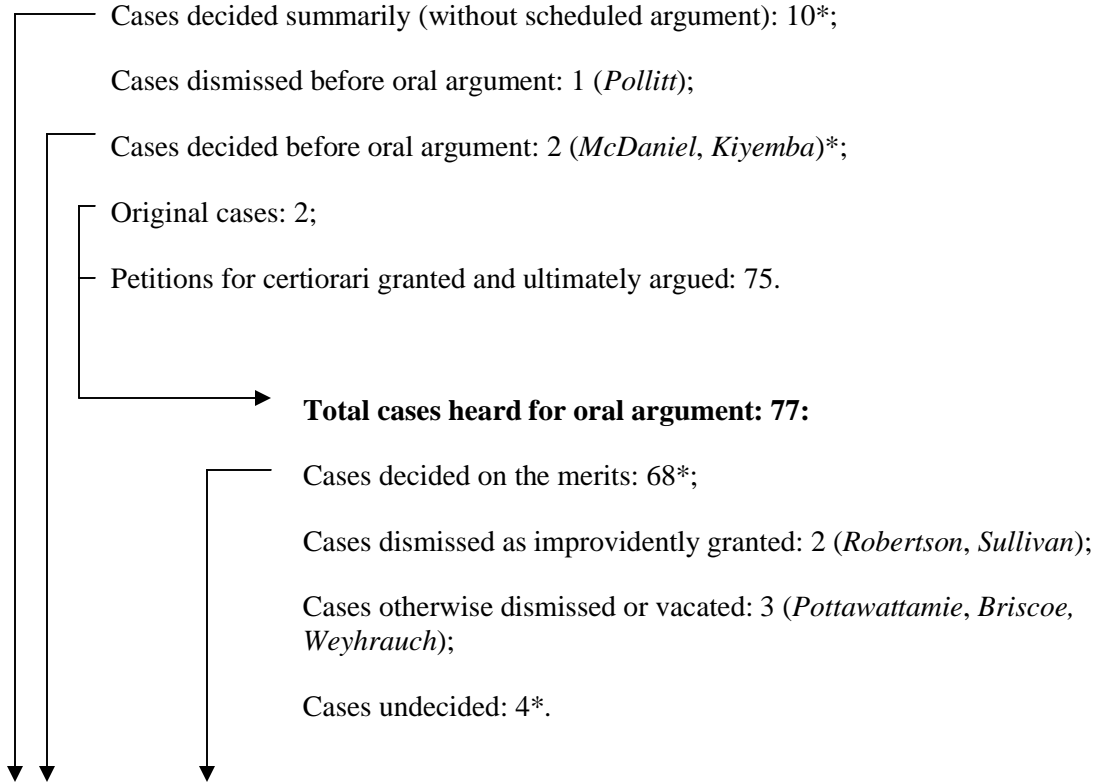


Summary of the Court’s Workload, October Term 2009

Total cases granted or probable jurisdiction noted: 90:



Total merits opinions to date: 80:

Signed merits opinions: 68;

Unsigned merits opinions: 12.

Total expected merits opinions (in all cases marked *): 84.

†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*.

Decisions by Final Vote

9-0 (or Unanimous)	8-1 (or 7-1)	7-2	6-3	5-4
38 (48%)	8 (10%)	13 (16%)	9 (11%)	12 (15%)*†
<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>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>				
<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>				

* *Citizens United* is included in the OT08 total.

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%)

† *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.

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	74	80	93%	81%	90%
Kennedy	72	80	90%	92%	86%
Scalia	71	80	89%	84%	81%
Alito	69	78	88%	81%	82%
Sotomayor	63	74	85%	-----	-----
Thomas	67	80	84%	81%	75%
Ginsburg	65	80	81%	70%	75%
Breyer	62	79	78%	75%	79%
Stevens	59	79	75%	65%	75%

Justice	Majority Votes	Total Votes	Percent in the Majority	OT08 Final	OT07 Final
Roberts	36	42	86%	72%	73%
Kennedy	34	42	81%	89%	79%
Scalia	33	42	79%	76%	65%
Alito	32	41	78%	72%	75%
Sotomayor	27	38	71%	-----	-----
Thomas	29	42	69%	72%	85%
Ginsburg	27	42	64%	55%	65%
Breyer	24	41	59%	62%	68%
Stevens	22	42	52%	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	1	3	0	2	1	7
Stevens	1	0	2	0	3	6
Scalia	2	0	2	0	4	8
Kennedy	2	3	0	0	2	7
Thomas	1	1	1	0	5	8
Ginsburg	0	0	1	1	6	8
Breyer	1	1	2	2	3	9
Alito	3	0	0	2	2	7
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	6
Stevens	10	14	12	20
Scalia	12	15	5	9
Kennedy	7	8	4	8
Thomas	12	17	4	13
Ginsburg	3	7	3	15
Breyer	2	4	6	17
Alito	9	9	6	9
Sotomayor	3	6	3	11

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Justice Agreement—All Cases

	Stevens	Scalia	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Total Cases
Roberts	44 56%	53 66%	63 79%	53 66%	58 73%	51 65%	60 77%	52 70%	80
	53 67%	63 79%	68 85%	62 78%	63 79%	58 73%	65 83%	58 78%	
	56 71%	70 88%	71 89%	67 84%	66 83%	60 76%	68 87%	60 81%	
	23 29%	10 13%	9 11%	13 16%	14 18%	19 24%	10 13%	14 19%	
Stevens	30 38%	47 59%	30 38%	53 67%	53 68%	35 45%	53 73%	79	
	45 57%	56 71%	43 54%	59 75%	60 77%	43 56%	59 81%		
	52 66%	59 75%	49 62%	60 76%	63 81%	49 64%	60 82%		
	27 34%	20 25%	30 38%	19 24%	15 19%	28 36%	13 18%		
Scalia	49 61%	60 75%	39 49%	36 46%	48 62%	35 47%	80		
	59 74%	70 88%	50 63%	49 62%	56 72%	48 65%			
	65 81%	73 91%	56 70%	54 68%	63 81%	53 72%			
	15 19%	7 9%	24 30%	25 32%	15 19%	21 28%			
Kennedy	46 58%	58 73%	53 67%	57 73%	54 73%	80			
	55 69%	63 79%	60 76%	63 81%	57 77%				
	60 75%	65 81%	61 77%	67 86%	58 78%				
	20 25%	15 19%	18 23%	11 14%	16 22%				
Thomas	41 51%	37 47%	50 64%	37 50%	80				
	52 65%	49 62%	59 76%	49 66%					
	57 71%	53 67%	65 83%	53 72%					
	23 29%	26 33%	13 17%	21 28%					
Ginsburg	63 80%	50 64%	62 84%	80					
	66 84%	55 71%	66 89%						
	68 86%	60 77%	66 89%						
	11 14%	18 23%	8 11%						
Breyer	45 58%	59 81%	79						
	52 68%	64 88%							
	56 73%	65 89%							
	21 27%	8 11%							
Alito	43 60%	78							
	48 67%								
	52 72%								
	20 28%								
Sotomayor								74	

KEY

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

Justice Agreement—Non-Unanimous Cases

	Stevens	Scalia	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Total Cases
Roberts	14 33%	26 62%	29 69%	27 64%	24 57%	18 44%	27 66%	20 53%	42
	17 40%	30 71%	30 71%	28 67%	26 62%	20 49%	30 73%	22 58%	
	19 45%	32 76%	33 79%	29 69%	28 67%	22 54%	31 76%	24 63%	
	23 55%	10 24%	9 21%	13 31%	14 33%	19 46%	10 24%	14 37%	
Stevens	9 21%	19 45%	9 21%	22 52%	22 54%	9 22%	22 58%	42	
	14 33%	21 50%	12 29%	23 55%	25 61%	11 27%	25 66%		
	15 36%	22 52%	12 29%	23 55%	26 63%	13 32%	25 66%		
	27 64%	20 48%	30 71%	19 45%	15 37%	28 68%	13 34%		
Scalia	22 52%	30 71%	14 33%	11 27%	22 54%	11 29%	42		
	25 60%	35 83%	17 40%	15 37%	24 59%	16 42%			
	27 64%	35 83%	18 43%	16 39%	26 63%	17 45%			
	15 36%	7 17%	24 57%	25 61%	15 37%	21 55%			
Kennedy	20 48%	25 60%	20 49%	25 61%	21 55%	42			
	21 50%	26 62%	22 54%	28 68%	21 55%				
	22 52%	27 64%	23 56%	30 73%	22 58%				
	20 48%	15 36%	18 44%	11 27%	16 42%				
Thomas	17 40%	13 32%	25 61%	14 37%	42				
	19 45%	15 37%	27 66%	17 45%					
	19 45%	15 37%	28 68%	17 45%					
	23 55%	26 63%	13 32%	21 55%					
Ginsburg	27 66%	19 46%	29 76%	42					
	29 71%	21 51%	30 79%						
	30 73%	23 56%	30 79%						
	11 27%	18 44%	8 21%						
Breyer	14 35%	25 68%	41						
	17 43%	28 76%							
	19 48%	29 78%							
	21 53%	8 22%							
Alito	13 35%	41							
	15 41%								
	17 46%								
	20 54%								
Sotomayor							38		

KEY

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

Circuit Scorecard

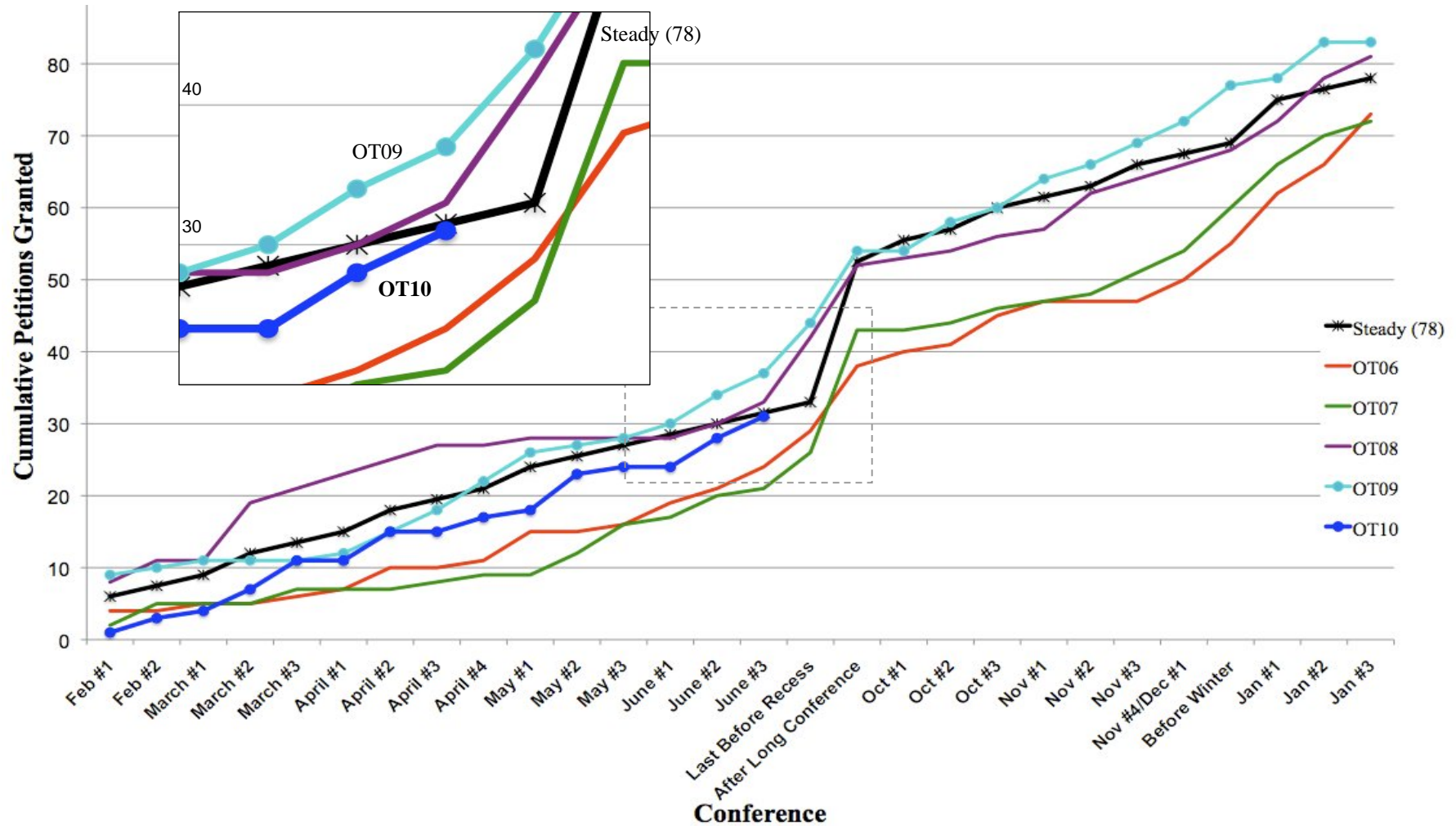
Court	Total	Decided	Outstanding	#Aff'd	%Aff'd	#Rev'd	%Rev'd	#Rev'd in Part	%Rev'd in Part
CA1	2	2	0	1	50%	0	0%	1	50%
CA2	7	7	0	1	14%	6	86%	0	0%
CA3	5	7	0	1	14%	6	86%	0	0%
CA4	5	5	0	1	20%	4	80%	0	0%
CA5	4	4	0	0	0%	3	75%	1	25%
CA6	7	7	0	0	0%	7	100%	0	0%
CA7	11*	10	1	1	10%	9	90%	0	0%
CA8	3*	3	0	0	0%	2	67%	1	33%
CA9	15*	14	1	3	21%	9	64%	2	14%
CA10	2	2	0	2	100%	0	0%	0	0%
CA11	10	10	0	2	20%	8	80%	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*	7	0	1	14%	6	86%	0	0%
Original	2	2	0	N/A	N/A	N/A	N/A	N/A	N/A
Total	84	80	4	15	19%	57	73%	6	8%

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.