge v. Phx. Bond & Indem.

07-210

CA7

Categories: General Civil Business Statutory RICO

Timeline: Grant: 1/4/2008 Arg: Dec:

- Whether plaintiffs who did not rely on but were nonetheless harmed by false statements made to third parties can establish proximate cause in a civil RICO action.

Greenlaw v. US

07-330

CA8

Categories: Criminal Non-Biz Statutory Sentencing

Timeline: Grant: 1/4/2008 Arg: Dec:

- Whether a federal circuit court may sua sponte increase a defendant's sentence in the absence of a cross-appeal by the government.

Plains Comm. Bank v. Long Fam. Land &

07-411

CA8

Categories: General Civil Business Statutory Indian Law

Timeline: Grant: 1/4/2008 Arg: Dec:

- Whether Indian tribes' courts have authority to decide a civil suit involving dealings between a company owned by a member of the tribe and a bank owning land on a reservation.

Sprint v. APCC Servs.

07-552

CADC

Categories: General Civil Business Constitutional Standing

Timeline: Grant: 1/4/2008 Arg: Dec:

- Whether a plaintiff assigned the right to pursue a legal claim, but which stands to gain no proceeds from the outcome of the litigation, has established standing under Article III.

October Term 2007 - Merits Cases

Kennedy v. Louisiana

07-343 S. Ct. of La.

Categories: Criminal Non-Biz Constitutional Death Penalty**Timeline:** Grant: 1/4/2008 Arg: Dec:

- Whether the Eighth Amendment bar on cruel and unusual punishment prohibits capital punishment for the crime of child rape.