

SCOTUSblog PRELIMINARY Stats OT09 – 5.26.10

Decisions by Final Vote

9-0 (or Unanimous)	8-1 (or 7-1)	7-2	6-3 (or 5-3)	5-4
27 (51%)*	4 (8%)	11 (21%)	6 (11%)	5 (9%)**
<i>Corcoran v. Levenhagen</i> (PC)	<i>NRG v. Maine Public Utilities</i>	<i>Michigan v. Fisher</i> (PC)	<i>Hemi Group v. NYC</i> (5-3)	<i>Wellons v. Hall</i> (PC)
<i>Bobby v. Van Hook</i> (PC)	<i>Alvarez v. Smith</i>	<i>Bloate v. United States</i>	<i>Conkright v. Fromm.</i> (5-3)	<i>S. Carolina v. N. Carolina</i>
<i>Wong v. Belmontes</i> (PC)	<i>United States v. Stevens</i>	<i>Johnson v. United States</i>	<i>Stolt-Nielson</i> (5-3)	<i>Shady Grove Ortho. v.</i>
<i>Porter v. McCollum</i> (PC)	<i>United States v. Marcus</i> (7-1)	<i>Padilla v. Kentucky</i>	<i>Renico v. Lett</i>	<i>Perdue v. Kenny A.</i>
<i>Beard v. Kindler</i> (8-0)		<i>Wood v. Allen</i>	<i>Abbott v. Abbott</i>	<i>Salazar v. Buono</i>
<i>Union Pacif. RR v. Loc. Enginrs</i>		<i>Florida v. Powell</i>	<i>Graham v. Sullivan</i>	** <i>Citizens United</i> is included in the OT08 total.
<i>Mohawk v. Carpenter</i>		<i>Graham Cty v. U.S./Wilson</i>		
<i>McDaniel v. Brown</i> (PC)		<i>Presley v. Georgia</i> (PC)		
<i>Smith v. Spisak</i>		<i>Jerman v. Carlisle</i>		
<i>Kucana v. Holder</i>		<i>U.S. v. Comstock</i>		
<i>Wilkins v. Gaddy</i> (PC)		<i>Jefferson v. Upton</i>		
<i>Thaler v. Haynes</i> (PC)				
<i>Hertz Corp. v. Friend</i>				
<i>Maryland v. Shatzer</i>				
<i>Kiyemba v. Obama</i> (PC)				
<i>Reed Elsevier v. Muchnick</i> (8-0)				
<i>Mac's Shell Service v. Shell</i>				
<i>Milavetz v. United States</i>				
<i>United Student Aid v. Espinosa</i>				
<i>Berghuis v. Smith</i>				
<i>Jones v. Harris Associates</i>				
<i>Merck & Co. v. Reynolds</i>				
<i>Hui v. Castaneda</i>				
<i>American Needle v. NFL</i>				
<i>Lewis v. Chicago</i>				
<i>United States v. O'Brien</i>				
<i>Hardt v. Standard Reliance</i>				

<p>Dismissed <i>Health Care Service v. Pollitt</i> (before argument) <i>Pottawattamie County v. McGhee</i> <i>Sullivan v. Florida</i> <i>Robertson v. U.S. ex rel. Watson</i></p>
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Decisions OT08

	9-0 (unan.)	8-1	7-2	6-3	5-4
Final	26 (33%)	4 (5%)	13 (16%)	13 (16%)	24 (30%)
4/16/09	19 (48%)	1 (3%)	4 (10%)	8 (20%)	8 (20%)

Decisions OT07

	9-0 (unan.)	8-1	7-2	6-3	5-4
Final	21 (30%)	6 (8%)	20 (28%)	10 (14%)	14 (20%)
4/16/09	10 (38%)	2 (8%)	8 (31%)	2 (8%)	4 (15%)

*Excludes *Briscoe v. Virginia*, which was vacated in a one-sentence *per curiam* opinion after oral argument.

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Frequency in the Majority

The charts below measure how frequently each Justice has voted with the majority in October Term 2009 cases decided on the merits thus far. They do not include dismissed cases (*Pottawattamie County v. McGhee*, *Health Care Service Corp. v. Pollitt*, *Sullivan v. Florida*, *Robertson v. United States ex rel. Watson*); *Briscoe v. Virginia*, which was vacated after oral argument in a one-sentence opinion; or *Citizens United v. Federal Election Commission*, which we classify as an October Term 2008 case. They do include twelve *per curiam* opinions: ten summary dispositions (*Corcoran*, *Bobby*, *Wong*, *Porter*, *Fisher*, *Presley*, *Wellons*, *Thaler*, *Wilkins*, and *Jefferson*); the reversal before oral argument in *McDaniel v. Brown*; and *Kiyemba v. Obama*, which was vacated before oral argument, with an opinion.

The first chart lists majority votes in all cases, the second only in divided cases with at least one dissenting vote.

Justice	Majority Votes	Total Votes	Percent in the Majority	OT08 Final	OT07 Final
Roberts	51	53	96%	81%	90%
Scalia	48	53	91%	84%	81%
Kennedy	49	53	92%	92%	86%
Thomas	44	53	83%	81%	75%
Sotomayor	42	48	88%	-----	-----
Ginsburg	47	53	87%	70%	75%
Alito	45	52	87%	81%	82%
Breyer	43	53	81%	75%	79%
Stevens	41	53	77%	65%	75%

Justice	Majority Votes	Total Votes	Percent in the Majority	OT08 Final	OT07 Final
Roberts	24	26	92%	72%	73%
Scalia	20	26	77%	76%	65%
Kennedy	22	26	85%	89%	79%
Thomas	17	26	65%	72%	85%
Sotomayor	16	22	73%	-----	-----
Alito	19	26	73%	72%	75%
Ginsburg	20	26	77%	55%	65%
Breyer	16	26	62%	62%	68%
Stevens	14	26	54%	47%	65%

Opinion Author Versus Vote Split

The chart below displays the number of majority opinions each Justice has written during this Term, excluding *Citizens United* (which Justice Kennedy authored), according to the size of majority they captured.

Opinion Author	5-4	6-3 (or 5-3)	7-2	8-1 (or 7-1)	9-0 (or unan.)	Total
Roberts	0	3	0	1	1	
Stevens	0	0	2	0	1	
Scalia	1	0	1	0	2	
Kennedy	0	3	0	0	1	
Thomas	0	0	1	0	3	
Ginsburg	0	0	1	1	3	
Breyer	0	0	1	2	3	
Alito	2	1	0	0	2	
Sotomayor	0	0	2	0	3	

Separate Opinion Authorship

This chart shows each Justice's concurring opinions, concurring votes, dissenting opinions, and dissenting votes. Dissents and concurrences to all *per curiam* opinions are included, except when the main opinion dismissed the case as improvidently granted (so far, only *Robertson v. United States ex rel. Watson*).

Opinion Author	Concurrences Authored	Total Concurring Votes	Dissents Authored	Total Dissenting Votes
Roberts	2	3	1	2
Stevens	7	8	8	12
Scalia	5	7	3	6
Kennedy	3	3	1	4
Thomas	7	10	3	9
Ginsburg	3	4	2	6
Breyer	0	1	4	10
Alito	5	5	4	7
Sotomayor	0	1	1	6

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Justice Agreement—All Cases

	Stevens	Scalia	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Total Cases
Roberts	30 57%	41 77%	43 81%	39 74%	42 79%	36 68%	41 79%	38 79%	53
	35 66%	45 85%	44 83%	43 81%	45 85%	38 72%	43 83%	40 83%	
	38 72%	47 89%	47 89%	46 87%	47 89%	40 75%	45 87%	42 88%	
	15 28%	6 11%	6 11%	7 13%	6 11%	13 25%	7 13%	6 13%	
Stevens	24 45%	34 64%	23 43%	38 72%	38 72%	24 46%	36 75%	53	
	32 60%	38 72%	30 57%	41 77%	43 81%	28 54%	40 83%		
	34 64%	40 75%	33 62%	42 79%	45 85%	32 62%	41 85%		
	19 36%	13 25%	20 38%	11 21%	8 15%	20 38%	7 15%		
Scalia	38 72%	43 81%	34 64%	31 58%	35 67%	30 63%	53		
	41 77%	49 92%	40 75%	35 66%	39 75%	34 71%			
	43 81%	50 94%	41 77%	36 68%	42 81%	35 73%			
	10 19%	3 6%	12 23%	17 32%	10 19%	13 27%			
Kennedy	33 62%	43 81%	40 75%	41 79%	38 79%	53			
	37 70%	44 83%	41 77%	42 81%	38 79%				
	40 75%	45 85%	42 79%	45 87%	39 81%				
	13 25%	8 15%	11 21%	7 13%	9 19%				
Thomas	32 60%	28 53%	33 63%	28 58%	53				
	38 72%	33 62%	38 73%	33 69%					
	40 75%	35 66%	42 81%	35 73%					
	13 25%	18 34%	10 19%	13 27%					
Ginsburg	45 85%	36 69%	44 92%	53					
	45 85%	38 73%	44 92%						
	46 87%	41 79%	44 92%						
	7 13%	11 21%	4 8%						
Breyer	34 65%	40 83%	53						
	35 67%	41 85%							
	38 73%	42 88%							
	14 27%	6 13%							
Alito	31 66%	52							
	31 66%								
	34 72%								
	13 28%								
Sotomayor							48		

KEY	
Fully Agree	
Agree in Full or Part	
Agree in Full, Part, or Judgment only	
Disagree in Judgment	

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Justice Agreement—Non-Unanimous Cases

	Stevens	Scalia	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Total Cases
Roberts	8 31%	17 65%	17 65%	18 69%	17 65%	11 42%	17 65%	13 59%	26
	9 35%	19 73%	17 65%	18 69%	18 69%	11 42%	18 69%	14 64%	
	11 42%	20 77%	20 77%	19 73%	20 77%	13 50%	19 73%	16 73%	
	15 58%	6 23%	6 23%	7 27%	6 23%	13 50%	7 27%	6 27%	
Stevens	4 15%	12 46%	5 19%	15 58%	15 58%	4 15%	14 64%	26	
	7 27%	12 46%	6 23%	15 58%	17 65%	4 15%	15 68%		
	7 27%	13 50%	6 23%	15 58%	18 69%	6 23%	15 68%		
	19 73%	13 50%	20 77%	11 42%	8 31%	20 77%	7 32%		
Scalia	14 54%	20 77%	11 42%	8 31%	13 50%	7 32%	26		
	15 58%	23 88%	14 54%	9 35%	15 58%	9 41%			
	16 62%	23 88%	14 54%	9 35%	16 62%	9 41%			
	10 38%	3 12%	12 46%	17 65%	10 38%	13 59%			
Kennedy	12 46%	17 65%	14 54%	16 62%	12 55%	26			
	12 46%	17 65%	14 54%	17 65%	12 55%				
	13 50%	18 69%	15 58%	19 73%	13 59%				
	13 50%	8 31%	11 42%	7 27%	9 41%				
Thomas	12 46%	8 31%	14 54%	8 36%	26				
	13 50%	8 31%	15 58%	9 41%					
	13 50%	8 31%	16 62%	9 41%					
	13 50%	18 69%	10 38%	13 59%					
Ginsburg	18 69%	12 46%	18 82%	26					
	18 69%	13 50%	18 82%						
	19 73%	15 58%	18 82%						
	7 27%	11 42%	4 18%						
Breyer	10 38%	14 64%	26						
	10 38%	15 68%							
	12 46%	16 73%							
	14 54%	6 27%							
Alito	7 32%	26							
	7 32%								
	9 41%								
	13 59%								
Sotomayor									22

KEY	
Fully Agree	
Agree in Full or Part	
Agree in Full, Part, or Judgment only	
Disagree in Judgment	

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Circuit Scorecard

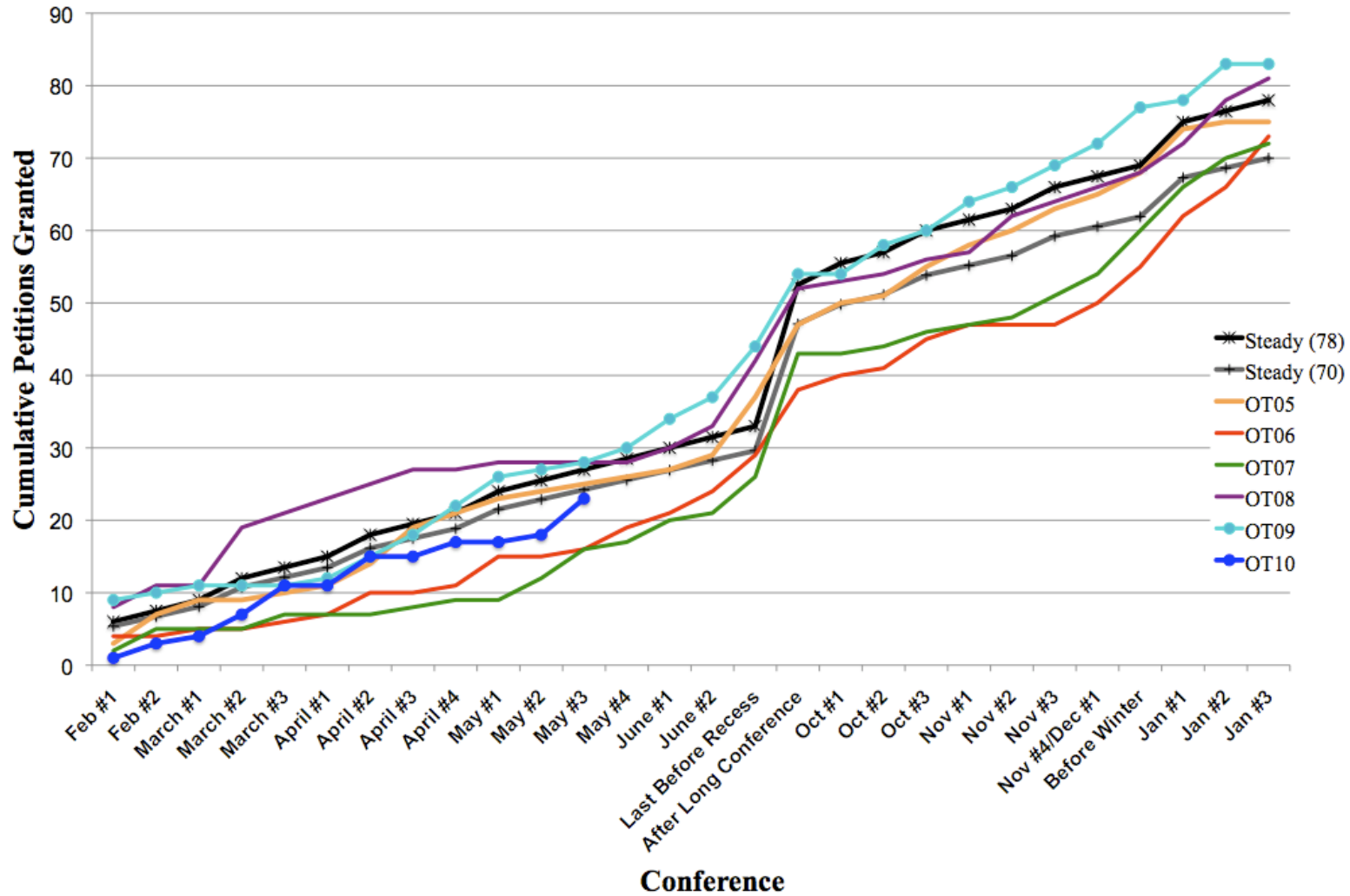
Court	Total	Decided	Outstanding	#Aff'd	%Aff'd	#Rev'd	%Rev'd	#Rev'd in Part	%Rev'd in Part
CA1	2	2	0	1	50%	0	0%	1	50%
CA2	7	6	1	0	0%	6	100%	0	0%
CA3	5	3	2	2	67%	1	33%	0	0%
CA4	5	4	1	0	0%	4	100%	0	0%
CA5	4	2	2	0	0%	2	100%	0	0%
CA6	7	5	2	0	0%	5	100%	0	0%
CA7	11*	7	4	1	14%	6	86%	0	0%
CA8	3*	2	1	0	0%	1	50%	1	50%
CA9	16	5	11	1	29%	4	71%	0	0%
CA10	2	0	2	0	0%	0	0%	0	0%
CA11	10	8	2	2	25%	6	75%	0	0%
CADC	3*	2	1	0	0%	1	50%	1	50%
CAFC	1	0	1	0	0%	0	0%	0	0%
State Courts	7*	6	1	0	0%	6	100%	0	0%
Original	2	1	1	N/A	N/A	N/A	N/A	N/A	N/A
Total	85	53	32	7	13%	42	81%	3	6%

Consolidated cases are counted together. Percentages are out of decided cases only; percentages of total cases exclude original cases from the count.

*These totals exclude *Pottawattamie County v. McGhee* (8th Circuit), *Health Care Service Corp. v. Pollitt* (7th Circuit), *Sullivan v. Florida* (state court), and *Robertson v. United States ex rel. Watson* (D.C. Circuit), which were dismissed; *Briscoe v. Virginia* (state court), which was vacated shortly after oral argument; and *Citizens United v. Federal Election Commission* (D.C. Circuit), which is an OT08 case.

Grants Per Conference

The chart below represents the gradual filling of the docket for each of the last five Terms, broken down by the number of cases granted after each conference. The two “steady” lines represent the grants the Court would need at a given conference, if on a steady pace, to docket the number of cases in parentheses by the end of the Term.



†The one grant depicted for OT10 at the first February conference was granted at the last conference in January 2010. There were no new grants that day.