

# SCOTUSblog StatPack – OT07, Edition 9

## Included in this StatPack:

1. Justice Agreement
2. Decisions by Final Vote
3. Frequency in the Majority
4. Grant Rates by Conference
5. Circuit Scorecard
6. Opinion Authors by Sitting
7. The Court's Workload

## Key Upcoming Dates:

With no more oral arguments to hear, the Court is scheduled to sit on the following days between now and the Summer Recess. At all public sessions listed below (which begin at 10 am eastern), Orders will be released, and opinions may be issued.

- May 12
- May 19
- May 27
- June 2
- June 9
- June 16
- June 23

Based on past practice, additional opinion days are likely to be added in June. The exact dates have not yet been announced.

### SCOTUSblog Agreement Stats for OT07 - PRELIMINARY (4/30/08)

	Stevens	Scalia	Ken	Sout	Thom	Gins	Breyer	Alito	Total Cases
CJ Rob	63%	66%	88%	72%	63%	63%	73%	78%	32
	75%	81%	94%	78%	72%	75%	80%	84%	
	78%	91%	94%	78%	78%	75%	83%	88%	
	22%	9%	6%	22%	22%	25%	17%	13%	
Stevens	50%	63%	63%	72%	44%	72%	77%	56%	32
	63%	78%	88%	88%	56%	94%	90%	69%	
	75%	81%	88%	88%	66%	94%	90%	75%	
	25%	19%	13%	13%	34%	6%	10%	25%	
Scalia	63%	59%	72%	47%	63%	66%	66%	32	
	78%	69%	84%	63%	67%	78%	78%		
	88%	72%	84%	69%	73%	84%	84%		
	13%	28%	16%	31%	27%	16%	16%		
Ken	69%	53%	53%	73%	66%	66%	32		
	75%	63%	66%	83%	78%	78%			
	75%	69%	66%	87%	81%	81%			
	25%	31%	34%	13%	19%	19%			
Sout	63%	78%	90%	72%	32				
	66%	84%	93%	78%					
	69%	84%	93%	78%					
	31%	16%	7%	22%					
Thom	47%	57%	69%	32					
	56%	60%	78%						
	59%	63%	91%						
	41%	37%	9%						
Gins	73%	56%	32						
	83%	69%							
	83%	69%							
	17%	31%							
Breyer	70%	30							
	73%								
	77%								
	23%								
Alito								32	

**Key**

Full
Part + All
<b>Judg + Part + All</b>
<b>Disagree</b>

### SCOTUSblog Agreement Stats for OT07 - PRELIMINARY (4/30/08)

	Stevens	Scalia	Ken	Sout	Thom	Gins	Breyer	Alito	Total Cases
CJ Rob	20	21	28	23	20	20	22	25	32
	24	26	30	25	23	24	24	27	
	<b>25</b>	<b>29</b>	<b>30</b>	<b>25</b>	<b>25</b>	<b>24</b>	<b>25</b>	<b>28</b>	
	<b>7</b>	<b>3</b>	<b>2</b>	<b>7</b>	<b>7</b>	<b>8</b>	<b>5</b>	<b>4</b>	
Stevens	16	20	20	23	14	23	23	18	32
	20	25	25	28	18	30	27	22	
	<b>24</b>	<b>26</b>	<b>26</b>	<b>28</b>	<b>21</b>	<b>30</b>	<b>27</b>	<b>24</b>	
	<b>8</b>	<b>6</b>	<b>4</b>	<b>4</b>	<b>11</b>	<b>2</b>	<b>3</b>	<b>8</b>	
Scalia	20	19	23	15	19	19	21	32	
	25	22	27	20	20	25	25		
	<b>28</b>	<b>23</b>	<b>27</b>	<b>22</b>	<b>22</b>	<b>22</b>	<b>27</b>		
	<b>4</b>	<b>9</b>	<b>5</b>	<b>10</b>	<b>8</b>	<b>5</b>			
Ken	22	17	17	22	21	32			
	24	20	21	25	25				
	<b>24</b>	<b>22</b>	<b>21</b>	<b>26</b>	<b>26</b>				
	<b>8</b>	<b>10</b>	<b>11</b>	<b>4</b>	<b>6</b>				
Sout	20	25	27	23	32				
	21	27	28	25					
	<b>22</b>	<b>27</b>	<b>28</b>	<b>25</b>					
	<b>10</b>	<b>5</b>	<b>2</b>	<b>7</b>					
Thom	15	17	22	32					
	18	18	25						
	<b>19</b>	<b>19</b>	<b>29</b>						
	<b>13</b>	<b>11</b>	<b>3</b>						
Gins	22	18	32						
	25	22							
	<b>25</b>	<b>22</b>							
	<b>5</b>	<b>10</b>							
Breyer	21	30							
	22								
	<b>23</b>								
	<b>7</b>								
Alito								32	

**Key**

Full
Part + All
<b>Judg + Part + All</b>
<b>Disagree</b>

**OT07 - Decisions by Final Vote**

<b>9-0 (or unan.)</b>	<b>8-1 (or 7-1)</b>	<b>7-2 (or 6-2)</b>	<b>6-3</b>	<b>5-4</b>
<b>14 (41%)</b>	<b>2 (6%)</b>	<b>10 (29%)</b>	<b>4 (12%)</b>	<b>4 (12%)</b>
<i>Sprint/United</i>	<i>Riegel</i>	<i>Danforth</i>	<i>Medellin</i>	<i>Ali v. BoP</i>
<i>Rowe</i>	<i>Preston</i>	<i>Siebert (PC)</i>	<i>Hall Street</i>	<i>Tom F. (4-4)</i>
<i>LaRue</i>		<i>Gall</i>	<i>Begay</i>	<i>Stoneridge (5-3)</i>
<i>CSX v. Ga. Bd.</i>		<i>Kimbrough</i>	<i>Crawford</i>	<i>W.Lambert (4-4)</i>
<i>Logan</i>		<i>John Sand</i>		
<i>Watson</i>		<i>FedEx</i>		
<i>Wright v. VP (PC)</i>		<i>Snyder</i>		
<i>NY Bd. Of Elections</i>		<i>Wash. Grange</i>		
<i>Knight v. CIR</i>		<i>NJ v. Delaware</i>		
<i>Boulware</i>		<i>Baze</i>		
<i>Clintwood Elkhorn</i>				
<i>MeadWestvaco</i>				
<i>Burgess</i>				
<i>Moore</i>				

<b>Dismissed</b>
<i>Arave v. Hoffman</i> (not argued)
<i>Ali v. Achim</i> (not argued)
<i>Huber v. Wal-Mart</i> (not argued)
<i>Klein &amp; Co. v. Bd. Of Trade</i>

**Final OT05**

<b>45 (52%)</b>	<b>5 (6%)</b>	<b>12 (14%)</b>	<b>13 (15%)</b>	<b>11 (13%)</b>
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**Final OT06**

<b>28 (38%)</b>	<b>9 (12%)</b>	<b>9 (12%)</b>	<b>3 (4%)</b>	<b>24 (33%)</b>
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# Frequency in the Majority

(Through April 28, 2008)

The charts below measure how frequently each Justice has voted with the majority in cases decided on the merits thus far. It does not include opinions where the vote was not disclosed (*Board of Ed. of City School Dist. of New York v. Tom F.*) or where the case was dismissed as moot (*Arave v. Hoffman*).

The first chart examines the results for all cases, the second only for divided cases. In each, we list the number of times each Justice has voted with the majority, the number of times each Justice has voted overall, the frequency with which each Justice has voted with the majority in OT07, and the corresponding figure for OT06.

## All cases

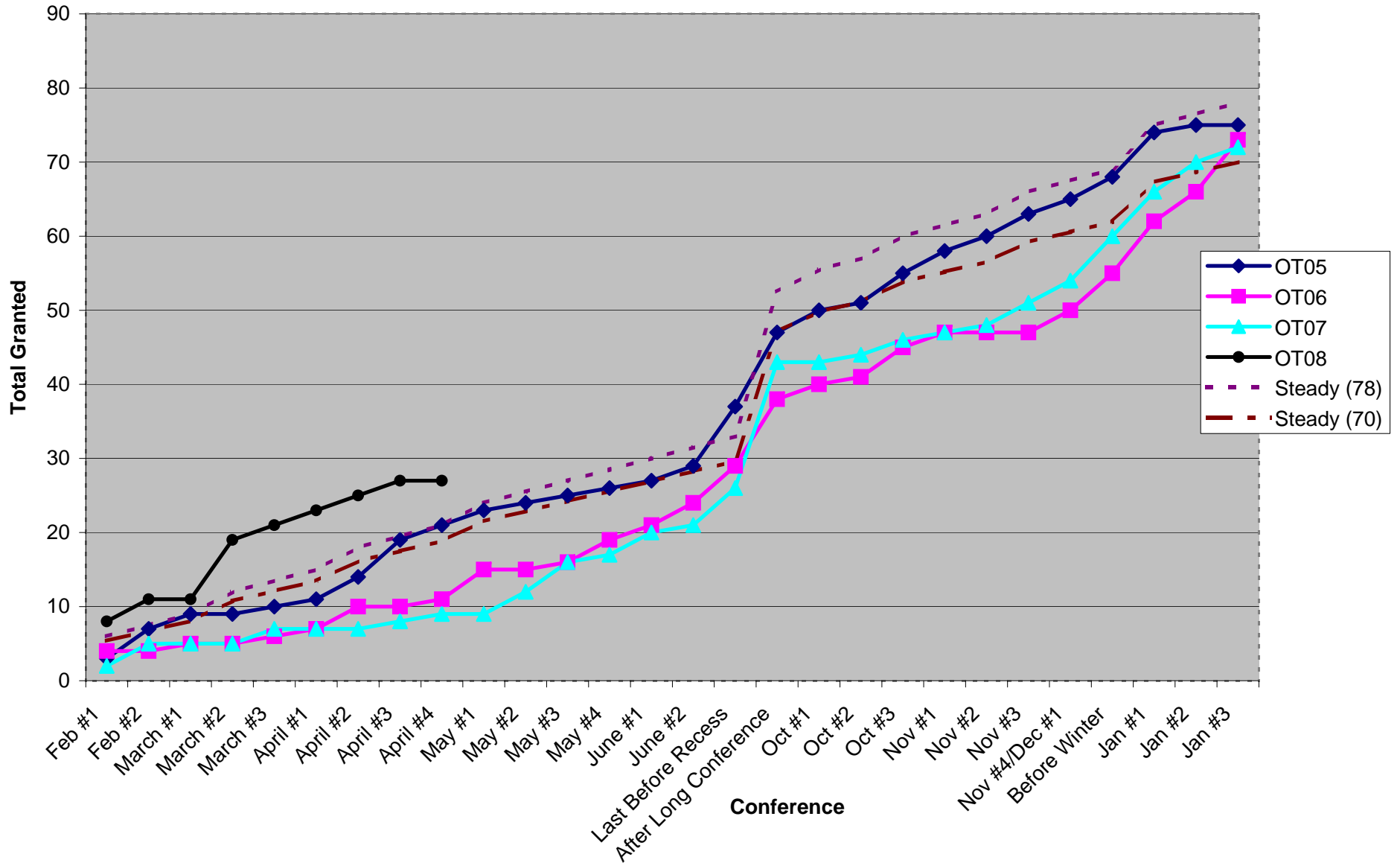
Justice	Majority votes	Total votes	% in majority	% in OT06
Roberts	31	32	96.9%	88.4%
Alito	28	32	87.5%	86.1%
Scalia	28	32	87.5%	79.2%
Kennedy	28	32	87.5%	97.2%
Breyer	26	30	86.7%	75.7%
Stevens	27	32	84.4%	63.9%
Souter	26	32	81.3%	76.4%
Thomas	26	32	81.3%	77.5%
Ginsburg	25	32	78.1%	72.2%

## Divided cases only\*

Justice	Majority votes	Total votes	% in majority	% in OT06
Roberts	17	18	94.4%	65.9%
Alito	14	18	77.8%	82.2%
Scalia	14	18	77.8%	61.4%
Kennedy	14	18	77.8%	61.4%
Breyer	12	16	75.0%	95.3%
Stevens	13	18	72.2%	36.6%
Souter	12	18	66.7%	77.3%
Thomas	12	18	66.7%	62.8%
Ginsburg	11	18	61.1%	54.5%

\* This category consists of cases that attract at least one dissenting vote.

## Granted Cases by Conference



Notes: 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	1	1	1	100.0%	0	0.0%	0	0.0%	2.8%
CA2*	6	1	5	83.3%	1	16.7%	0	0.0%	9.7%
CA3	0	0	0	0.0%	0	0.0%	0	0.0%	0.0%
CA4	3	0	1	33.3%	2	66.7%	0	0.0%	4.2%
CA5	1	4	0	0.0%	1	100.0%	0	0.0%	6.9%
CA6	0	3	0	0.0%	0	0.0%	0	0.0%	4.2%
CA7	3	3	2	66.7%	1	33.3%	0	0.0%	8.3%
CA8	2	2	1	50.0%	1	50.0%	0	0.0%	5.6%
CA9	3	7	0	0.0%	3	100.0%	0	0.0%	13.9%
CA10	2	0	0	0.0%	2	100.0%	0	0.0%	2.8%
CA11	3	4	1	33.3%	2	66.7%	0	0.0%	9.7%
CADC	0	5	0	0.0%	0	0.0%	0	0.0%	6.9%
CAFC	2	2	1	50.0%	1	50.0%	0	0.0%	5.6%
Dist. Courts	0	2	0	0.0%	0	0.0%	0	0.0%	2.8%
State Courts	7	4	2	28.6%	5	71.4%	0	0.0%	15.3%
Original	1	0	N/A	N/A	N/A	N/A	N/A	N/A	1.4%
<b>Total†</b>	<b>34</b>	<b>38</b>	<b>14</b>	<b>41.2%</b>	<b>19</b>	<b>55.9%</b>	<b>0</b>	<b>0.0%</b>	

Consolidated cases are now counted together. Substantive summary reversals or affirmances are also counted.

\* The Court affirmed the Second Circuit in both *Tom F.* and *Warner-Lambert* by a vote of 4-4 and wrote no opinion.

† This list does not include *Arave*, *Wal-Mart*, *Achim*, or *Klein & Co.*, which were dismissed.

## Opinion Authors by Sitting

<b>OCT</b>	<i>Author</i>	<u>Count</u>	
Wash Grange	CT	JGR	1
Tom F.	PC	JPS	1
Gall	JPS	AS	1
Kimbrough	RBG	AMK	1
Lopez-Torres	AS	DHS	1
Santos		CT	1
Watson	DHS	RBG	1
Stonerige	AMK	SB	0
Medellin	JGR	SAA	0

<b>NOV</b>	<i>Author</i>	<u>Count</u>	
<del>Klein &amp; Co.</del>	dismiss	JGR	1
Ali v. BoP	CT	JPS	1
US v. Williams		AS	0
Logan	RBG	AMK	1
Danforth	JPS	DHS	1
CSX v. Ga. Bd.	JGR	CT	1
Ky. v. Davis		RBG	1
John R. Sand	SB	SB	1
Holowiecki	AMK	SAA	0
Hall Street	DHS		

<b>DEC</b>	<i>Author</i>	<u>Count</u>	
LaRue	JPS	JGR	1
NJ v. Del.	RBG	JPS	1
Knight v. CIR	JGR	AS	1
Rowe	SB	AMK	0
Sprint/United	CT	DHS	0
Riegel	AS	CT	1
Snyder	SAA	RBG	1
<b>Boumediene</b>		SB	1
		SAA	1

<b>JAN</b>	<i>Author</i>	<u>Count</u>	
Baze	JGR	JGR	1
Dada		JPS	1
Gonzalez		AS	1
Boulware	DHS	AMK	0
Crawford	JPS	DHS	1
Ky. Retire		CT	0
Moore	AS	RBG	1
Preston	RBG	SB	1
Rodriquez		SAA	1
Begay	SB		
Quanta			
Meadwestvaco	SAA		

<b>FEB</b>	<i>Author</i>	<u>Count</u>	
Gomez-Perez		JGR	0
Morgan-Stanley		JPS	0
CBOCS		AS	0
Cuellar		AMK	0
Warner-Lambert	PC	DHS	0
Allison Engine		CT	0
<b>Exxon</b>		RBG	0
		SB	0
		SAA	0

<b>MAR</b>	<i>Author</i>	<u>Count</u>	
Phillippines		JGR	1
Rothgery		JPS	0
<b>Heller (Guns)</b>		AS	0
Richlin		AMK	0
Cham. Of Comm.		DHS	0
Burgess	RBG	CT	0
Clintwood	JGR	RBG	1
Riley		SB	0
Munaf		SAA	0
Ressam			
Edwards			
Piccadilly			

<b>APR</b>	<i>Author</i>	<u>Count</u>	
Plains Commerce		JGR	0
Phoenix Bond		JPS	0
Greenlaw		AS	0
Irizarry		AMK	0
<b>Kennedy v. La</b>		DHS	0
Sturgell		CT	0
APCC Svcs.		RBG	0
Enquist		SB	0
Davis v. FEC		SAA	0
Giles			
MetLife			
Meacham			

Cases in **red** are highest profile  
outstanding cases



The Court's Workload in OT07

Cases Granted or Probable Jurisdiction Noted:		72*
Dismissed Before Argument:	-	3
Original Cases Argued:	+	1
Number of Arguments:		70

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Argued Merits Cases Disposed of:		33
Signed Opinions:		30
Dismissals After Argument:		1
Affirmed by Equally Divided Vote:		2
Projected Remaining Merits Opinions:		37

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Expected Merits Opinions in OT07 After Argument:		67
Summary Opinions from Non-Argued Cases:	+	2
Total Merits Decisions:		69

\* Does not include the four (out of six) cases granted on 1/22/08 that will be argued in OT08.