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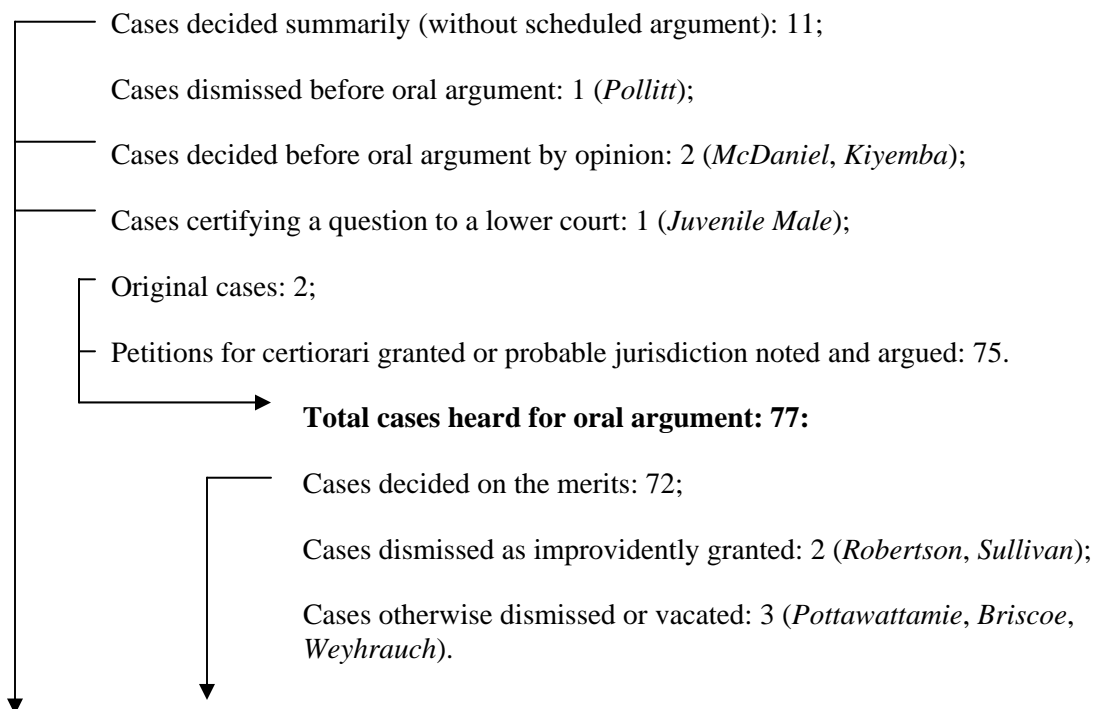
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The standard charts and visual representations were primarily prepared by Erin Miller, with assistance by Adam Schlossman and Matthew Scarola. Additional charts and the case list were made by Kedar Bhatia of the Daily Writ.

Summary of the Court's Workload, October Term 2009

Total merits cases for the term: 92:



Total merits opinions: 86:

Signed merits opinions: 72;

Unsigned merits opinions: 14 (11 summary opinions; 2 decisions prior to argument; 1 certified question).

Result for lower court decisions:

Affirmed: 17;

Reversed or vacated: 59;

Reversed in part and affirmed in part: 7;

Other: 3 (2 original cases, 1 certified question).

†Notes: We count the unsigned opinions in *McDaniel v. Brown*, *Kiyemba v. Obama*, and *United States v. Juvenile Male* 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*.

Five-to-Four Cases

5-4 Alignments (Yellow indicates conservative majority within the 5)

	Justices	Total	Case Names
Ideologically Divided	Roberts, Scalia, Thomas, Alito, Kennedy	8	<i>McDonald</i> , <i>Free Enterprise Fund</i> , <i>Rent-A-Center</i> , <i>Berghuis v. Thompson</i> , <i>Salazar</i> , <i>Conkright</i> †, <i>Stolt-Nielsen</i> †, <i>Perdue</i>
	Stevens, Ginsburg, Breyer, Sotomayor, Kennedy	3	<i>Christian Legal Society</i> , <i>Sears</i> , <i>Wellons</i>
Not Ideologically Divided	Roberts, Scalia, Thomas, Alito, Stevens	1	<i>New Process Steel v. NLRB</i>
	Roberts, Scalia, Thomas, Stevens, Sotomayor	1	<i>Shady Grove Orthopedics</i>
	Scalia, Kennedy, Alito, Stevens, Breyer	1	<i>South Carolina v. North Carolina</i>
	Stevens, Breyer, Sotomayor, Scalia, Thomas	1	<i>Magwood</i>
	Ginsburg, Breyer, Sotomayor, Thomas, Alito	1	<i>Dolan</i>

5-4 Opinion Authorship

Justice	Opinions
Alito	4
Roberts	2
Scalia	2
Kennedy	2
Stevens	1
Thomas	1
Ginsburg	1
Breyer	1
Sotomayor	0
<i>Per Curiam</i>	2
Total	16

5-4 Membership in the Majority

Justice	Votes
Scalia	11
Kennedy	11
Thomas	11
Alito	10
Roberts	9
Stevens	7
Breyer	6
Sotomayor	6
Ginsburg	4

†*Conkright v. Frommert* and *Stolt-Nielsen S.A. v. AnimalFeeds International Corp.* are both classified as 5-4 because it seems very likely that, had all nine Justices participated, the vote would have split that way.

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Decisions by Vote Split

9-0 (or Unanimous) 40 (47%)	8-1 (or 7-1) 8 (9%)	7-2 13 (15%)	6-3 9 (10%)	5-4 16 (19%)*†
<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>Sears v. Upton</i> (PC)
<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>				
<i>U.S. v. Juvenile Male</i> (PC)				

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-Nielsen 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.

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Opinion Authors by Sitting

Roberts	1	2	1	1	1	1	1	JR	8						
Stevens	1	0	1	1	1	2	0	JS	6						
Scalia	2	1	1	1	1	1	1	AS	8						
Kennedy	1 (plus <i>Citizens</i>)	2	0	1	2	1	1	AK	8						
Thomas	2	1	1	1	1	1	1	CT	8						
Ginsburg	1	2	2	1	1	1	1	RG	9						
Breyer	2	1	1	1	2	1	1	SB	9						
Alito	2	1	1	1	1	1	1	SA	8						
Sotomayor	1	1	1	1	2	1	1	SS	8						
JUSTICE	OCTOBER	NOVEMBER	DECEMBER	JANUARY	FEBRUARY	MARCH	APRIL	TOTAL							
	Shatzer	AS	Jones	SA	Graham Cty	JS	AL v. NC	AS	Astrue	CT	Hamilton	SA	CLS	RG	
	Mohawk	SS	Beard	JR	Merck	SB	Briscoe	PC	Lewis	AS	Levin	RG	Quon	AK	
	Stevens	JR	Shady Grov	AS	Milavetz	SS	Comstock	SB	HLP	JR	NLRB	JS	Dolan	SB	
	Johnson	AS	NRG	RG	Espinosa	CT	Abbott	AK	O'Brien	AK	Kawasaki	AK	Krupski	SS	
	Bloate	CT	Schwab	CT	Stop/Beach	AS	Amer. Needle	JS	Carr	SS	Magwood	CT	Hardt	CT	
	Salazar	AK	Hemi	JR	Free Enterp.	JR	Jerman	SS	Marcus	SB	Morrison	AS	Rent-A-Ctr	AS	
	Reed	CT	Pottawatt.	n/a	FL v. Powell	RG	Mac's Shell	SA	Berghuis/Th	AK	Renico	JR	Monsanto	SA	
	UnionPac.	RG	Wood	SS	Black	RG	Granite	CT	Holland	SB	Dillon	SS	Doe v. Reed	JR	
	Padilla	JS	Graham	AK	Weyhrauch	PC	Berghuis/Sm	RG	Skilling	RG	Barber	SB			
	Spisak	SB	Sullivan	n/a	Stolt-Nielsen	SA	Conkright	JR	McDonald	SA	Carachuri	JS			
	SC v. NC	SA	Bilski	AK					Hui	SS	Robertson	n/a			
	Alvarez	SB	Kucana	RG					Samantar	JS					
	Perdue	SA	Hertz	SB											

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. 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 fourteen *per curiam* opinions: eleven summary dispositions (*Corcoran*, *Bobby*, *Wong*, *Porter*, *Fisher*, *Presley*, *Wellons*, *Thaler*, *Wilkins*, *Jefferson*, and *Sears*); the reversal before oral argument in *McDaniel v. Brown*; *Kiyemba v. Obama*, which was vacated before oral argument, with an opinion; and *United States v. Juvenile*, which certified a question to a state court.

The first chart includes votes in all cases, the second only in divided cases with at least one dissent.

All Cases

Justice	Majority Votes	Total Votes	Percent in the Majority	OT08 Final	OT07 Final
Kennedy	78	86	91%	92%	86%
Roberts	78	86	91%	81%	90%
Scalia	75	86	87%	84%	81%
Alito	73	84	87%	81%	82%
Sotomayor	67	80	84%	-----	-----
Thomas	71	86	83%	81%	75%
Ginsburg	69	86	80%	70%	75%
Breyer	66	85	78%	75%	79%
Stevens	63	85	74%	65%	75%

Divided Cases

Justice	Majority Votes	Total Votes	Percent in the Majority	OT08 Final	OT07 Final
Kennedy	38	46	83%	89%	79%
Roberts	38	46	83%	72%	73%
Scalia	35	46	76%	76%	65%
Alito	34	45	76%	72%	75%
Sotomayor	29	42	69%	-----	-----
Thomas	31	46	67%	72%	85%
Ginsburg	29	46	63%	55%	65%
Breyer	26	45	58%	62%	68%
Stevens	24	46	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	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	2	0	3	0	9	14

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 (*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	% Concurrences of Majority Votes	Dissents Authored	Total Dissenting Votes
Roberts	2	3	8%	3	8
Stevens	12	16	67%	12	22
Scalia	13	17	49%	6	11
Kennedy	8	9	24%	4	8
Thomas	13	18	58%	4	15
Ginsburg	3	8	28%	3	17
Breyer	3	5	19%	8	19
Alito	9	9	26%	7	11
Sotomayor	3	7	24%	4	13

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Justice Agreement—All Cases

		Stevens		Scalia		Kennedy		Thomas		Ginsburg		Breyer		Alito		Sotomayor		Total Cases	
Roberts	45	53%	56	65%	67	78%	57	66%	59	69%	52	61%	65	77%	53	66%	86		
	54	64%	68	79%	72	84%	67	78%	64	74%	59	69%	70	83%	59	74%			
	58	68%	76	88%	75	87%	73	85%	68	79%	62	73%	74	88%	62	78%			
	27	32%	10	12%	11	13%	13	15%	18	21%	23	27%	10	12%	18	23%			
Stevens			31	36%	50	59%	31	36%	58	68%	57	68%	36	43%	58	73%	85		
			46	54%	59	69%	44	52%	64	75%	65	77%	44	53%	64	81%			
			54	64%	63	74%	51	60%	66	78%	69	82%	51	61%	66	84%			
			31	36%	22	26%	34	40%	19	22%	15	18%	32	39%	13	16%			
Scalia			51	59%	64	74%	40	47%	37	44%	51	61%	36	45%	86				
			63	73%	76	88%	51	59%	51	60%	61	73%	49	61%					
			69	80%	79	92%	58	67%	56	66%	69	82%	55	69%					
			17	20%	7	8%	28	33%	29	34%	15	18%	25	31%					
Kennedy			49	57%	61	71%	56	66%	61	73%	57	71%	86						
			59	69%	66	77%	63	74%	67	80%	60	75%							
			64	74%	69	80%	65	76%	71	85%	62	78%							
			22	26%	17	20%	20	24%	13	15%	18	23%							
Thomas			42	49%	38	45%	54	64%	38	48%	86								
			53	62%	50	59%	64	76%	50	63%									
			59	69%	55	65%	71	85%	55	69%									
			27	31%	30	35%	13	15%	25	31%									
Ginsburg			68	80%	51	61%	68	85%	86										
			72	85%	56	67%	72	90%											
			74	87%	62	74%	72	90%											
			11	13%	22	26%	8	10%											
Breyer			46	55%	64	81%	85												
			53	64%	70	89%													
			58	70%	71	90%													
			25	30%	8	10%													
Alito			44	56%	84														
			49	63%															
			54	69%															
			24	31%															
Sotomayor			80																

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

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Justice Agreement—Non-Unanimous Cases

	Stevens		Scalia		Kennedy		Thomas		Ginsburg		Breyer		Alito		Sotomayor		Total Cases	
Roberts	14	30%	28	61%	31	67%	29	63%	24	52%	18	40%	30	67%	20	48%	46	
	17	37%	33	72%	32	70%	31	67%	26	57%	20	44%	33	73%	22	52%		
	19	41%	36	78%	35	76%	33	72%	28	61%	22	49%	35	78%	24	57%		
	27	59%	10	22%	11	24%	13	28%	18	39%	23	51%	10	22%	18	43%		
Stevens			9	20%	21	46%	9	20%	25	54%	25	56%	9	20%	25	60%	46	
			14	30%	23	50%	12	26%	26	57%	28	62%	11	24%	28	67%		
			15	33%	24	52%	12	26%	27	59%	30	67%	13	29%	29	69%		
			31	67%	22	48%	34	74%	19	41%	15	33%	32	71%	13	31%		
Scalia					23	50%	33	72%	14	30%	11	24%	24	53%	11	26%	46	
					27	59%	39	85%	17	37%	15	33%	27	60%	16	38%		
					29	63%	39	85%	18	39%	16	36%	30	67%	17	40%		
					17	37%	7	15%	28	61%	29	64%	15	33%	25	60%		
Kennedy							21	46%	27	59%	22	49%	27	60%	23	55%	46	
							23	50%	28	61%	24	53%	30	67%	23	55%		
							24	52%	29	63%	25	56%	32	71%	24	57%		
							22	48%	17	37%	20	44%	13	29%	18	43%		
Thomas									17	37%	13	29%	27	60%	14	33%	46	
									19	41%	15	33%	30	67%	17	40%		
									19	41%	15	33%	32	71%	17	40%		
									27	59%	30	67%	13	29%	25	60%		
Ginsburg													31	69%	19	42%	46	
													33	73%	21	47%		
													34	76%	23	51%		
													11	24%	22	49%		
Breyer																	45	
													14	32%	29	71%		
													17	39%	32	78%		
													19	43%	33	80%		
Alito																	45	
													25	57%	8	20%		
															13	32%		
															15	37%		
Sotomayor																	42	
																17		41%
																24		59%

KEY

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

Circuit Scorecard

Court	Total	%Total	#Aff'd	%Aff'd	#Rev'd	%Rev'd	#Rev'd in Part	%Rev'd in Part
CA1	2	2%	1	50%	0	0%	1	50%
CA2	7	8%	1	14%	6	86%	0	0%
CA3	5	6%	3	60%	2	40%	0	0%
CA4	5	6%	1	20%	4	80%	0	0%
CA5	4	5%	0	0%	3	75%	1	25%
CA6	7	8%	0	0%	7	100%	0	0%
CA7	11*	13%	1	9%	10	91%	0	0%
CA8	3*	4%	0	0%	2	67%	1	33%
CA9	15*	18%	4	27%	9	60%	2	13%
CA10	2	2%	2	100%	0	0%	0	0%
CA11	10	12%	2	20%	8	80%	0	0%
CADC	3*	4%	0	0%	1	33%	2	67%
CAFC	1	1%	1	100%	0	0%	0	0%
State Courts	8*	9%	1	13%	7	88%	0	0%
Other† (no lower court decision)	3	2%	N/A	N/A	N/A	N/A	N/A	N/A
Total	86	100%	17	20%	59	71%	7	8%

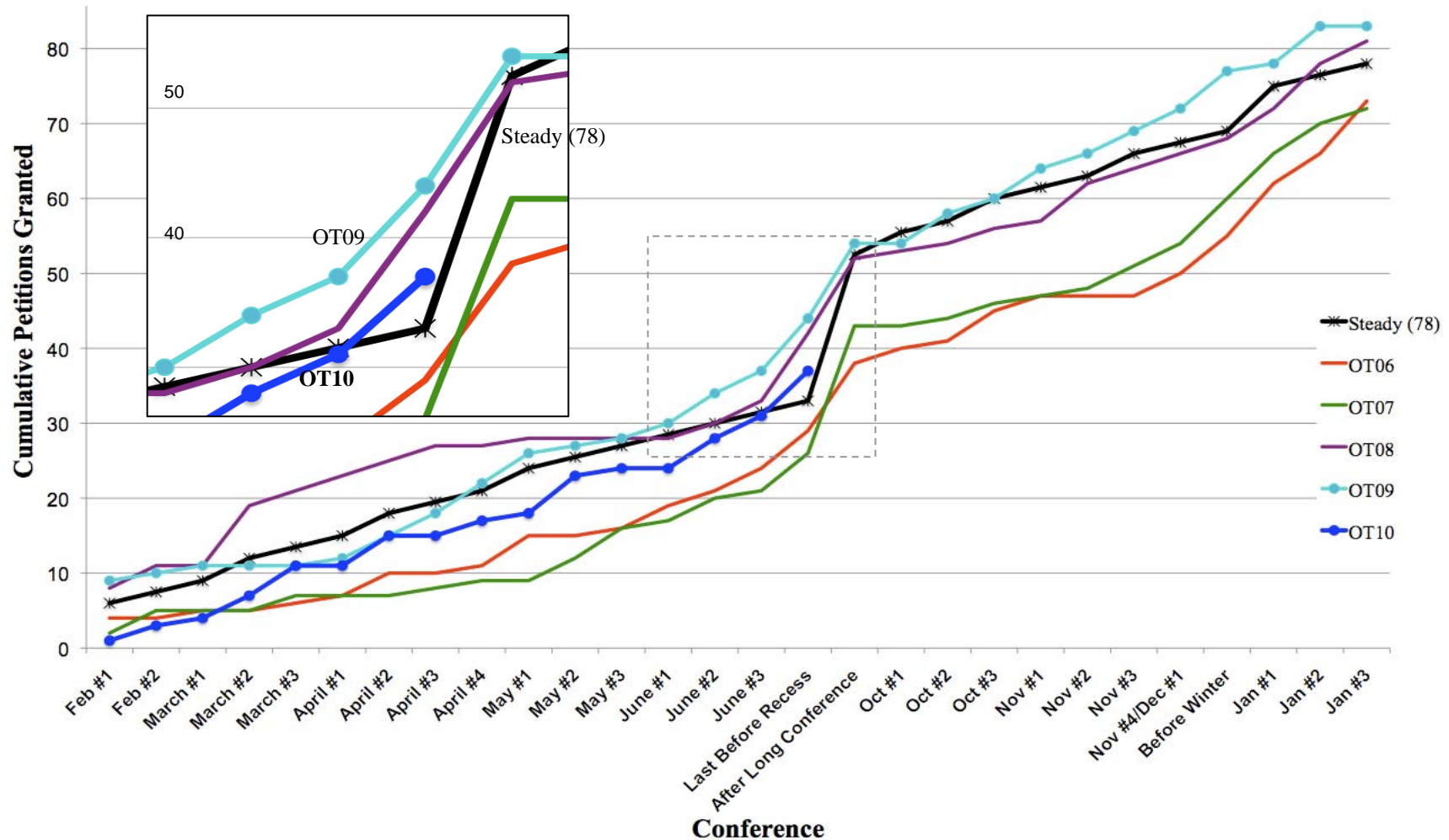
Summary reversals with substantive opinions are counted (10 total—for the full list, see the Frequency in the Majority chart). Orders to vacate the lower court's decision are counted as reversals. Consolidated cases are counted together. Percentages are out of decided cases only; percentages of total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

*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.

†The “other” category includes both original actions (this Term, *South Carolina v. North Carolina* and *Alabama v. North Carolina*) and decisions certifying questions to lower courts (this Term, *United States v. Juvenile Male*).

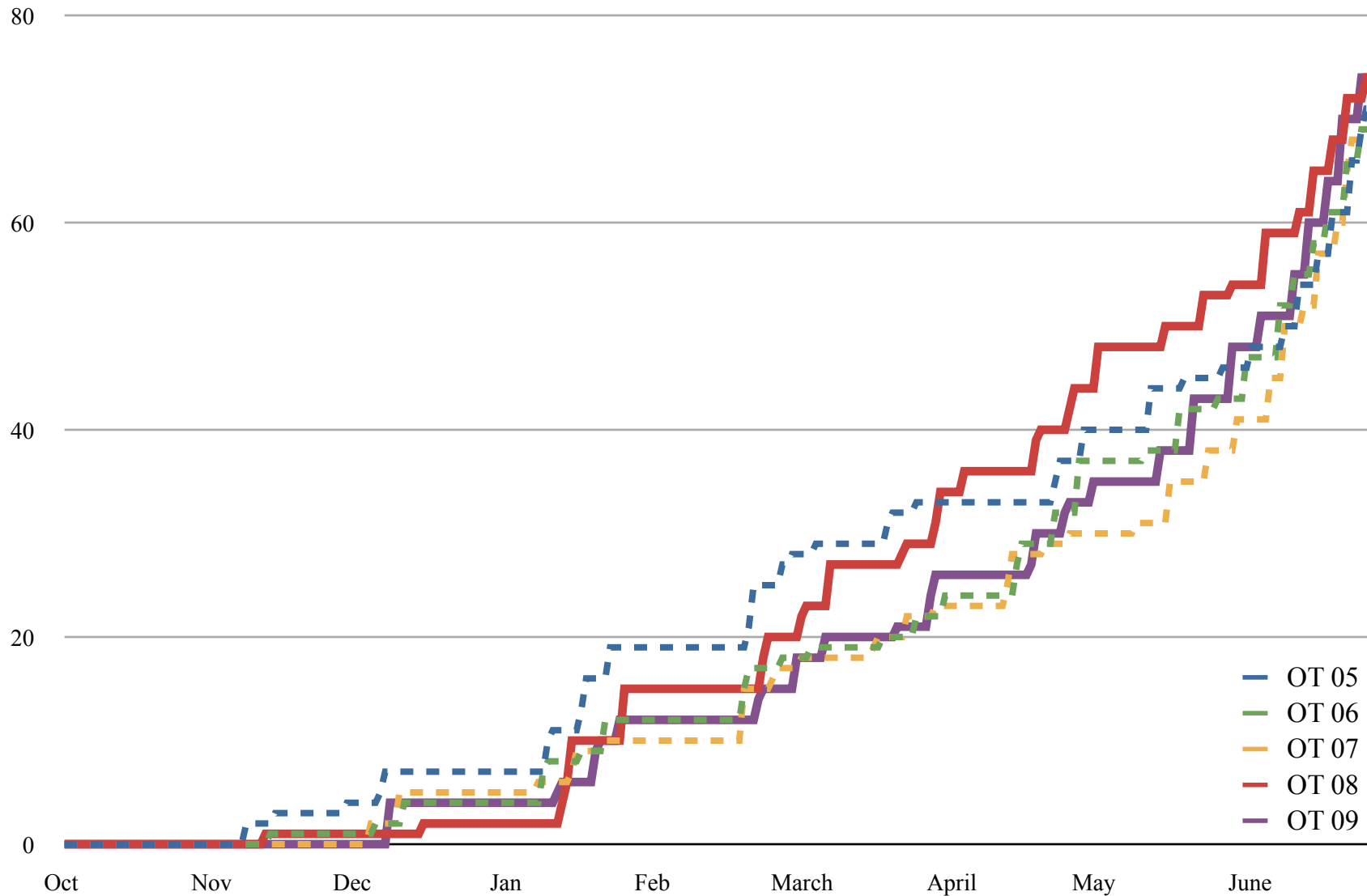
Grants Per Conference

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. Through the last conference of this Term, the Court granted **38*** 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.

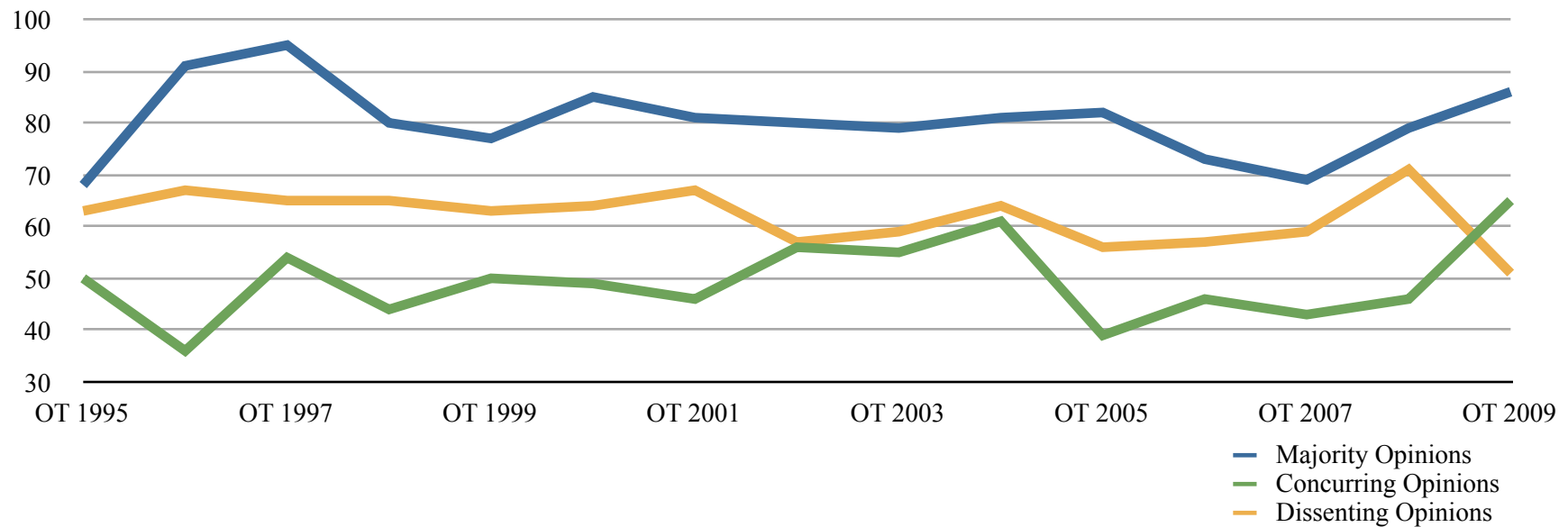
Opinions Released Per Term



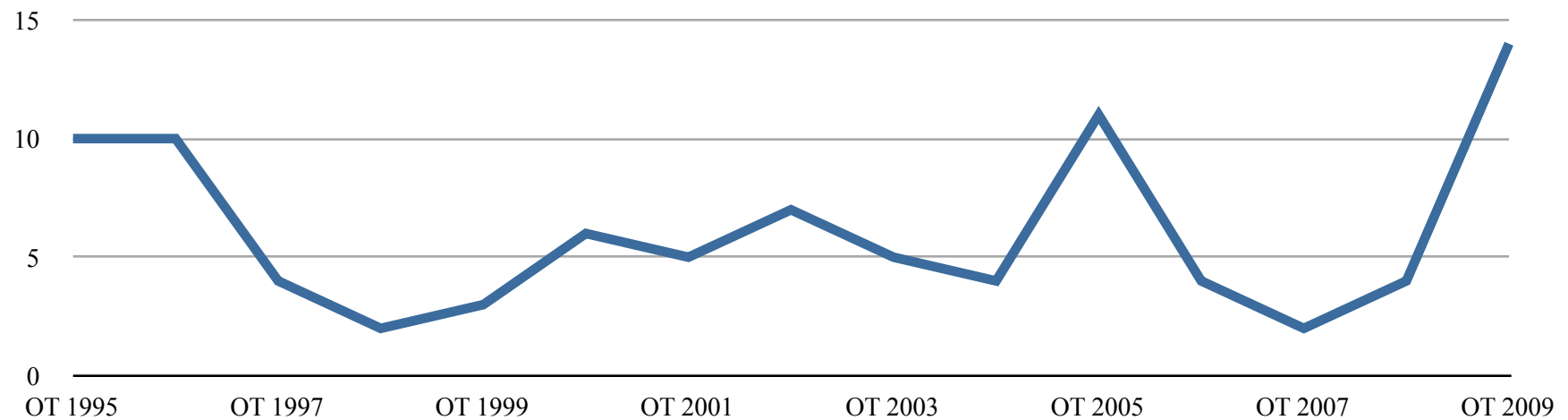
*Includes only opinions on the merits that had full briefing and oral arguments.

All of the data in this pack was collected from Stat Packs published on [SCOTUSwiki](#).

Number of Opinions Per Term (1995-2009)



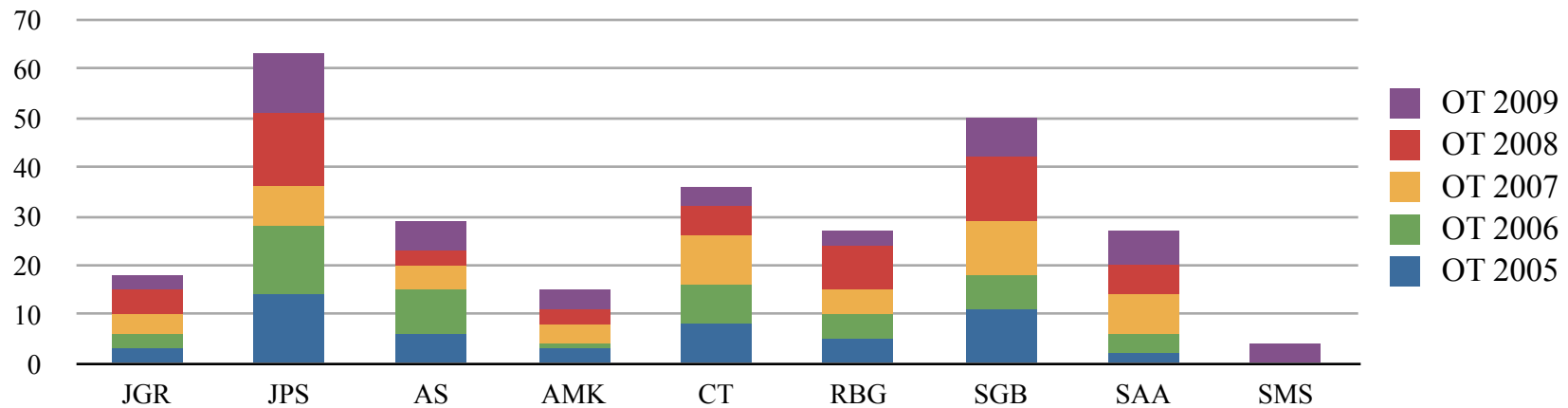
Number of Summary Reversals Per Term (1995-2009)*



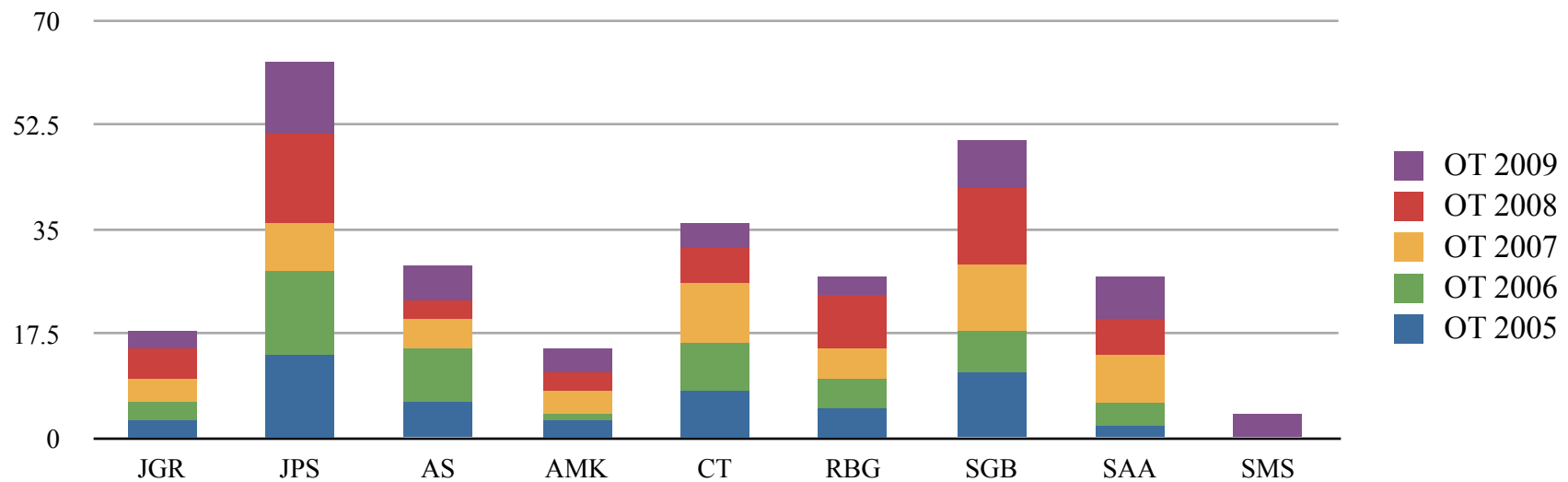
*For the complete list of OT09 summary reversals, see the list on the Frequency in the Majority chart page.

All of the data in this pack was collected from Stat Packs published on [SCOTUSwiki](http://SCOTUSwiki.org).

Total Number of Concurring Opinions Authored (2005-2009)*



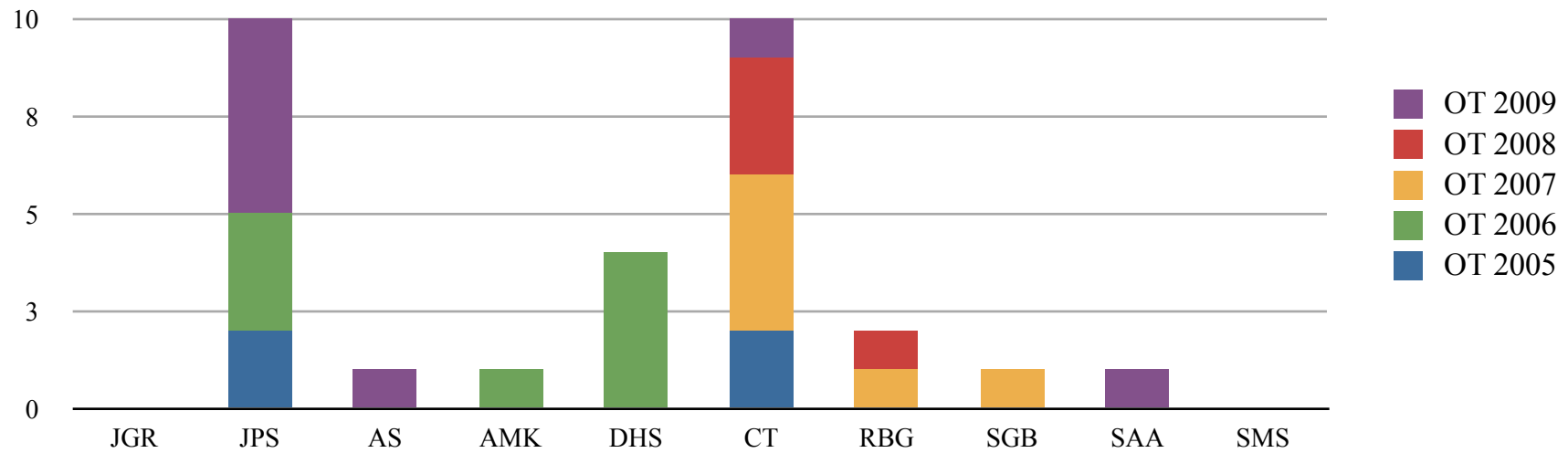
Total Number of Dissenting Opinions Authored (2005-2009)*



*Justice Alito was only on the Court for 4.5 of these five Terms, and Justice Sotomayor only for the last one.

All of the data in this pack was collected from Stat Packs published on SCOTUSwiki.

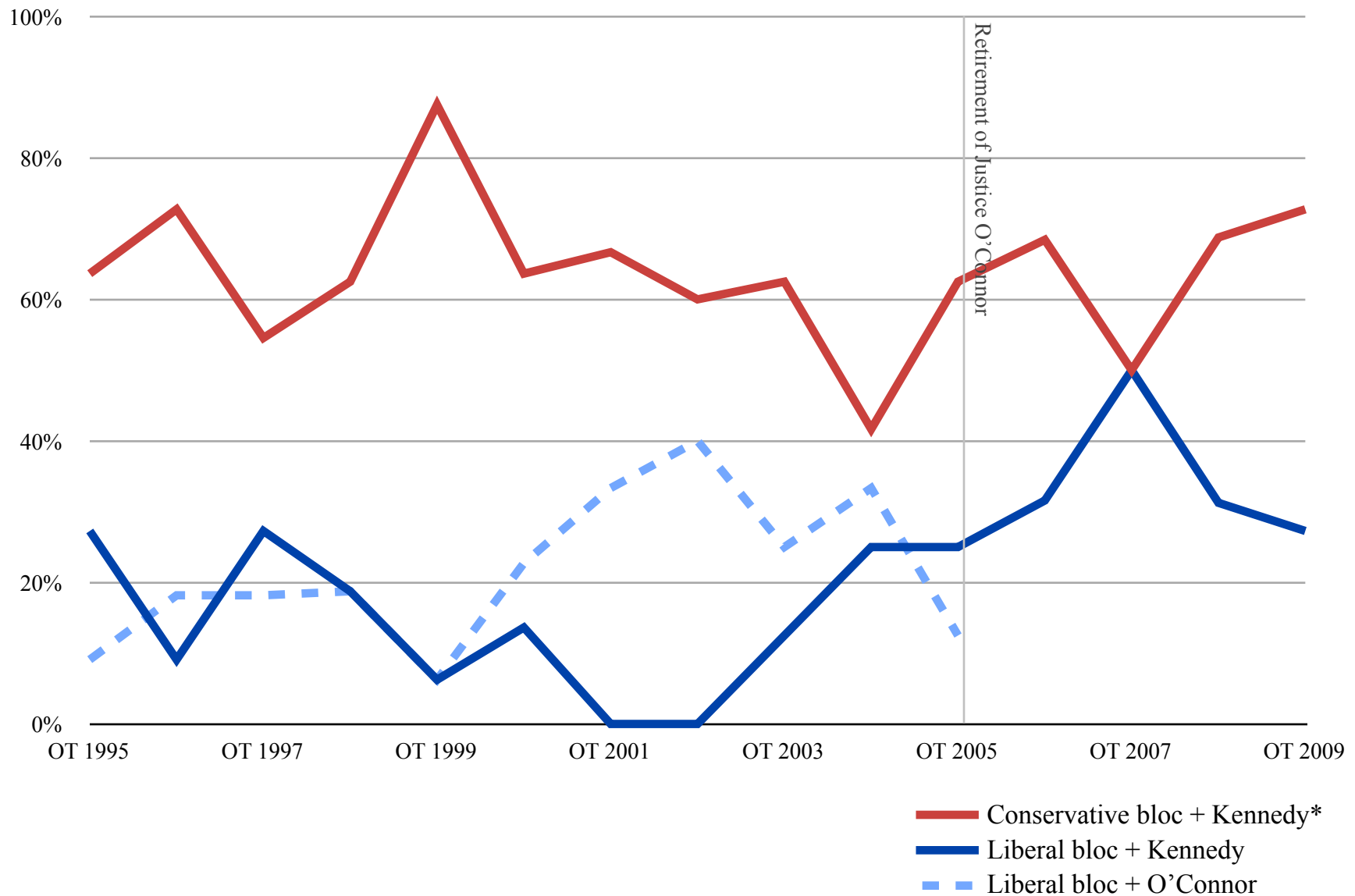
Total Frequency of Each Justice as a Lone Dissenter (2005-2009)*



*Justice Alito was only on the Court for 4.5 of these five Terms, and Justice Sotomayor only for the last one.

All of the data in this pack was collected from Stat Packs published on [SCOTUSwiki](#).

5-4 Majority Membership in Cases That Split Along Common Ideological Lines (1995-2009)



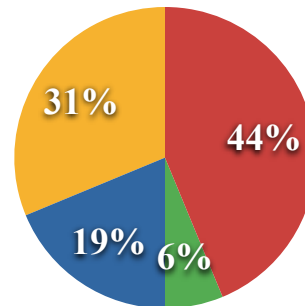
*Conservative bloc = Rehnquist/Roberts, O'Connor/Alito, Scalia and Thomas;
 Liberal bloc = Stevens, Souter/Sotomayor, Ginsburg, Breyer.

All of the data in this pack was collected from Stat Packs published on [SCOTUSwiki](http://SCOTUSwiki.org).

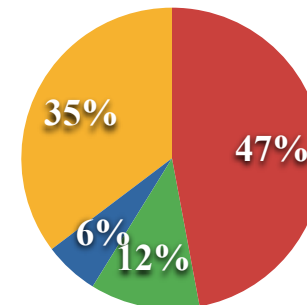
**Composition of 5-4 Majorities
(Rehnquist Court 1995-2004)**

- Conservative bloc + Kennedy
- Liberal bloc + O'Connor
- Liberal bloc + Kennedy
- Other

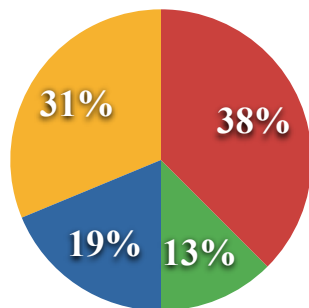
October Term 1995



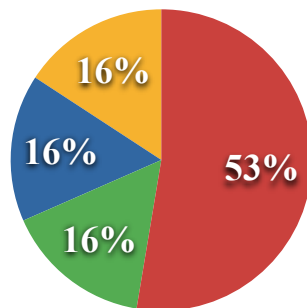
October Term 1996



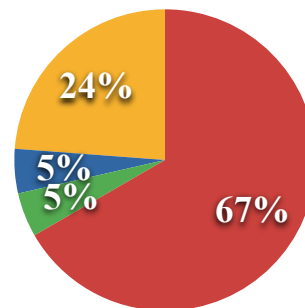
October Term 1997



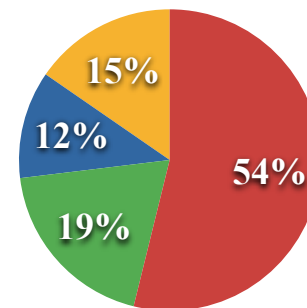
October Term 1998



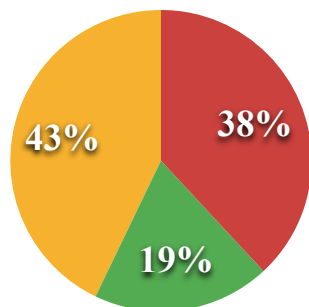
October Term 1999



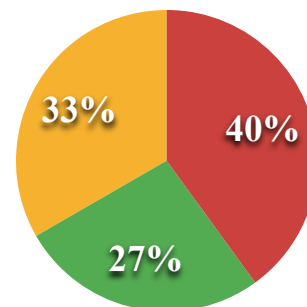
October Term 2000



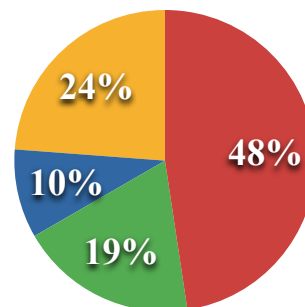
October Term 2001



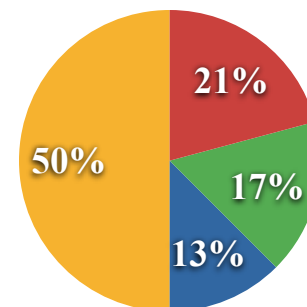
October Term 2002



October Term 2003



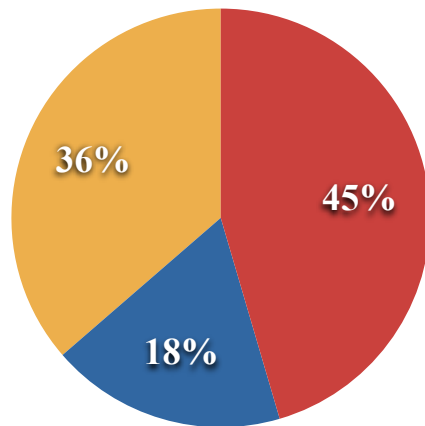
October Term 2004



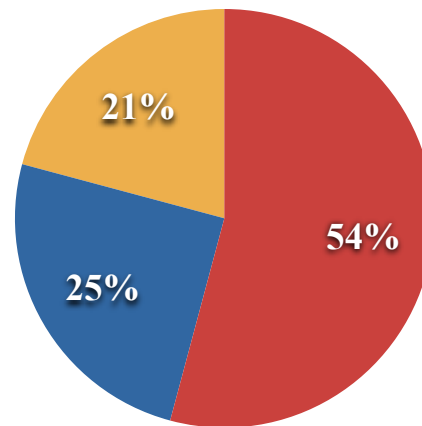
*Conservative bloc = Rehnquist/Roberts, O'Connor/Alito, Scalia and Thomas;
 Liberal bloc = Stevens, Souter/Sotomayor, Ginsburg, Breyer.

All of the data in this pack was collected from Stat Packs published on SCOTUSwiki.

October Term 2005



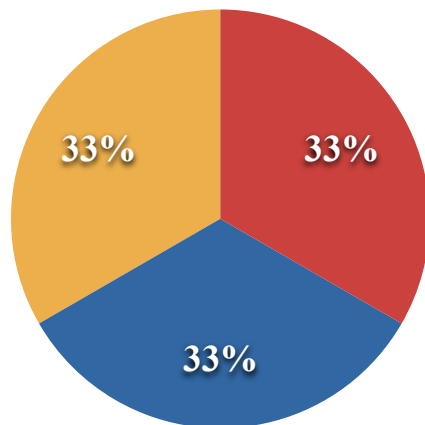
October Term 2006



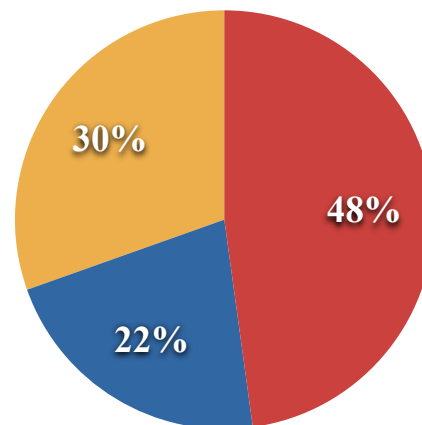
**Composition of 5-4 Majorities
(Roberts Court 2005-2009)**

- Conservative bloc + Kennedy
- Liberal bloc + Kennedy
- Other

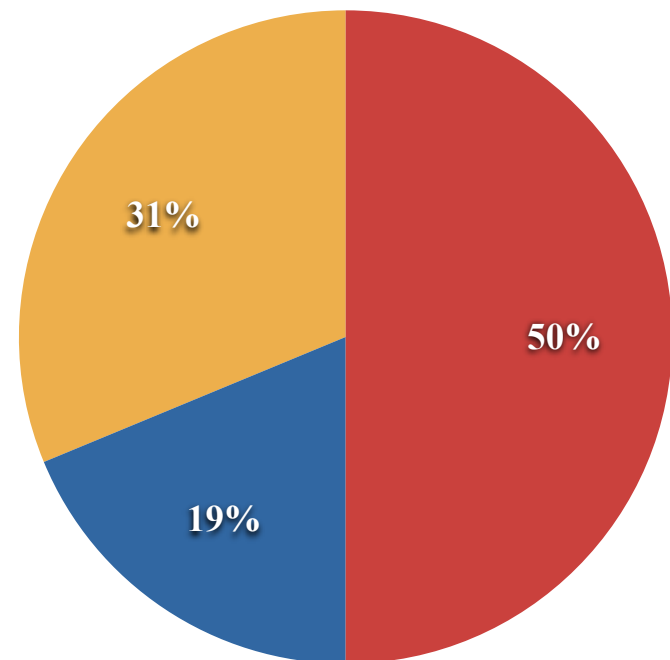
October Term 2007



October Term 2008



October Term 2009



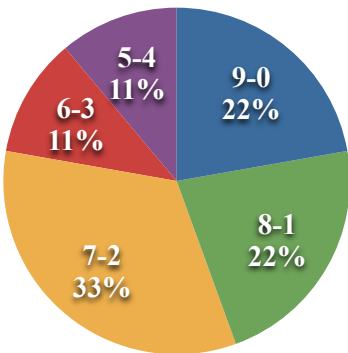
*Conservative bloc = Rehnquist/Roberts, O'Connor/Alito, Scalia and Thomas;
 Liberal bloc = Stevens, Souter/Sotomayor, Ginsburg, Breyer.

All of the data in this pack was collected from Stat Packs published on SCOTUSwiki.

Vote Split by Subject Matter

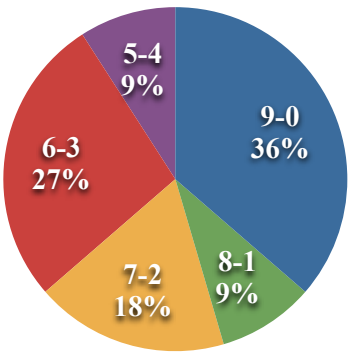
Criminal Procedure				9
Case No.	Title	Split	Author	Days*
08-651	<i>Padilla v. Kentucky</i>	7-2	Stevens	169
08-728	<i>Bloate v. US</i>	7-2	Thomas	153
08-680	<i>Maryland v. Shatzer</i>	9-0	Scalia	142
08-1341	<i>US v. Marcus</i>	7-1	Breyer	89
09-6338	<i>Dillon v. US</i>	7-1	Sotomayor	79
08-1175	<i>Florida v. Powell</i>	7-2	Ginsburg	78
09-5201	<i>Barber v. Thomas</i>	6-3	Breyer	67
08-1332	<i>Ontario v. Quon</i>	9-0	Kennedy	59
09-367	<i>Dolan v. US</i>	5-4	Breyer	55
				99

Criminal Procedure



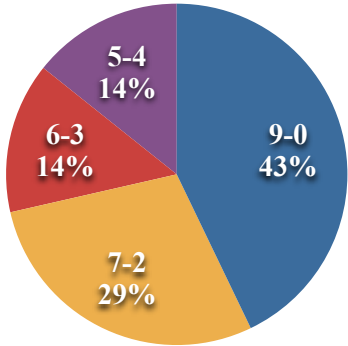
Criminal law				10
Case No.	Title	Split	Author	Days
08-876	<i>Black v. US</i>	9-0	Ginsburg	198
08-7412	<i>Graham v. Florida</i>	6-3	Kennedy	189
08-6925	<i>Johnson v. US</i>	7-2	Scalia	147
08-1224	<i>US v. Comstock</i>	7-2	Breyer	125
08-1394	<i>US v. Skilling</i>	6-3	Ginsburg	115
08-1301	<i>Carr v. US</i>	6-3	Sotomayor	97
08-1470	<i>Berghuis v. Thompsons</i>	5-4	Kennedy	92
08-1569	<i>US v. O'Brien</i>	9-0	Kennedy	90
09-60	<i>Carachuri-Rosendo v. Holder</i>	9-0	Stevens	75
08-351	<i>Alvarez v. Smith</i>	8-1	Breyer	55
				118

Criminal Law



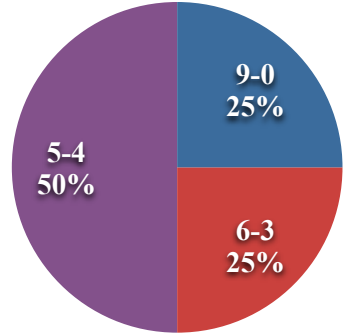
Habeas Corpus				7
Case No.	Title	Split	Author	Days
09-5327	<i>Holland v. Florida</i>	7-2	Breyer	105
09-158	<i>Magwood v. Patterson</i>	5-4	Thomas	92
08-724	<i>Smith v. Spisak</i>	9-0	Breyer	91
08-9156	<i>Wood v. Allen</i>	7-2	Sotomayor	77
08-1402	<i>Berghuis v. Smith</i>	9-0	Ginsburg	69
08-992	<i>Beard v. Kindler</i>	8-0	Roberts	36
09-338	<i>Renico v. Lett</i>	6-3	Roberts	35
				72

Habeas Corpus



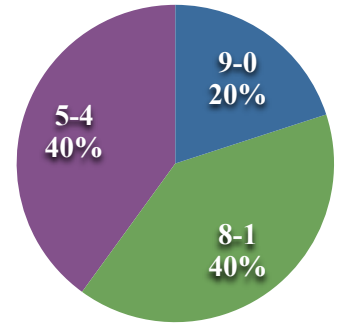
Constitutional Litigation				4
Case No.	Title	Split	Author	Days
08-861	<i>Free Ent. Fund v. PCAOB</i>	5-4	Roberts	208
08-1151	<i>Stop the Beach v. Florida</i>	8-0	Scalia	197
08-1521	<i>McDonald v. City of Chicago</i>	5-4	Alito	118
08-1498	<i>Holder v. Hum. Law. Proj.</i>	6-3	Roberts	118
				160

Constitutional Litigation



Free Speech, Association, and Religion				5
Case No.	Title	Split	Author	Days
08-472	<i>Salazar v. Buono</i>	5-4	Kennedy	203
08-769	<i>US v. Stevens</i>	8-1	Roberts	196
08-1119	<i>Milavetz v. US</i>	9-0	Sotomayor	97
08-1371	<i>Christian Legal Soc. v. Martinez</i>	5-4	Ginsburg	66
09-559	<i>Doe #1 v. Reed</i>	8-1	Roberts	57
				124

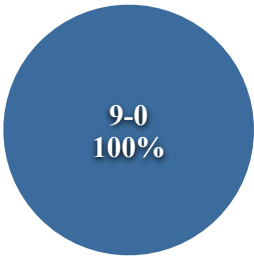
Free Speech, Association, and Religion



*Days measures the number of days between oral argument and the release of an opinion.

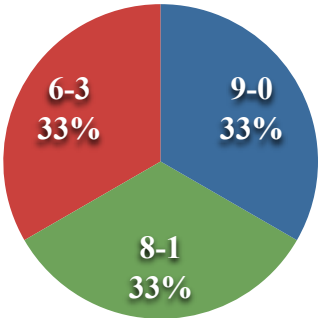
Civil Rights				3
Case No.	Title	Split	Author	Days
08-974	<i>Lewis v. Chicago</i>	9-0	Scalia	91
08-1555	<i>Samantar v. Yousuf</i>	9-0	Stevens	90
08-1529	<i>Hui v. Castaneda</i>	9-0	Sotomayor	62
				81

Civil Rights



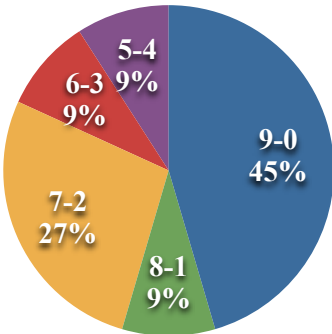
Bankruptcy				3
Case No.	Title	Split	Author	Days
08-538	<i>Schwab v. Reilly</i>	6-3	Thomas	226
08-1134	<i>US Aid Funds v. Espinosa</i>	9-0	Thomas	112
08-998	<i>Hamilton v. Lanning</i>	8-1	Alito	77
				138

Bankruptcy



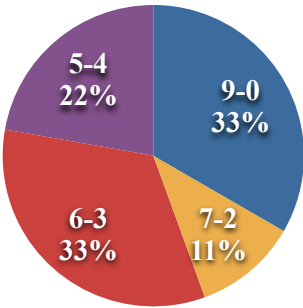
Business Cases				17
Case No.	Title	Split	Author	Days
08-964	<i>Bilski v. Kappos</i>	9-0	Kennedy	227
08-1214	<i>Granite v. Teamsters</i>	7-2	Thomas	157
08-586	<i>Jones v. Harris</i>	9-0	Alito	148
08-905	<i>Merck v. Reynolds</i>	9-0	Breyer	148
08-103	<i>Reed Elsevier v. Muchnick</i>	8-0	Thomas	146
08-661	<i>Am. Needle v. NFL</i>	9-0	Stevens	131
08-1107	<i>Hertz v. Friend</i>	9-0	Breyer	105
08-1200	<i>Jerman v. Carlisle</i>	7-2	Sotomayor	98
08-810	<i>Conkright v. Frommert</i>	5-3	Roberts	91
08-1553	<i>Kawasaki v. Regal-Beloit</i>	6-3	Kennedy	89
08-1191	<i>Morrison v. Nat. Australia Bank</i>	8-0	Scalia	84
08-674	<i>NRG Power v. Maine</i>	8-1	Ginsburg	71
08-604	<i>Union Pac. RR v. Brotherhood</i>	9-0	Ginsburg	62
09-497	<i>Rent-A-Center v. Jackson</i>	5-4	Scalia	56
09-475	<i>Monsanto v. Geertson</i>	7-2	Alito	55
08-240	<i>Mac’s Shell v. Shell Oil</i>	9-0	Alito	42
09-448	<i>Hardt v. Reliance</i>	9-0	Thomas	28
				102

Business Cases



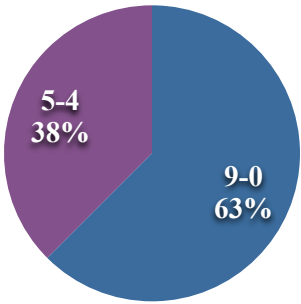
Civil Litigation				4
Case No.	Title	Split	Author	Days
08-645	<i>Abbott v. Abbott</i>	6-3	Kennedy	125
08-304	<i>Graham County v. US</i>	7-2	Stevens	120
08-1457	<i>New Process Steel v. NLRB</i>	5-4	Stevens	86
08-969	<i>Hemi Group v. City of NY</i>	5-3	Roberts	83
				104

Civil Litigation



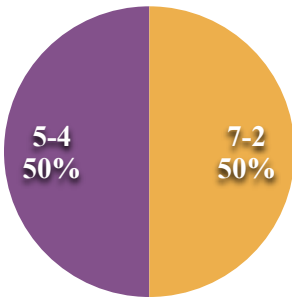
Civil Judicial Procedure				8
Case No.	Title	Split	Author	Days
08-970	<i>Perdue v. Kenny A</i>	5-4	Alito	189
08-1008	<i>Shady Grove v. Allstate</i>	5-4	Scalia	149
08-1198	<i>Stolt-Nielsen v. Animal Feeds</i>	5-3	Alito	139
08-1322	<i>Astrue v. Ratliff</i>	9-0	Thomas	112
08-911	<i>Kucana v. Holder</i>	9-0	Ginsburg	71
09-223	<i>Levin v. Commerce Energy</i>	9-0	Ginsburg	71
08-678	<i>Mohawk v. Carpenter</i>	9-0	Sotomayor	64
09-337	<i>Krupski v. Costa Crociere</i>	9-0	Sotomayor	47
				105

Civil Judicial Procedure



Original Cases				2
Case No.	Title	Split	Majority Author	Days
132, Orig	<i>Alabama v. North Carolina</i>	7-2	Scalia	141
138, Orig	<i>South Carolina v. North Carolina</i>	5-4	Alito	99
				120

Original Cases



Categories Sorted by Average Number of Days Between Argument and Opinion

Total	Number	Days
Constitutional Litigation	4	160
Bankruptcy	3	138
Free Speech, Association, and Religion	5	124
Original Cases	2	120
Criminal Law	10	118
Civil Judicial Procedure	8	105
Civil Litigation	4	104
Business Cases	17	102
Criminal Procedure	9	99
Civil Rights	3	81
Habeas Corpus	7	72
Total	72	107

	9-0	8-1	7-2	6-3	5-4
Criminal Procedure	2	2	3	1	1
Criminal Law	4	1	2	3	1
Habeas Corpus	3	0	2	1	1
Constitutional Litigation	1	0	0	1	2
Free Speech, Association, and Religion	1	2	0	0	2
Civil Rights	3	0	0	0	0
Bankruptcy	1	1	0	1	0
Business Cases	5	1	3	1	1
Civil Litigation	3	0	1	3	2
Civil Judicial Procedure	5	0	0	0	3
Original Cases	0	0	1	0	1

Majority Opinion Authorship

Roberts	
Subject	Majority Opinions
Habeas Corpus	2
Constitutional Litigation	2
Free Speech, Association, and Religion	2
Civil Litigation	1
Business Cases	1
Civil Rights	0
Criminal Procedure	0
Criminal Law	0
Bankruptcy	0
Civil Judicial Procedure	0
Original Cases	0

Stevens	
Subject	Majority Opinions
Civil Litigation	2
Civil Rights	1
Criminal Procedure	1
Criminal Law	1
Business Cases	1
Constitutional Litigation	0
Habeas Corpus	0
Free Speech, Association, and Religion	0
Bankruptcy	0
Civil Judicial Procedure	0
Original Cases	0

Scalia	
Subject	Majority Opinions
Criminal Law	1
Business Cases	2
Constitutional Litigation	1
Civil Rights	1
Criminal Procedure	1
Civil Judicial Procedure	1
Original Cases	1
Habeas Corpus	0
Civil Litigation	0
Free Speech, Association, and Religion	0
Bankruptcy	0

Kennedy	
Subject	Majority Opinions
Criminal Law	3
Business Cases	2
Civil Litigation	1
Free Speech, Association, and Religion	1
Criminal Procedure	1
Habeas Corpus	0
Constitutional Litigation	0
Civil Rights	0
Bankruptcy	0
Civil Judicial Procedure	0
Original Cases	0

Thomas	
Subject	Majority Opinions
Business Cases	3
Bankruptcy	2
Civil Judicial Procedure	1
Habeas Corpus	1
Criminal Procedure	1
Civil Litigation	0
Constitutional Litigation	0
Free Speech, Association, and Religion	0
Civil Rights	0
Criminal Law	0
Original Cases	0

Ginsburg	
Subject	Majority Opinions
Criminal Law	2
Civil Judicial Procedure	2
Business Cases	2
Free Speech, Association, and Religion	1
Criminal Procedure	1
Habeas Corpus	1
Civil Litigation	0
Constitutional Litigation	0
Civil Rights	0
Bankruptcy	0
Original Cases	0

Breyer	
Subject	Majority Opinions
Criminal Procedure	3
Habeas Corpus	2
Business Cases	2
Criminal Law	2
Civil Judicial Procedure	0
Constitutional Litigation	0
Civil Litigation	0
Free Speech, Association, and Religion	0
Civil Rights	0
Bankruptcy	0
Original Cases	0

Alito	
Subject	Majority Opinions
Business Cases	3
Civil Judicial Procedure	2
Constitutional Litigation	1
Bankruptcy	1
Original Cases	1
Civil Litigation	0
Habeas Corpus	0
Free Speech, Association, and Religion	0
Civil Rights	0
Criminal Procedure	0
Criminal Law	0

Sotomayor	
Subject	Majority Opinions
Civil Judicial Procedure	2
Criminal Law	1
Habeas Corpus	1
Free Speech, Association, and Religion	1
Civil Rights	1
Criminal Procedure	1
Business Cases	1
Civil Litigation	0
Constitutional Litigation	0
Bankruptcy	0
Original Cases	0

Solicitor General Success at the Merits Stage

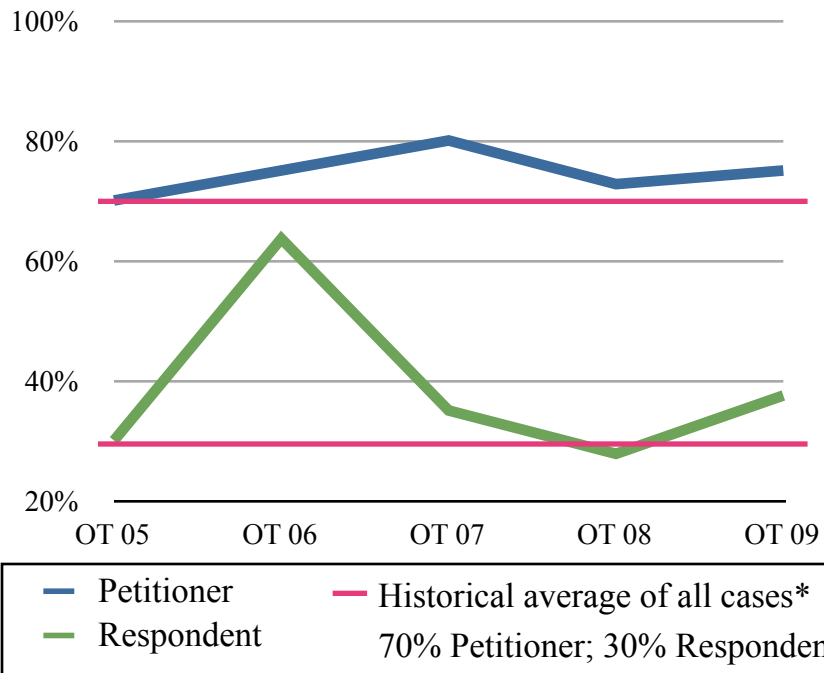
Solicitor General's Success as a Party

	OT 05	OT 06	OT 07	OT 08	OT 09
Petitioner	70%	75%	80%	73%	75%
Respondent	30%	64%	35%	28%	38%
Overall	50%	70%	50%	45%	50%

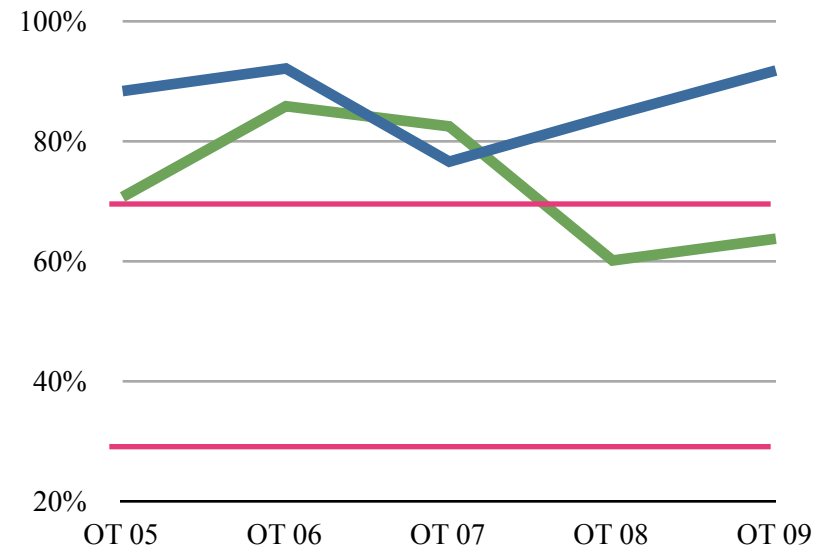
Solicitor General's Success as *Amicus Curiae*

	OT 05	OT 06	OT 07	OT 08	OT 09
Petitioner	88%	92%	76%	84%	92%
Respondent	71%	86%	82%	60%	64%
Overall	79%	91%	79%	76%	78%

Success as a Party



Success as *Amicus*



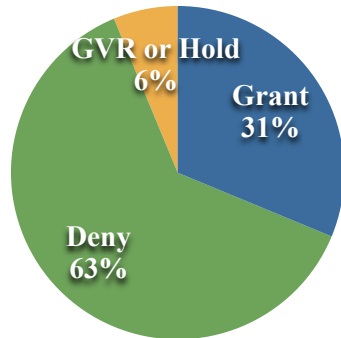
*The historical averages are an approximation of all cases on the Court's docket in recent terms, including those in which the Solicitor General participated.

Solicitor General Success When Responding to Calls for the View of the Solicitor General (CVSG)

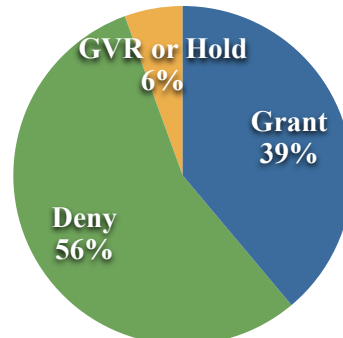
Overall Success (October Terms 2005-2009)

Solicitor General Suggestion	Total	Success
Grant	33	97%
Deny	59	84%
GVR or Hold	8	50%
Pending	7	
Total Calls*	107	86%

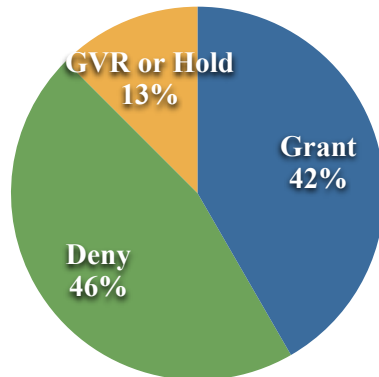
October Term 2005



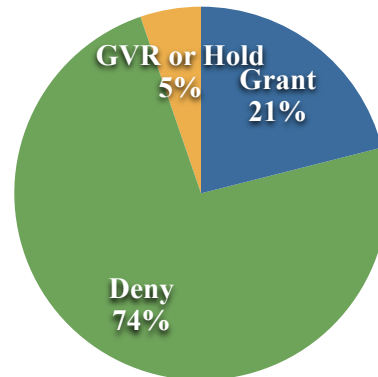
October Term 2006



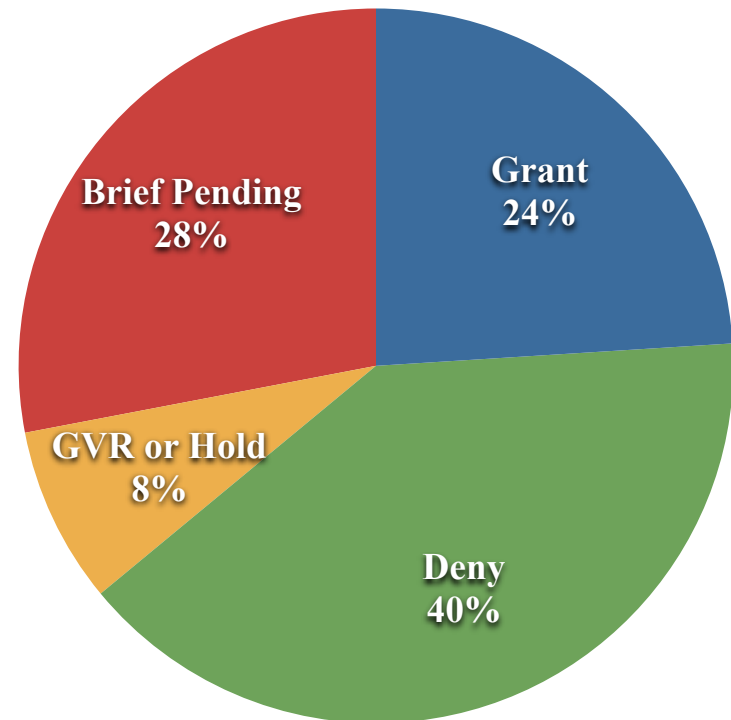
October Term 2007



October Term 2008



October Term 2009



*Calls that received a response but were dismissed under Rule 46 before the Court could take action on them are not included here.

October Argument Session

Case No.	Case	Status	Court	Argued	Opinion	Author	Vote	Judgment
08-680	Maryland v. Shatzer	Decided	ST	10/5/09	2/24/10	Scalia	9-0	Reversed and Remanded
Holding: A “break in custody” permits the police to resume questioning a suspect who had previously asked for a lawyer. If the break in custody lasts more than two weeks between interrogations, the decision in <i>Edwards v. Arizona</i> does not apply to suppress a confession.								
08-678	Mohawk Industries v. Carpenter	Decided	CA11	10/5/09	12/8/09	Sotomayor	9-0	Affirmed
Holding: A party cannot immediately appeal from a federal trial judge’s ruling that he must turn over evidence protected by the attorney-client privilege.								
08-769	US v. Stevens	Decided	CA3	10/6/09	4/20/10	Roberts	8-1	Affirmed
Holding: A law that makes it a crime to create or sell depictions of animal cruelty (including, in this case, dogfighting videos) applies to such a broad spectrum of expression (including, for example, hunting videos) that it violates the First Amendment right to free speech.								
08-6925	Johnson v. US	Decided	CA11	10/6/09	3/2/10	Scalia	7-2	Reversed and Remanded
Holding: The Florida felony offense of battery does not require physical force between two people and therefore does not constitute a “violent felony” for the purposes of federal sentencing guidelines.								
08-728	Bloate v. US	Decided	CA8	10/6/09	3/8/10	Thomas	7-2	Reversed and Remanded
Holding: The time granted to prepare pretrial motions is not automatically excluded from the 70-day limit under the Speedy Trial Act of 1974.								
08-472	Salazar v. Buono	Decided	CA9	10/7/09	4/28/10	Kennedy	5-4	Reversed and Remanded
Holding: After he received a court order in a previous case, the petitioner had standing to request that a cross placed in a federal park be removed. However, the district court was wrong to block the government’s land transfer to a group which wanted to maintain the cross.								
08-103	Reed Elsevier v. Muchnick	Decided	CA2	10/7/09	3/2/10	Thomas	8-0	Reversed and Remanded
Holding: A copyright must be registered before one may file an infringement claim, but the failure of a copyright holder to have a registration does not restrict a federal court’s power to decide infringement claims involving works that are not registered.								
08-604	Union Pacific R.R. v. Locomotive Eng.	Decided	CA7	10/7/09	12/8/09	Ginsburg	9-0	Affirmed
Holding: Federal law provides for the binding arbitration of labor disputes involving railroads. The Court had agreed to decide whether (i) a court may overturn an arbitration award on the ground that it was unconstitutional, and (ii) the arbitration ruling in this case was in fact unconstitutionally retroactive. But it did not rule on those issues because it concluded that the arbitration violated the relevant federal statute.								
08-651	Padilla v. Kentucky	Decided	ST - KY	10/13/09	3/31/10	Stevens	7-2	Reversed and Remanded
Holding: When counseling a client on whether or not to plead guilty to a crime, a defense attorney has a responsibility to tell his client if the guilty plea will cause the client to be deported or have other immigration consequences.								
08-724	Smith v. Spisak	Decided	CA6	10/13/09	1/12/10	Breyer	9-0	Reversed
Holding: Instructing a jury to consider only mitigating facts that were clearly mitigating is not a violation of “clearly established Federal law.” The defendant’s lawyer’s closing argument - poor or not - did not clearly influence the outcome of the case.								
138, Orig.	South Carolina v. North Carolina	Decided	Original	10/13/09	1/20/10	Alito	5-4	-
Holding: When states participate in litigation, private parties may intervene only if they show a unique and compelling interest. Here, two parties were permitted to intervene but a third party was shown to have a compelling, but non-unique, interest.								
08-351	Alvarez v. Smith	Decided	CA7	10/14/09	12/8/09	Breyer	8-1	Vacated and Remanded
Holding: A challenge to an Illinois statute authorizing forfeiture of personal property used to facilitate drug crimes was mooted when parties resolved underlying disputes as to ownership of the property.								
08-970	Perdue v. Kenny A.	Decided	CA11	10/14/09	4/21/10	Alito	5-4	Reversed and Remanded
Holding: A federal court can award larger-than-usual attorney’s fees to a civil rights lawyer who gives an especially strong performance in a particular case, but only in “extraordinary circumstances.”								

November Argument Session

Case No.	Case	Status	Court	Argued	Opinion	Author	Vote	Judgment
08-586	Jones v. Harris Associates LP.	Decided	CA7	11/2/09	3/30/10	Alito	9-0	Vacated and Remanded
Holding: Mutual fund shareholders may challenge the amount of fees the fund's investment advisors charge for their services, even if the fee was fully disclosed to, and approved by, the fund's board of directors. In deciding whether the fees are excessive, courts must consider the totality of the circumstances, including how much the advisors charge other clients for similar services and whether the board of directors engaged in a fully informed and disinterested review of the fees.								
08-1008	Shady Grove v. Allstate Ins. Co.	Decided	CA2	11/2/09	3/31/10	Scalia	5-4	Reversed and Remanded
Holding: Plaintiffs may sometimes sue for violations of state law in federal court. In such cases, state law decides the substantive claims, but federal law decides the procedures by which the case will be decided. The Court held that a state law prohibiting certain state claims from being decided in a class action governed procedure, and therefore did not apply in federal court.								
08-992	Beard v. Kindler	Decided	CA3	11/2/09	12/8/09	Roberts	8-0	Vacated and Remanded
Holding: A defendant convicted in state court cannot challenge his conviction in a federal "habeas corpus" petition if there is an "independent and adequate" basis in state law for rejecting his claims — for example, if the defendant missed a deadline created by state law. The Supreme Court ruled that state law is not "inadequate" merely because state court judges have discretion whether to apply or ignore it.								
08-674	NRG Power v. Maine Pub. Util. Comm'n	Decided	CADC	11/3/09	1/13/10	Ginsburg	8-1	Reversed and Remanded
Holding: When a third party challenges an agreement between an energy company and a utility over the rate the utility will pay for electricity, federal law presumes that rate is legal.								
08-538	Schwab v. Reilly	Decided	CA3	11/3/09	6/17/10	Thomas	6-3	Reversed and Remanded
Holding: An estate's trustee in bankruptcy under Chapter 7 need not object to an exemption in order to preserve the estate's ability to recover value in excess of what the debtor explicitly declared to be exempt.								
08-969	Hemi Group, LLC v. City of New York	Decided	CA2	11/3/09	1/25/10	Roberts	5-3	Reversed and Remanded
Holding: If a city cannot show that it lost revenue because of a crime under the federal Racketeer Influenced and Corrupt Organizations Act (RICO), it cannot use that statute to recover unpaid taxes.								
08-1065	Pottawattamie County v. McGhee	Dismissed	CA8	11/4/09	--	--	--	--
Dismissed following settlement between parties								
08-9156	Wood v. Allen	Decided	CA11	11/4/09	1/20/10	Sotomayor	7-2	Affirmed
Holding: Defendant's sentence should not be overturned because his attorney did not make an "unreasonable decision" to withhold evidence of his mental deficiencies.								
08-7412	Graham v. Florida	Decided	ST-KY	11/9/09	5/17/10	Kennedy	6-3	Reversed and Remanded
Holding: It is unconstitutional to sentence a juvenile offender to life in prison without parole when the crime does not involve murder, given the Eighth Amendment's ban on "cruel and unusual" punishment.								
08-7621	Sullivan v. Florida	DIG	ST-KY	11/9/09	5/17/10	Per Curiam	9-0	--
Dismissed as improvidently granted.								
08-964	Bilski v. Kappos	Decided	CA-FED	11/9/09	6/28/10	Kennedy	9-0	Affirmed
Holding: A method of doing business that seeks to instruct financial institutions on how to hedge risk is not a patentable process.								
08-911	Kucana v. Holder	Decided	CA7	11/10/09	1/20/10	Ginsburg	9-0	Reversed and Remanded
Holding: The jurisdiction-stripping provision of the Immigration and Nationality Act applies only to decisions by the Attorney General (or the Board of Immigration Appeals) that are made discretionary by statute; it does not preclude review of decisions made discretionary by regulation.								
08-1107	Hertz Corp. v. Friend	Decided	CA9	11/10/09	2/23/10	Breyer	9-0	Vacated and Remanded
Holding: The "principal place of business" of a corporation is the place where its high level officers direct, control, and coordinate its activities, which will usually be its corporate headquarters.								

December Argument Session

Case No.	Case	Status	Court	Argued	Opinion	Author	Vote	Judgment
08-304	Graham County v. US ex rel. Wilson	Decided	CA4	11/30/09	3/30/10	Stevens	7-2	Reversed and Remanded
Holding: Lawsuits under the Federal False Claims Act seeking to recover federal funds that have been misspent are barred if the information used in the lawsuits came from state or local agencies' reports or audits.								
08-905	Merck v. Reynolds	Decided	CA3	11/30/09	4/27/10	Breyer	9-0	Affirmed
Holding: The time for a plaintiff to file a federal securities fraud lawsuit begins to run as soon as a plaintiff discovers, or reasonably should have discovered, all of the facts that make up the violation, including the defendant's intent to defraud.								
08-1119	Milavetz v. US	Decided	CA8	12/1/09	3/8/10	Sotomayor	9-0	Reversed and Remanded
Holding: Federal bankruptcy law prohibits lawyers from advising a debtor to take on more debt when filing for bankruptcy, and certain disclosure requirements do not violate the attorney's free speech rights.								
08-1134	US Aid Funds v. Espinosa	Decided	CA9	12/1/09	3/23/10	Thomas	9-0	Affirmed
Holding: A bankruptcy court has the authority to discharge a student loan debt even if the student has not filed a claim of undue hardship.								
08-1151	Stop the Beach Renourishment v. Florida	Decided	ST-FL	12/2/09	6/17/10	Scalia	8-0	Affirmed
Holding: The Florida Supreme Court held that when the state deposited sand to stop erosion, that land became the state's property. The Supreme Court held that the state had not taken property without just compensation.								
08-861	Free Enterprise Fund v. PCAOB	Decided	CADC	12/7/09	6/28/10	Roberts	5-4	Affirmed in Part, Reversed in Part, and Remanded
Holding: The stipulation that members of the Public Company Accounting Oversight Board can only be removed for good cause by members of the SEC who themselves could only be removed for good cause, is an unconstitutional limitation on the President's removal power. Board members are correctly categorized as inferior officers that can be appointed by the President.								
08-1175	Florida v. Powell	Decided	ST-FL	12/7/09	2/23/10	Ginsburg	7-2	Reversed and Remanded
Holding: Police satisfy the requirements of <i>Miranda v. Arizona</i> when they advise a suspect that he has the right to talk to a lawyer before answering questions and that he can request a lawyer at any point during questioning.								
08-876	Black v. US	Decided	CA7	12/8/09	6/24/10	Ginsburg	9-0	Vacated and Remanded
Holding: The Court's opinion in <i>Skilling v. United States</i> on the scope of the honest services law renders the jury instructions in this case incorrect.								
08-1196	Weyhrauch v. US	Decided	CA9	12/8/09	6/24/10	Per Curiam	9-0	Vacated and Remanded
Holding: Vacated and remanded for further consideration in light of <i>Skilling v. United States</i> .								
08-1198	Stolt-Nielsen S.A. v. AnimalFeeds	Decided	CA2	12/9/09	4/27/10	Alito	5-3	Reversed and Remanded
Holding: When a defendant is alleged to have violated many people's rights, the victims can sometimes bring their claims in court as a group, through a "class action" lawsuit. At the same time, rather than litigate disputes in courts, people sometimes agree to arbitration. In this case, the Supreme Court held that an arbitration may proceed as a class action only if the parties agreed to arbitrate on a class-wide basis.								

January Argument Session

Case No.	Case	Status	Court	Argued	Opinion	Author	Vote	Judgment
132, Orig	Alabama v. North Carolina	Decided	Original	1/11/10	6/1/10	Scalia	7-2	-
Holding: The Court adopts the Special Master's recommendations and overrules all nine exceptions presented by the plaintiffs.								
07-11191	Briscoe v. Virginia	Decided	ST-VA	1/11/10	1/25/10	Per Curiam	9-0	Vacated and Remanded
Holding: Vacated and remanded in light of the Court's decision in <i>Melendez-Diaz v. Massachusetts</i> (2009).								
08-1224	US v. Comstock	Decided	CA4	1/12/10	5/17/10	Breyer	7-2	Reversed and Remanded
Holding: The Court upholds the law passed by Congress to order the civil commitment of a mentally ill federal prisoner who is a sex offender with the commitment to continue beyond the date the inmate otherwise would be released.								
08-645	Abbott v. Abbott	Decided	CA5	1/12/10	5/17/10	Kennedy	6-3	Reversed and Remanded
Holding: A parent has a right of custody under the Hague Convention on child abduction by reason of the parent's ne exeat right. That right is the authority to consent before the other parent can remove a child from the country where the child is living.								
08-661	American Needle v. NFL	Decided	CA7	1/13/10	5/24/10	Stevens	9-0	Reversed
Holding: The federal antitrust laws prohibit some "collective" action by "separate" entities. The Supreme Court held that NFL teams' interactions regarding licensing intellectual property can sometimes be challenged under the Sherman Antitrust Act.								
08-1200	Jerman v. Carlisle	Decided	CA6	1/13/10	4/21/10	Sotomayor	7-2	Reversed and Remanded
Holding: The "bona fide error" defense of the Fair Debt Collection Practices Act does not apply to legal errors.								
08-240	Mac's Shell Serv. v. Shell Oil Products, Co.	Decided	CA1	1/19/10	3/2/10	Alito	9-0	Reversed and Remanded
Holding: A gas station may not sue a former franchisor for "constructive termination" under the Petroleum Marketing Practices Act.								
08-1214	Granite Rock v. Teamsters	Decided	CA9	1/19/10	6/24/10	Thomas	7-2	Affirmed in Part, Reversed in Part, and Remanded
Holding: The dispute between the parties over the date on which their collective bargaining agreement was ratified was an issue to be decided by the district court, not by an arbitrator.								
08-1402	Berghuis v. Smith	Decided	CA6	1/20/10	3/30/10	Ginsburg	9-0	Reversed and Remanded
Holding: Defendants have the right to a trial by a jury selected from a fair cross-section of the community. In this case, in which an African-American man convicted by an all-white jury selected from a pool that contained a very small percentage of African Americans, the Court held that there was not enough evidence of systematic exclusion of African-American jurors from the pool to establish a constitutional violation.								
08-810	Conkright v. Frommert	Decided	CA2	1/20/10	4/21/10	Roberts	5-3	Reversed and Remanded
Holding: When an employee health plan gives the plan administrator the power to resolve ambiguities in the plan's terms, the administrator's interpretation is entitled to deference in court. The Court held that the administrator's right to deference is not lost simply because the administrator previously had a different interpretation of the plan, even if that prior interpretation had been found unreasonable by a court.								

February Argument Session

Case No.	Case	Status	Court	Argued	Opinion	Author	Vote	Judgment
08-1322	Astrue v. Ratliff	Decided	CA8	2/22/10	6/14/10	Thomas	9-0	Reversed and Remanded
Holding: An individual who wins a case against the federal government and recovers attorney's fees can have those offset if that individual owes a debt to the government.								
08-974	Lewis v. City of Chicago	Decided	CA7	2/22/10	5/24/10	Scalia	9-0	Reversed and Remanded
Holding: Federal law sets a short deadline to file a "charge" with the Equal Employment Opportunity Commission to challenge discrimination by an employer, which is a prerequisite to later filing a lawsuit in court. A plaintiff who does not file a timely charge following the <i>adoption</i> of an allegedly discriminatory practice may still file a timely charge challenging the application of the <i>practice</i> .								
08-1498	Holder v. Humanitarian Law Project	Decided	CA9	2/23/10	6/21/10	Roberts	6-3	Affirmed in Part, Reversed in Part, and Remanded
Holding: The federal material support statute is constitutional as applied to the particular kinds of support that the parties in this case seek to provide to foreign terrorist organizations. The Court concludes that, as applied to these individuals and groups, the statute does not violate the free speech clause of the First Amendment.								
08-1569	US v. O'Brien	Decided	CA1	2/23/10	5/24/10	Kennedy	9-0	Affirmed
Holding: The question of whether or not a firearm is a machine gun must be decided unanimously by a jury, not by a judge during sentencing.								
08-1301	Carr v. US	Decided	CA7	2/24/10	6/1/10	Sotomayor	6-3	Reversed and Remanded
Holding: The federal Sex Offender Registration and Notification Act (SORNA) requires defendants who commit certain sex-related offenses to register with state and federal databases. The Court held that a defendant who committed a sex-related offense before SORNA became law is not required to register under the statute.								
08-1341	US v. Marcus	Decided	CA2	2/24/10	5/24/10	Breyer	7-1	Reversed and Remanded
Holding: When a defendant raises an issue on appeal that he did not raise in the district court, that argument is generally subject to "plain error review," which is hard to prove. In this case, the defendant argued for the first time on appeal that he had been unconstitutionally convicted for conduct that occurred before the criminal statute was enacted. The Supreme Court held that this error did not "affect[t] the appellant's substantial rights" or "seriously affect[t] the fairness, integrity or public reputation of judicial proceedings" and therefore did not warrant a new trial.								
08-1470	Berghuis v. Thompkins	Decided	CA6	3/1/10	6/1/10	Kennedy	5-4	Reversed and Remanded
Holding: In order to invoke his <i>Miranda</i> rights, a suspect must "unambiguously" request counsel. If a defendant simply remains silent, police officers may continue to ask questions.								
09-5327	Holland v. Florida	Decided	CA11	3/1/10	6/14/10	Breyer	7-2	Reversed and Remanded
Holding: The 1-year statute of limitations in the Antiterrorism and Effective Death Penalty Act is subject to equitable tolling in appropriate cases.								
08-1394	Skilling v. US	Decided	CA5	3/1/10	6/24/10	Ginsburg	9-0	Affirmed in Part, Reversed in Part, and Remanded
Holding: (1) Pre-trial publicity and community prejudice did not prevent Skilling from having a fair trial. (2) The "honest services" statute covers only bribery and kickback schemes. Part of the opinion vacates the Fifth Circuit's ruling on Skilling's conspiracy conviction. In her dissent, Justice Sotomayor disagrees with the Court's conclusion that Skilling had a fair trial before an impartial jury.								
08-1521	McDonald v. City of Chicago	Decided	CA7	3/2/10	6/28/10	Alito	5-4	Reversed and Remanded
Holding: The constitutional right to keep and bear arms extends to state and local gun laws.								
08-1529	Hui v. Castaneda	Decided	CA9	3/2/10	5/3/10	Sotomayor	9-0	Reversed and Remanded
Holding: Public health service officers and employees are immune from Bivens actions for constitutional harms committed in the line of duty.								
08-1555	Samantar v. Yousuf	Decided	CA4	3/3/10	6/1/10	Stevens	9-0	Affirmed and Remanded
Holding: The Foreign Sovereign Immunities Act (FSIA) does not determine whether or not a foreign official qualifies for immunity from suit.								

March Argument Session

Case No.	Case	Status	Court	Argued	Opinion	Author	Vote	Judgment
08-998	Hamilton v. Lanning	Decided	CA10	3/22/10	6/7/10	Alito	8-1	Affirmed
Holding: Federal law requires that a debtor in a Chapter 13 bankruptcy pay her “projected disposable income” to her creditors during the period of her bankruptcy plan. A bankruptcy court may use a forward-looking approach and consider “known or virtually certain” events to decide future disposable income.								
09-223	Levin v. Commerce Energy	Decided	CA6	3/22/10	6/1/10	Ginsburg	9-0	Reversed and Remanded
Holding: Under the doctrine of comity, a tax payer's lawsuit claiming discriminatory state taxation must proceed originally in state court, even when it is a request to increase the tax burden on a competitor.								
08-1457	New Process Steel v. NLRB	Decided	CA7	3/23/10	6/17/10	Stevens	5-4	Reversed and Remanded
Holding: The National Labor Relations Board, a body that makes rulings on federal labor law, must have at least three members in order to exercise its authority.								
08-1553	Kawasaki v. Regal-Beloit Corp.	Decided	CA9	3/24/10	6/21/10	Kennedy	6-3	Reversed
Holding: The Carmack Amendment does not apply to a shipment that originated overseas under a single through bill of lading. The parties' agreement to litigate their agreement in Japan is binding.								
09-158	Magwood v. Patterson	Decided	CA11	3/24/10	6/24/10	Thomas	5-4	Reversed and Remanded
Holding: The defendant's habeas application is not a “second or successive” petition because it challenges a new judgment for the first time.								
09-338	Renico v. Lett	Decided	CA6	3/29/10	5/3/10	Roberts	6-3	Reversed and Remanded
Holding: The Michigan Supreme Court decision in the case was “reasonable” under federal habeas law, and therefore the Sixth Circuit was wrong in granting habeas relief to Reginald Lett.								
08-1191	Morrison v. National Australia Bank	Decided	CA2	3/29/10	6/24/10	Scalia	9-0	Affirmed
Holding: The statute in question does not provide a cause of action to foreigners who sue foreign and American defendants for misconduct regarding securities trading on a foreign exchange.								
09-6338	Dillon v. US	Decided	CA3	3/30/10	6/17/10	Sotomayor	7-1	Affirmed
Holding: When resentencing a defendant after an amendment to the federal sentencing guidelines, <i>United States v. Booker</i> does not require that a judge treat the sentencing guidelines as advisory.								
09-5201	Barber v. Thomas	Decided	CA9	3/30/10	6/7/10	Breyer	6-3	Affirmed
Holding: The Bureau of Prisons was correct to award good-time credits to prisoners only after time they have served in prison rather than based on the entire length of their sentence.								
09-60	Carachuri-Rosendo v. Holder	Decided	CA5	3/31/10	6/14/10	Stevens	9-0	Reversed
Holding: Second or subsequent crimes of possession of drugs are not aggravated felonies under federal immigration law when the underlying state conviction is not based on the fact that there was a prior conviction.								
08-6261	Robertson v. US ex rel. Watson	DIG	ST-DC	3/31/10	5/24/10	Per Curiam	5-4	-
Dismissed as Improvidently granted.								

April Argument Session

















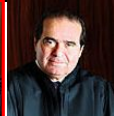








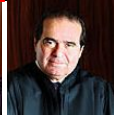























































Case No.	Case	Status	Court	Argued	Opinion	Author	Vote	Judgment
08-1371	Christian Legal Society v. Martinez	Decided	CA9	4/19/10	6/28/10	Ginsburg	5-4	Affirmed and Remanded
Holding: A public law school's policy requiring student groups seeking official recognition and benefits to open their membership and leadership eligibility to all students, including those who do not share their core beliefs about religion and sexual orientation, is a reasonable, viewpoint-neutral condition on access to a limited public forum that does not impair the groups' First Amendment rights to free speech, expressive association, and free exercise of religion.								
08-1332	City of Ontario v. Quon	Decided	CA9	4/19/10	6/17/10	Kennedy	9-0	Reversed and Remanded
Holding: The search of the police officer's text messages to his colleagues and to a woman with whom he was having an affair was reasonable. Therefore the officer's Fourth Amendment rights were not violated.								
09-367	Dolan v. US	Decided	CA10	4/20/10	6/14/10	Breyer	5-4	Affirmed
Holding: A sentencing court that misses the 90-day deadline nonetheless retains the power to order restitution—at least where, as here, that court made clear prior to the deadline's expiration that it would order restitution, leaving open (for more than 90 days) only the amount.								
09-337	Krupski v. Costa Crociere	Decided	CA11	4/21/10	6/7/10	Sotomayor	6-3	Reversed and Remanded
Holding: The determination of whether a party who makes a mistake in identifying the other party being sued may still file her claim in a timely manner depends upon what the party to be added to the case knew or should have known about the dispute.								
09-497	Rent-A-Center v. Jackson	Decided	CA9	4/26/10	6/21/10	Scalia	5-4	Reversed
Holding: Under the Federal Arbitration Act, where an agreement to arbitrate includes an agreement that the arbitrator will determine the enforceability agreement, if a party challenges specifically the enforceability of that particular agreement, the district court considers the challenge, but if a party challenges the enforceability of the agreement as a whole, the challenge is for the arbitrator.								
09-448	Hardt v. Reliance Standard Life Ins.	Decided	CA4	4/26/10	5/24/10	Thomas	9-0	Reversed and Remanded
Holding: A fee claimant need not prevail to recover attorney's fees under ERISA § 502(g)(1). A district court may award fees and costs as long as a claimant has achieved "some degree of success on the merits."								
09-475	Monsanto v. Geertson Seed Farms	Decided	CA9	4/27/10	6/21/10	Alito	7-1	Reversed and Remanded
Holding: The respondents do have standing in the case, and the district court abused its discretion in enjoining the partial deregulation and prohibiting the planting of seed.								
09-559	Doe #1 v. Reed	Decided	CA9	4/28/10	6/24/10	Roberts	8-1	Affirmed
Holding: Disclosure of the information on petitions for ballot referenda does not, as a general matter, violate the First Amendment. However, compelled disclosure of this information is subject to review under the First Amendment. The broad challenge made by the petition-signers in this case must be rejected. Additionally, this does not foreclose success to the petition signers in their narrower challenge to a second count in their case, which is pending before the district court.								

Summary Reversals, Cases Decided without Oral Argument, and Certified Questions

Case No.	Case	Vote	Court	Opinion	Judgment	
08-10495	Corcoran v. Levenhagen	9-0	CA7	10/20/09	Vacated and Remanded	Summary Reversal
Holding: The Seventh Circuit erred in rejecting one part of the district court's ruling and remanding the case without addressing other parts of the ruling.						
09-144	Bobby v. Van Hook	9-0	CA6	11/9/09	Reversed and Remanded	Summary Reversal
Holding: Defendant's counsel met a minimum level of competence under the correct standard.						
08-1263	Wong v. Belmontes	9-0	CA9	11/16/09	Reversed and Remanded	Summary Reversal
Holding: A court must consider both mitigating and aggravating evidence to prove prejudice when a defendant attempts to show that counsel was ineffective under <i>Strickland v. Washington</i> .						
08-10537	Porter v. McCollum	9-0	CA11	11/30/09	Reversed and Remanded	Summary Reversal
Holding: A defendant can show prejudice if his counsel fails to present important mitigating evidence such as mental health, family background, or military service.						
09-91	Michigan v. Fisher	7-2	ST-NV	12/7/09	Reversed and Remanded	Summary Reversal
Holding: Police officers satisfied the requirements of the emergency aid exception to the Fourth Amendment's warrant requirement when they entered a home after they saw that the defendant had seriously cut his hand and was threatening others within his home.						
08-559	McDaniel v. Brown	9-0	CA9	1/11/10	Reversed and Remanded	Decided Without Oral Argument
Holding: A Federal Trial Court erred in using a record developed 11 years after trial to grant a writ of habeas corpus under <i>Jackson v. Virginia</i> .						
09-5270	Presley v. Georgia	7-2	ST-GA	1/19/10	Reversed and Remanded	Summary Reversal
Holding: The Sixth Amendment's right to a public trial extends to the <i>voir dire</i> process. When one party requests closing the proceedings, a court should consider alternatives whether or not the opposing party suggests specific alternatives.						
09-5731	Wellons v. Hall	5-4	CA11	1/19/10	Vacated and Remanded	Summary Reversal
Holding: The case is remanded for further consideration because the lower court could substantively alter its decision based on the Supreme Court's decision in <i>Cone v. Bell</i> on the standards for evidentiary hearings.						
08-10914	Wilkins v. Gaddy	9-0	CA4	2/22/10	Reversed and Remanded	Summary Reversal
Holding: When deciding an prisoner's excessive force claim, a court should consider the nature of the force, not the extent of the resulting injury.						
09-273	Thaler v. Haynes	9-0	CA5	2/22/10	Reversed and Remanded	Summary Reversal
Holding: <i>Batson v. Kentucky</i> and <i>Snyder v. Louisiana</i> do not require a judge to reject a demeanor-based peremptory challenge because she did not personally observe the juror's behavior.						
08-1234	Kiyemba v. Obama	9-0	CADC	3/1/10	Vacated and Remanded	Decided Without Oral Argument
Holding: The judgement of the lower court is vacated because recent developments have altered the legal issue presented.						
09-8852	Jefferson v. Upton	7-2	CA11	5/24/10	Vacated and Remanded	Summary Reversal
Holding: When a state court presumes that certain key facts are correct, a court of appeals should consider all possible exceptions to that presumption of factual correctness.						
09-940	United States v. Juvenile Male	9-0	CA9	6/7/10	-	Certified Question
Holding: In order to evaluate whether or not a case presents a justiciable case or controversy, the Court requests that the Supreme Court of Montana to respond to a question and confirm that there is no controlling appellate decision, constitutional provision, or statute.						
09-8854	Sears v. Upton	5-4	ST-GA	6/29/10	Vacated and Remanded	Summary Reversal
Holding: Counsel's presentation of some mitigating evidence should not prevent an inquiry into whether or not the evidence was deficient and may have prejudiced the defendant.						



















































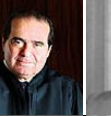










SCOTUSblog Final Stats OT09

Supreme Court Voting Lineups in October Term 2009
Majorities of 5
Organized by Decision Date

	Petitioner	Respondent	Decided	Author	Ginsburg	Stevens	Breyer	Sotomayor	Kennedy	Roberts	Alito	Scalia	Thomas	Vote	
1	<i>Sears</i>	<i>Upton</i>	6.29.10	Per Curiam										5	4
2	<i>McDonald</i>	<i>City of Chicago</i>	6.28.10	Alito										5	4
3	<i>Free Enterprise Fund</i>	<i>Public Company Accounting Oversight Board</i>	6.28.10	Roberts										5	4
4	<i>Christian Legal Society</i>	<i>Martinez</i>	6.28.10	Ginsburg										5	4
5	<i>Magwood</i>	<i>Patterson</i>	6.24.10	Thomas										5	4
6	<i>Rent-A-Center</i>	<i>Jackson</i>	6.21.10	Scalia										5	4
7	<i>New Process Steel</i>	<i>National Labor Relations Board</i>	6.17.10	Stevens										5	4
8	<i>Dolan</i>	<i>United States</i>	6.14.10	Breyer										5	4
9	<i>Berghuis</i>	<i>Thompkins</i>	6.1.10	Kennedy										5	4

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	Petitioner	Respondent	Decided	Author	Ginsburg	Stevens	Breyer	Sotomayor	Kennedy	Roberts	Alito	Scalia	Thomas	Vote	
10	<i>Salazar</i>	<i>Buono</i>	4.28.10	Kennedy										5	4
11	<i>Stolt-Nielson, S.A.</i>	<i>AnimalFeeds International Corp.</i>	4.27.10	Alito										5	3
12	<i>Conkright</i>	<i>Frommert</i>	4.21.10	Roberts										5	3
13	<i>Perdue</i>	<i>Kenny A.</i>	4.19.10	Alito										5	4
14	<i>Shady Grove Orthopedics Associates</i>	<i>Allstate Insurance Co.</i>	3.31.10	Scalia										5	4
15	<i>South Carolina</i>	<i>North Carolina</i>	1.20.10	Alito										5	4
16	<i>Wellons</i>	<i>Hall</i>	1.19.10	Per Curiam										5	4
All 5-4 Majority Votes					4	7	6	6	11	9	10	11	11		