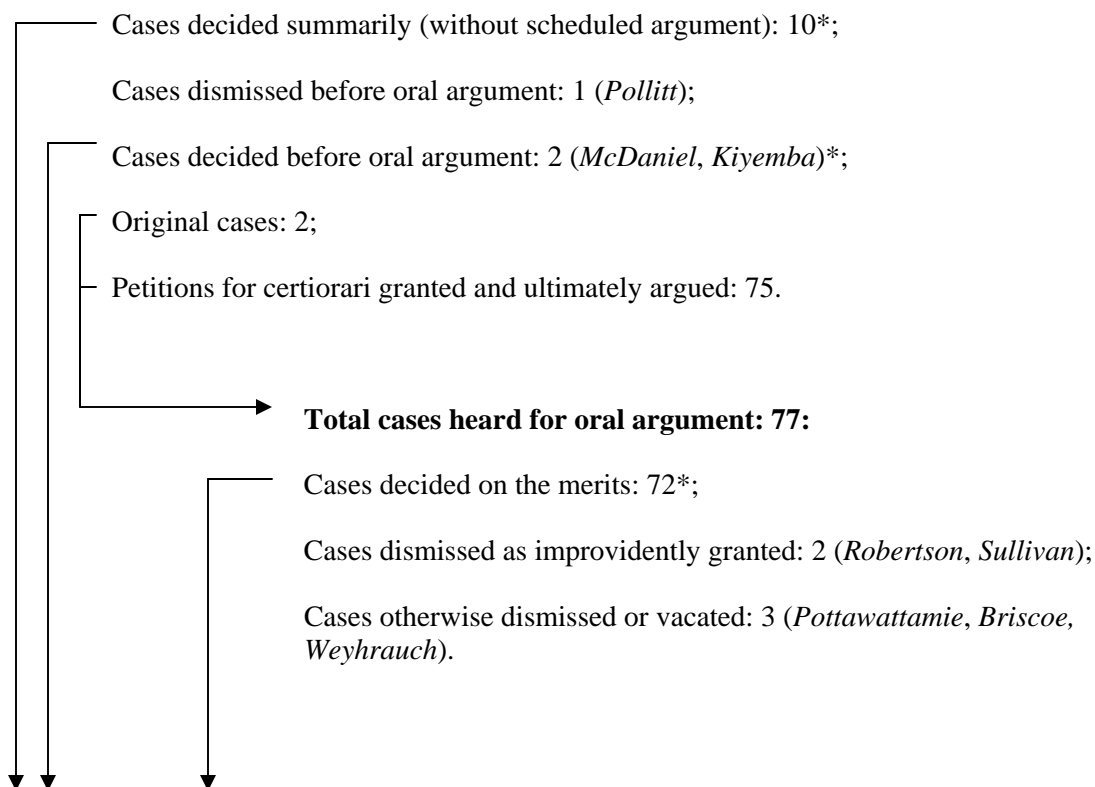


Summary of the Court's Workload, October Term 2009

Total cases granted or probable jurisdiction noted: 90:



Total merits opinions (total marked *): 84:

Signed merits opinions: 72;

Unsigned merits opinions: 12.

†Notes: We count the unsigned opinions in *McDaniel v. Brown* and *Kiyemba v. Obama* as merits decisions. We do not regard the following opinions, which are published on the Court's website, as decisions on the merits: *Briscoe v. Virginia*, *Weyhrauch v. United States*, *Robertson v. United States ex rel. Watson*, and *Sullivan v. Florida*.

SCOTUSblog PRELIMINARY Stats OT09 – 6.29.10

Decisions by Final Vote

9-0 (or Unanimous)	8-1 (or 7-1)	7-2	6-3	5-4
39 (46%)	8 (10%)	13 (15%)	9 (11%)	15 (18%)*†
<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>Renico v. Lett</i>	<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>Abbott v. Abbott</i>	<i>Shady Grove Ortho.</i>
<i>Porter v. McCollum</i> (PC)	<i>United States v. Marcus</i> (7-1)	<i>Padilla v. Kentucky</i>	<i>Graham v. Sullivan</i>	<i>Conkright v. Fromm.</i> (5-3)
<i>Beard v. Kindler</i> (8-0)	<i>Hamilton v. Lanning</i>	<i>Wood v. Allen</i>	<i>Carr v. United States</i>	<i>Perdue v. Kenny A.</i>
<i>Union Pacif. RR v. Loc. Enginrs</i>	<i>Dillon v. United States</i> (7-1)	<i>Florida v. Powell</i>	<i>Barber v. Thomas</i>	<i>Stolt-Nielson</i> (5-3)
<i>Mohawk v. Carpenter</i>	<i>Monsanto v. Geertson</i> (7-1)	<i>Graham Cty v. U.S./Wilson</i>	<i>Schwab v. Reilly</i>	<i>Salazar v. Buono</i>
<i>McDaniel v. Brown</i> (PC)	<i>Doe v. Reed</i>	<i>Presley v. Georgia</i> (PC)	<i>Kawasaki v. Regal Beloit</i>	<i>Berghuis v. Thompkins</i>
<i>Smith v. Spisak</i>		<i>Jerman v. Carlisle</i>	<i>Humanitarian Law Project</i>	<i>Dolan v. United States</i>
<i>Kucana v. Holder</i>		<i>U.S. v. Comstock</i>		<i>New Process Steel v. NLRB</i>
<i>Wilkins v. Gaddy</i> (PC)		<i>Jefferson v. Upton</i> (PC)		<i>Rent-A-Center v. Jackson</i>
<i>Thaler v. Haynes</i> (PC)		<i>Alabama v. N. Carolina</i>		<i>Magwood v. Patterson</i>
<i>Hertz Corp. v. Friend</i>		<i>Holland v. Florida</i>		<i>McDonald v. Chicago</i>
<i>Maryland v. Shatzer</i>				<i>Christian Legal v. Martinez</i>
<i>Kiyemba v. Obama</i> (PC)				<i>Free Enterprise v. PCAOB</i>
<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>				
<i>Samantar v. Yousuf</i>				
<i>Levin v. Commerce Energy</i>				
<i>Krupski v. Costa Crociere</i>				
<i>Astrue v. Ratliff</i>				
<i>Carachuri-Rosendo v. Holder</i>				
<i>Stop the Beach v. FL Dept.</i> (8-0)				
<i>City of Ontario v. Quon</i>				
<i>Morrison v. Australia Bank</i> (8-0)				
<i>Skilling v. United States</i>				
<i>Black v. United States</i>				
<i>Granite Rock v. Teamsters</i>				
<i>Bilski v. Kappos</i>				

Vacated After Argument

Briscoe v. Virginia

Dismissed

Health Care Service v. Pollitt (settled before argument)
Pottawattamie County v. McGhee (settled after argument)
Sullivan v. Florida (improvidently granted)
Robertson v. U.S. ex rel. Watson (improvidently granted)

Past Terms

	9-0 (unan.)	8-1	7-2	6-3	5-4
Final OT08	26 (33%)	4 (5%)	13 (16%)	13 (16%)	24 (30%)
Final OT07	21 (30%)	6 (8%)	20 (28%)	10 (14%)	14 (20%)
Final OT06	28 (38%)	9 (12%)	9 (12%)	3 (4%)	24 (33%)

**Citizens United* is included in the OT08 total. †*Conkright v. Frommert* and *Stolt-Nielson S.A. v. AnimalFeeds International* are both classified as 5-4 because it seems very likely that, had all nine Justices participated, the vote would have split that way.

SCOTUSblog PRELIMINARY Stats OT09 – 6.29.10

Opinion Authors by Sitting

[illegible]

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* and *Weyhrauch v. United States*, which were vacated after oral argument in one-sentence opinions; 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 includes votes in all cases, the second only in divided cases with at least one dissent.

Justice	Majority Votes	Total Votes	Percent in the Majority	OT08 Final	OT07 Final
Roberts	77	84	92%	81%	90%
Kennedy	76	84	90%	92%	86%
Scalia	74	84	88%	84%	81%
Alito	72	82	88%	81%	82%
Thomas	70	84	83%	81%	75%
Sotomayor	65	78	83%	-----	-----
Ginsburg	67	84	80%	70%	75%
Breyer	64	83	77%	75%	79%
Stevens	61	83	73%	65%	75%

Justice	Majority Votes	Total Votes	Percent in the Majority	OT08 Final	OT07 Final
Roberts	38	45	84%	72%	73%
Kennedy	37	45	82%	89%	79%
Scalia	35	45	78%	76%	65%
Alito	34	44	77%	72%	75%
Thomas	31	45	69%	72%	85%
Sotomayor	28	41	68%	-----	-----
Ginsburg	28	45	62%	55%	65%
Breyer	25	44	57%	62%	68%
Stevens	23	45	51%	47%	65%

†Chief Justice Roberts and Justice Breyer each wrote a concurrence in part and dissent in part in *Alabama v. North Carolina*; Justice Thomas joined the Chief Justice's opinion. For these charts, all three of their votes are counted as dissents. For this chart and all others in this document, the case's vote is listed as 7-2, as all substantive parts of the opinion had 7 votes.

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 the majority he or she captured. The unsigned, or *per curiam*, opinions are listed at the bottom, excluding *Briscoe v. Virginia*, *Weyhrauch v. United States*, and the opinions dismissing a case as improvidently granted (*Sullivan v. Florida* and *Robertson v. United States ex rel. Watson*).

Opinion Author	5-4	6-3 (or 5-3)	7-2	8-1 (or 7-1)	9-0 (or unan.)	Total
Roberts	2	3	0	2	1	8
Stevens	1	0	2	0	3	6
Scalia	2	0	2	0	4	8
Kennedy	2	3	0	0	3	8
Thomas	1	1	1	0	5	8
Ginsburg	1	0	1	1	6	9
Breyer	1	1	2	2	3	9
Alito	4	0	0	2	2	8
Sotomayor	0	1	2	1	4	8
Per Curiam	1	0	3	0	8	12

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*). Chief Justice Roberts and Justice Breyer each wrote a concurrence in part and dissent in part in *Alabama v. North Carolina*; these are counted as dissents only in the chart below.

Opinion Author	Concurrences Authored	Total Concurring Votes	Dissents Authored	Total Dissenting Votes
Roberts	2	3	3	7
Stevens	12	16	12	22
Scalia	13	17	5	10
Kennedy	8	9	4	8
Thomas	13	18	4	14
Ginsburg	3	8	3	17
Breyer	3	5	8	19
Alito	9	9	7	10
Sotomayor	3	7	4	13

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Justice Agreement—All Cases

	Stevens		Scalia		Kennedy		Thomas		Ginsburg		Breyer		Alito		Sotomayor		Total Cases
Roberts	44	53%	55	65%	66	79%	56	67%	58	69%	51	61%	64	78%	52	67%	84
	53	64%	67	80%	71	85%	66	79%	63	75%	58	70%	69	84%	58	74%	
	57	69%	74	88%	74	88%	71	85%	67	80%	61	73%	72	88%	61	78%	
	26	31%	10	12%	10	12%	13	15%	17	20%	22	27%	10	12%	17	22%	
Stevens			30	36%	48	58%	30	36%	56	67%	55	67%	35	43%	56	73%	83
			45	54%	57	69%	43	52%	62	75%	63	77%	43	53%	62	81%	
			53	64%	61	73%	50	60%	64	77%	67	82%	50	62%	64	83%	
			30	36%	22	27%	33	40%	19	23%	15	18%	31	38%	13	17%	
Scalia					50	60%	62	74%	39	46%	36	43%	50	61%	35	45%	84
					62	74%	74	88%	50	60%	50	60%	60	73%	48	62%	
					68	81%	77	92%	57	68%	55	66%	67	82%	54	69%	
					16	19%	7	8%	27	32%	28	34%	15	18%	24	31%	
Kennedy							48	57%	59	70%	54	65%	60	73%	55	71%	84
							58	69%	64	76%	61	73%	66	80%	58	74%	
							63	75%	67	80%	63	76%	70	85%	60	77%	
							21	25%	17	20%	20	24%	12	15%	18	23%	
Thomas									41	49%	37	45%	53	65%	37	47%	84
									52	62%	49	59%	63	77%	49	63%	
									58	69%	54	65%	69	84%	54	69%	
									26	31%	29	35%	13	16%	24	31%	
Ginsburg											66	80%	50	61%	66	85%	84
											70	84%	55	67%	70	90%	
											72	87%	61	74%	70	90%	
											11	13%	21	26%	8	10%	
Breyer													45	56%	62	81%	83
													52	64%	68	88%	
													57	70%	69	90%	
													24	30%	8	10%	
Alito															43	57%	82
															48	63%	
															53	70%	
															23	30%	
Sotomayor																	78

KEY

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

KEY

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

SCOTUSblog PRELIMINARY Stats OT09 – 6.29.10

Justice Agreement—Non-Unanimous Cases

	Stevens		Scalia		Kennedy		Thomas		Ginsburg		Breyer		Alito		Sotomayor		Total Cases
Roberts	14	31%	28	62%	31	69%	29	64%	24	53%	18	41%	30	68%	20	49%	45
	17	38%	33	73%	32	71%	31	69%	26	58%	20	45%	33	75%	22	54%	
	19	42%	35	78%	35	78%	32	71%	28	62%	22	50%	34	77%	24	59%	
	26	58%	10	22%	10	22%	13	29%	17	38%	22	50%	10	23%	17	41%	
Stevens	9	20%	20	44%	9	20%	24	53%	24	55%	9	20%	24	59%			45
	14	31%	22	49%	12	27%	25	56%	27	61%	11	25%	27	66%			
	15	33%	23	51%	12	27%	26	58%	29	66%	13	30%	28	68%			
	30	67%	22	49%	33	73%	19	42%	15	34%	31	70%	13	32%			
Scalia	23	51%	32	71%	14	31%	11	25%	24	55%	11	27%					45
	27	60%	38	84%	17	38%	15	34%	27	61%	16	39%					
	29	64%	38	84%	18	40%	16	36%	29	66%	17	41%					
	16	36%	7	16%	27	60%	28	64%	15	34%	24	59%					
Kennedy	21	47%					21	47%	26	58%	21	48%	27	61%	22	54%	45
	23	51%					23	51%	27	60%	23	52%	30	68%	22	54%	
	24	53%					24	53%	28	62%	24	55%	32	73%	23	56%	
	21	47%					21	47%	17	38%	20	45%	12	27%	18	44%	
Thomas	17	38%					17	38%	13	30%	27	61%	14	34%			45
	19	42%					19	42%	15	34%	30	68%	17	41%			
	19	42%					19	42%	15	34%	31	70%	17	41%			
	26	58%					26	58%	29	66%	13	30%	24	59%			
Ginsburg	30	68%					30	68%	19	43%	32	78%					45
	32	73%					32	73%	21	48%	33	80%					
	33	75%					33	75%	23	52%	33	80%					
	11	25%					11	25%	21	48%	8	20%					
Breyer	14	33%					14	33%	19	43%	32	78%					44
	17	40%					17	40%	21	48%	33	80%					
	19	44%					19	44%	23	52%	33	80%					
	24	56%					24	56%	21	48%	8	20%					
Alito	13	33%					13	33%	19	43%	32	78%					44
	15	38%					15	38%	21	48%	33	80%					
	17	43%					17	43%	23	52%	33	80%					
	23	58%					23	58%	21	48%	8	20%					
Sotomayor																41	

KEY

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

Circuit Scorecard

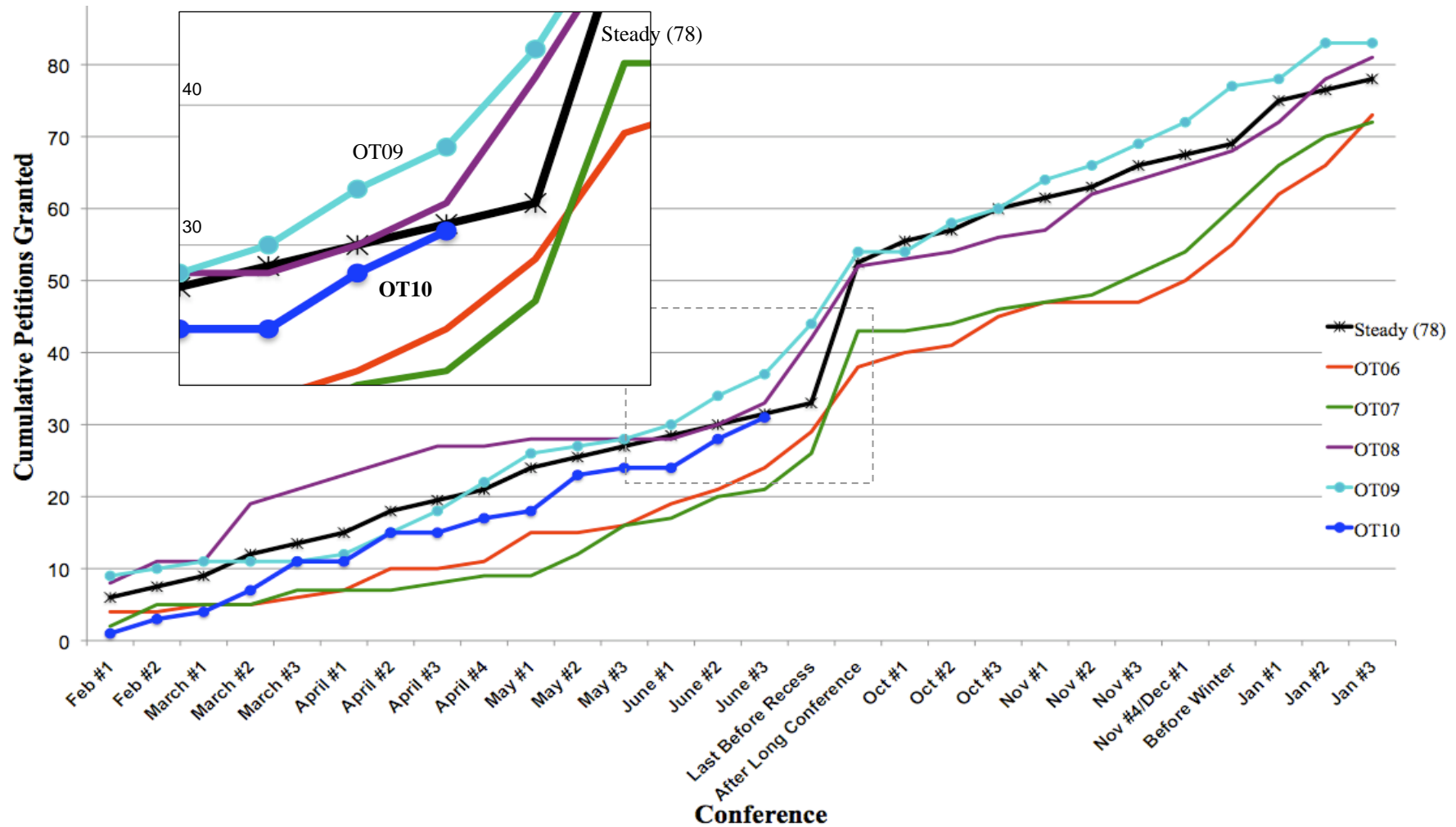
Court	Total	#Aff'd	%Aff'd	#Rev'd	%Rev'd	#Rev'd in Part	%Rev'd in Part
CA1	2	1	50%	0	0%	1	50%
CA2	7	1	14%	6	86%	0	0%
CA3	5	3	60%	2	40%	0	0%
CA4	5	1	20%	4	80%	0	0%
CA5	4	0	0%	3	75%	1	25%
CA6	7	0	0%	7	100%	0	0%
CA7	11*	1	9%	10	91%	0	0%
CA8	3*	0	0%	2	67%	1	33%
CA9	15*	4	27%	9	60%	2	13%
CA10	2	2	100%	0	0%	0	0%
CA11	10	2	20%	8	80%	0	0%
CADC	3*	0	0%	1	33%	2	67%
CAFC	1	1	100%	0	0%	0	0%
State Courts	7*	1	14%	6	86%	0	0%
Original	2	N/A	N/A	N/A	N/A	N/A	N/A
Total	84	17	21%	58	71%	7	9%

Summary reversals with substantive opinions are counted (10 total—for the full list, see the Frequency in the Majority chart). Orders to vacate the lower court's decision are counted as reversals. Consolidated cases are counted together. Percentages are out of decided cases only; percentages of total cases exclude original cases.

*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) and *Weyhrauch v. United States* (9th Circuit), which were vacated 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 to have granted by a given conference, if on a steady pace, to docket the number of cases in parentheses by the end of the Term. As of June 21, the Court has granted **31*** cases for October Term 2010.



*For this Term, the jurisdictional statement *Schwarzenegger v. Plata* (09-1233), which the Court agreed to hear after the second June conference, is counted above even though it was not a petition for certiorari. † For the OT07 and OT08 lines above, “June #1” denotes cases granted after final May conferences, because OT06 and OT07 (the Terms during which those grants were announced) had four conferences in May and only three in June.