

Stat Pack for October Term 2016

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Summary of the Term

Total Merits Opinions Released	69
+ Signed opinions after oral argument	62
+ Summary reversals	7
Total Merits Opinions Expected	69
+ Petitions granted and set for argument	67
+ Summary reversals	7
- Cases dismissed before oral argument	-3
- Cases restored to the calendar for OT17	-2
Cases Set for Argument During OT17	28

* You can find past Stat Packs here: <http://www.scotusblog.com/reference/stat-pack/>. A few matters regarding our methodology are worth mentioning at the outset. First, SCOTUSblog treats consolidated cases as a single case, as determined by the case with the lowest docket number (prior to the release of an opinion) or the case that is captioned with an opinion. To the extent that two cases are argued separately but later decided with only one opinion, we will remove one of the cases from this Stat Pack, except to include it in the Pace of Grants chart to maintain cross-conference comparisons. The most unusual way we manage these later-consolidated cases is to merge the oral-argument data for the two cases. We combine the questions asked by each justice in the separate oral argument proceedings into one “consolidated” session. Second, this Stat Pack frequently uses the term “merits opinions,” “merits docket,” or “merits cases.” Those three terms are used interchangeably, and signify the set of cases decided “on the merits.” Those cases include signed opinions after oral argument (the bulk of all merits cases), most per curiam opinions released after oral arguments, summary reversals (cases decided with per curiam opinions after the certiorari stage), and cases decided by an equally divided (4-4) court. Cases that are dismissed as improvidently granted are not included in our tally of merits cases.

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Opinions by Sitting

	October	November	December	January	February	March	April	Decided	Argued
Roberts	1	1	-	2	1	2	1	JGR	8
Kennedy	1	1	1	1	1	1	2	AMK	8
Thomas	1	1	1	-	1	1	2	CT	7
Ginsburg	1	1	1	1	1	1	2	RBG	8
Breyer	1	2	1	1	-	2	1	SGB	8
Alito	1	1	-	1	-	2	2	SAA	7
Sotomayor	1	1	1	1	1	1	1	SMS	7
Kagan	1	1	1	1	1	1	1	EK	7
Gorsuch	-	-	-	-	-	-	1	NMG	1
	Decided: 8	Decided: 9	Decided: 6 Restored: 1	Decided: 8 Restored: 1	Decided: 7	Decided: 11	Decided: 13	Decided: 62	Argued: 64
	<i>Bravo-Fernandez</i> RBG	<i>Star Athletica</i> CT	<i>Beckles</i> CT	<i>Nelson</i> RBG	<i>McLane</i> SMS	<i>Murr</i> AMK	<i>Cal. Public</i> AMK		
	<i>Shaw</i> SGB	<i>Fry</i> EK	<i>Moore</i> RBG	<i>Lewis</i> SMS	<i>Hernandez</i> PC	<i>Howell</i> SGB	<i>Perry</i> RBG		
	<i>Manuel</i> EK	<i>SCA Hygiene</i> SAA	<i>Jennings</i> —	<i>Expressions</i> JGR	<i>Kindred</i> EK	<i>Microsoft</i> RBG	<i>Chester</i> SAA		
	<i>Salman</i> SAA	<i>State Farm</i> AMK	<i>Bethune-Hill</i> AMK	<i>Goodyear</i> EK	<i>Packingham</i> AMK	<i>Impression</i> JGR	<i>Henson</i> NMG		
	<i>Buck</i> JGR	<i>Helmerich</i> SGB	<i>Harris</i> EK	<i>Andrew F.</i> JGR	<i>Esquivel</i> CT	<i>Water Splash</i> SAA	<i>Kokesh</i> SMS		
	<i>Samsung</i> SMS	<i>NLRB</i> JGR	<i>Life Techs.</i> SMS	<i>Dimaya</i> —	<i>Dean</i> JGR	<i>Mendez</i> SAA	<i>Trinity</i> JGR		
	<i>Pena-Rodriguez</i> AMK	<i>Lightfoot</i> SMS	<i>Czyzewski</i> SGB	<i>Midland</i> SGB	<i>Coventry</i> RBG	<i>Advocate</i> EK	<i>Weaver</i> AMK		
	<i>Manrique</i> CT	<i>BoA</i> SGB		<i>Tam</i> SAA		<i>TC Heartland</i> CT	<i>McWilliams</i> SGB		
		<i>Morales-Santana</i> RBG		<i>Ziglar</i> AMK		<i>Lee</i> JGR	<i>Davila</i> CT		
						<i>Honeycutt</i> SMS	<i>BNSF</i> RBG		
						<i>Turner</i> SGB	<i>Bristol-Myers</i> SAA		
							<i>Sandoz</i> CT		
							<i>Maslenjak</i> EK		

* Two cases, *Jennings v. Rodriguez*, and *Sessions v. Dimaya*, were argued and then restored to the calendar for OT17.

Circuit Scorecard

October Term 2016

	Number	Percent	Decided	Aff'd	Rev'd	Aff'd %	Rev'd %
CA1	1	1%	1	1	0	100%	0%
CA2	5	7%	5	1	4	20%	80%
CA3	2	3%	2	0	2	0%	100%
CA4	2	3%	2	1	1	50%	50%
CA5	4	6%	4	2	2	50%	50%
CA6	7	10%	7	1	6	14%	86%
CA7	2	3%	2	0	2	0%	100%
CA8	2	3%	2	0	2	0%	100%
CA9	8	11%	8	1	7	13%	88%
CA10	3	4%	3	0	3	0%	100%
CA11	5	7%	5	2	3	40%	60%
CA DC	3	4%	3	1	2	33%	67%
CA Fed	7	10%	7	1	6	14%	86%
State	17	24%	17	3	14	18%	82%
Dist. Court	3	4%	3	1	2	33%	67%
Original	-	-		N/A	N/A	N/A	N/A
	71	100%	71	15	56	21%	79%

October Term 2017

	Number	Percent
CA1	-	-
CA2	3	11%
CA3	1	4%
CA4	1	4%
CA5	2	7%
CA6	3	11%
CA7	4	14%
CA8	-	-
CA9	5	18%
CA10	-	-
CA11	1	4%
CA DC	2	7%
CA Fed	2	7%
State	3	11%
Dist. Court	1	4%
Original	-	-
	28	100%

* For the circuit scorecards only, we treated certain consolidated cases as separate decisions rather than as one. For consolidated cases that stemmed from different lower court decisions, such as the cases consolidated as *Advocate Health Care v. Stapleton*, we counted the cases separately on this table to most accurately reflect the Supreme Court's treatment of the precedents below. For cases that were consolidated in the court below, such as the three petitions from the U.S. Court of Appeals for the Second Circuit in *Ziglar v. Abbasi*, *Ashcroft v. Abbasi*, and *Hasty v. Abbasi*, we counted the Supreme Court's decision only once. Throughout the rest of the Stat Pack consolidated cases are uniformly treated as a single case.

Circuit Scorecard

This chart features affirmance and reversal rates for each circuit and each justice. The first number is the number of times a particular justice voted to affirm a decision of the court below and the second number is the number of times that justice voted to vacate or reverse the decision below.

	Roberts	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Total Votes	Overall Decisions
CA1	1 - 0	1 - 0	1 - 0	1 - 0	1 - 0	1 - 0	1 - 0	1 - 0	0 - 0	8 - 0	1 - 0
CA2	1 - 4	1 - 4	1 - 4	1 - 4	1 - 4	1 - 4	0 - 4	0 - 4	1 - 1	7 - 33	1 - 4
CA3	0 - 2	0 - 2	1 - 1	0 - 2	0 - 2	1 - 1	0 - 2	0 - 2	0 - 0	2 - 14	0 - 2
CA4	1 - 1	1 - 1	1 - 1	1 - 1	1 - 1	1 - 1	1 - 1	1 - 1	1 - 1	9 - 9	1 - 1
CA5	2 - 2	2 - 2	4 - 0	2 - 2	2 - 2	3 - 1	1 - 3	1 - 3	1 - 0	18 - 15	2 - 2
CA6	1 - 6	0 - 7	2 - 5	1 - 6	0 - 7	2 - 5	1 - 6	1 - 6	0 - 2	8 - 50	1 - 6
CA7	0 - 2	0 - 2	1 - 1	0 - 2	0 - 2	1 - 1	0 - 2	0 - 2	0 - 0	2 - 14	0 - 2
CA8	0 - 2	0 - 2	0 - 2	1 - 1	0 - 2	0 - 2	1 - 1	0 - 2	0 - 1	2 - 15	0 - 2
CA9	1 - 7	1 - 7	1 - 7	2 - 6	1 - 7	1 - 7	1 - 7	1 - 7	0 - 0	9 - 55	1 - 7
CA10	0 - 3	0 - 3	0 - 3	0 - 3	0 - 3	0 - 3	0 - 3	0 - 3	0 - 1	0 - 25	0 - 3
CA11	3 - 2	2 - 3	3 - 2	2 - 3	2 - 3	3 - 2	2 - 3	2 - 2	1 - 0	20 - 20	2 - 3
CA DC	1 - 2	1 - 2	2 - 1	0 - 3	1 - 2	1 - 2	0 - 3	1 - 2	1 - 0	8 - 17	1 - 2
CA Fed.	1 - 5	1 - 6	1 - 6	2 - 5	2 - 5	1 - 6	1 - 6	1 - 6	0 - 1	10 - 46	1 - 6
State Ct.	4 - 13	3 - 14	7 - 10	2 - 15	2 - 15	5 - 12	4 - 13	1 - 16	2 - 2	30 - 110	3 - 14
Dist. Court	0 - 3	0 - 3	1 - 2	1 - 2	1 - 2	0 - 3	1 - 2	1 - 2	0 - 1	5 - 20	1 - 2
Original	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0
	16 - 54	13 - 58	26 - 45	16 - 55	14 - 57	21 - 50	14 - 56	11 - 58	7 - 10	138 - 443	15 - 56

Merits Cases by Vote Split

9-0 41 (59%)	8-1 6 (9%)	7-2 12 (17%)	6-3 3 (4%)	5-4 7 (10%)
Bosse v. Oklahoma (PC) (8-0) Bravo-Fernandez v. U.S. (8-0) State Farm v. U.S. ex rel. Rigsby (8-0) Salman v. U.S. (8-0) Samsung v. Apple (8-0) Shaw v. U.S. (8-0) White v. Pauly (PC) (8-0) Lightfoot v. Cendant (8-0) Life Technologies v. Promega (7-0) Fry v. Napoleon Comm. Schs. (8-0) Bethune-Hill v. Bd. of Elections (8-0) Beckles v. U.S. (7-0) Rippo v. Baker (PC) (8-0) Andrew F. v. Douglas Cty. Sch. Dist. (8-0) Expressions v. Schneiderman (8-0) Dean v. U.S. (8-0) Coventry Health v. Nevils (8-0) Goodyear Tire v. Haeger (8-0) Lewis v. Clark (8-0) Venezuela v. Helmerich (8-0) BoA v. Miami (8-0) Howell v. Howell (8-0) TC Heartland v. Kraft (8-0) Water Splash v. Menon (8-0) Esquivel-Quintana v. Sessions (8-0) BNSF Railway v. Tyrrell LA Cty. v. Mendez (8-0) Chester v. Laroe Honeycutt v. U.S. (8-0) Kokesh v. SEC Advocate v. Stapleton (8-0) N.C. v. Covington (PC) Sandoz v. Amgen Microsoft v. Baker (8-0) Sessions v. Morales-Santana (8-0) Henson v. Santander Virginia v. LeBlanc (PC) Packingham v. N.C. (8-0) Matal v. Tam (8-0) Jenkins v. Hutton (PC) Maslenjak v. U.S.	SCA Hygiene v. First Quality (7-1) McLane v. EEOC (7-1) Nelson v. Colorado (7-1) Kindred v. Clark (7-1) Impression v. Lexmark (7-1) Bristol-Myers v. Superior Ct.	Buck v. Davis (6-2) NLRB v. SW General (6-2) Manuel v. Joliet (6-2) Star Athletica v. Varsity Brands (6-2) Czyzewski v. Jevic Holding (6-2) Manrique v. U.S. (6-2) Ziglar v. Abbasi (4-2) Weaver v. Massachusetts Turner v. U.S. (6-2) Lee v. U.S. (6-2) Perry v. MSPB Trinity v. Pauley	Midland v. Johnson (5-3) Hernandez v. Mesa (PC) (5-3) Pavan v. Smith (PC)	Pena-Rodriguez v. Colorado (5-3) Moore v. Texas (5-3) Cooper v. Harris (5-3) McWilliams v. Dunn Murr v. Wisconsin (5-3) Cal. Public Employees' v. ANZ Davila v. Davis

Past Terms					
	9-0	8-1	7-2	6-3	5-4
OT10	46%	12%	15%	5%	20%
OT11	45%	11%	8%	17%	20%
OT12	49%	5%	9%	8%	29%
OT13	66%	3%	10%	8%	14%
OT14	41%	7%	12%	15%	26%
OT15	48%	11%	20%	11%	5%
Avg.	49%	8%	12%	11%	19%

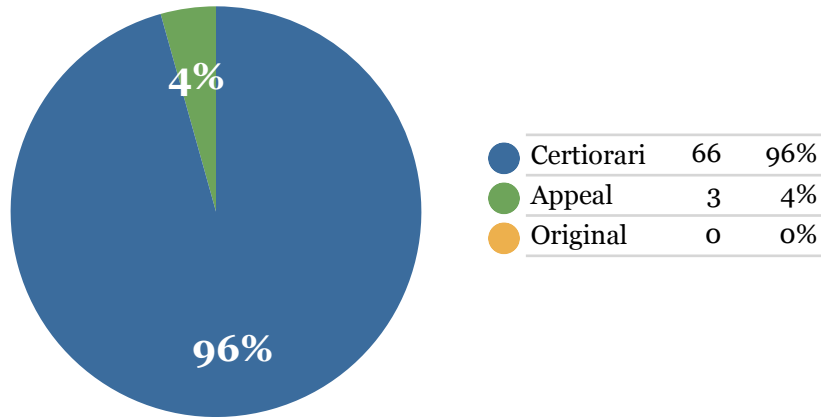
* We treat cases with eight or fewer votes as if they were decided by the full court. For 8-0, 7-1, and 6-2 decisions, we simply assume that the recused justice would have joined the majority. In cases that are decided 5-3, we would look at each case individually to decide whether it was more likely that the recused justice would join the majority or the dissent. Our assumption that nine justices voted in each case applies only to figures that treat each case as a whole, like the chart above, and not to figures that focus on the behavior of individual justices, like our Justice Agreement charts.

** For cases that are decided by a 5-4 vote, we provide information about whether the majority was made up of the most common conservative bloc (Roberts, Kennedy, Thomas, Alito and Gorsuch), the most common liberal bloc (Kennedy, Ginsburg, Breyer, Sotomayor and Kagan), or a more uncommon alignment. A conservative line-up is marked with a red square, a liberal line-up is marked with a blue square, and all others are marked with a yellow square.

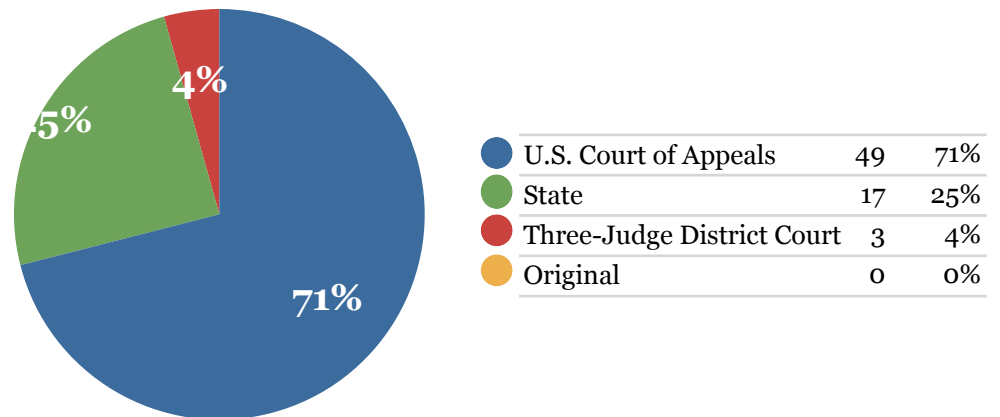
Make-Up of the Merits Docket

The following charts depict different characteristics of the cases that were released with merits opinions. These charts include information about cases disposed of with signed opinions, summary reversals, or affirmances by an equally divided court.

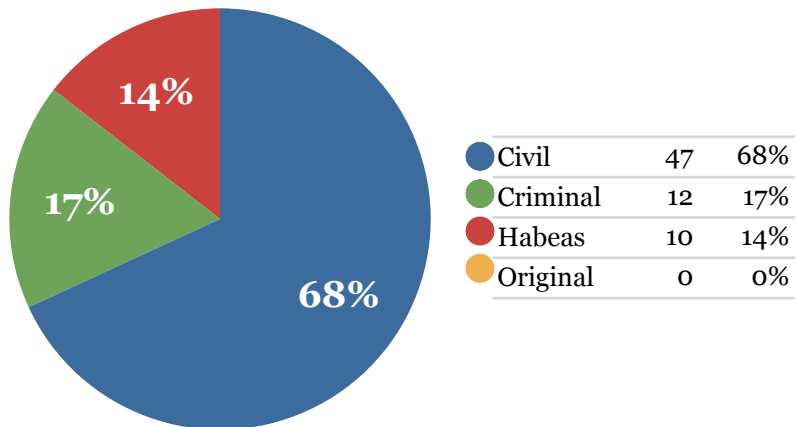
Source of Jurisdiction



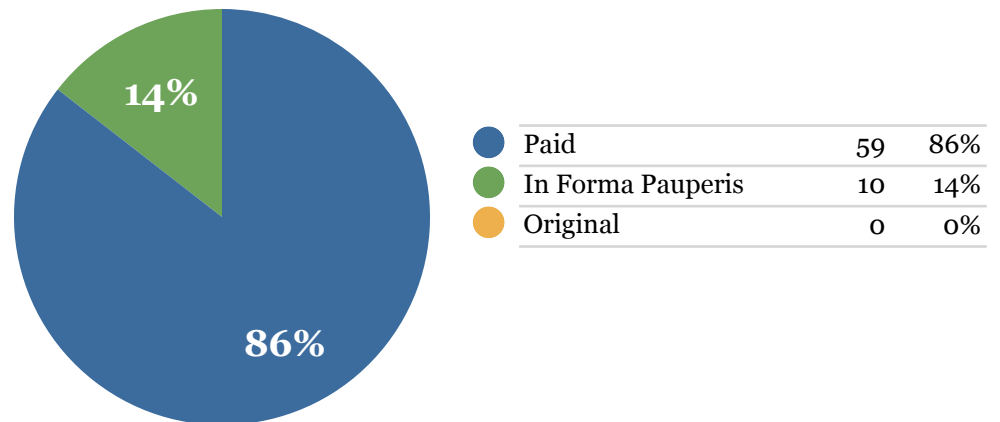
Court Below



Nature



Docket*

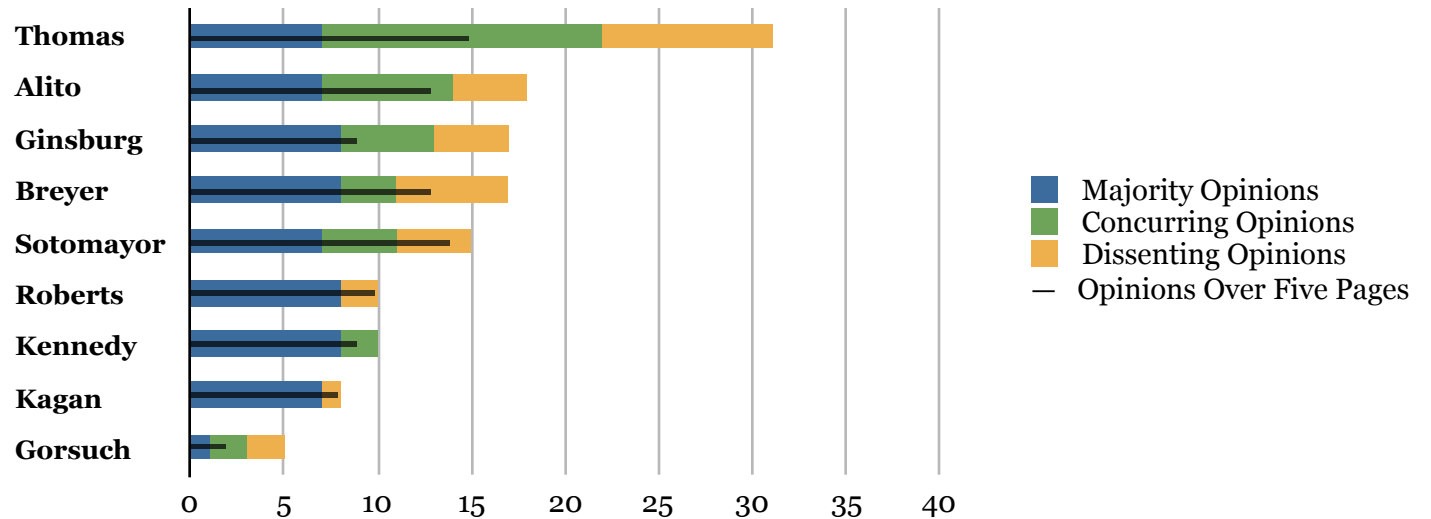


* Technically, all paid and in forma pauperis cases have been on the same docket since 1971, with paid cases beginning each year with case number 1, and IFP cases beginning at number 5001. Accordingly, the first paid case of this term was numbered 15-1 and the first IFP case was numbered 15-5001. Original cases remain on a separate docket and follow a separate numbering convention. For more information on the dockets, see EUGENE GRESSMAN ET AL., SUPREME COURT PRACTICE 55-56 (9th ed. 2007).

Total Opinion Authorship

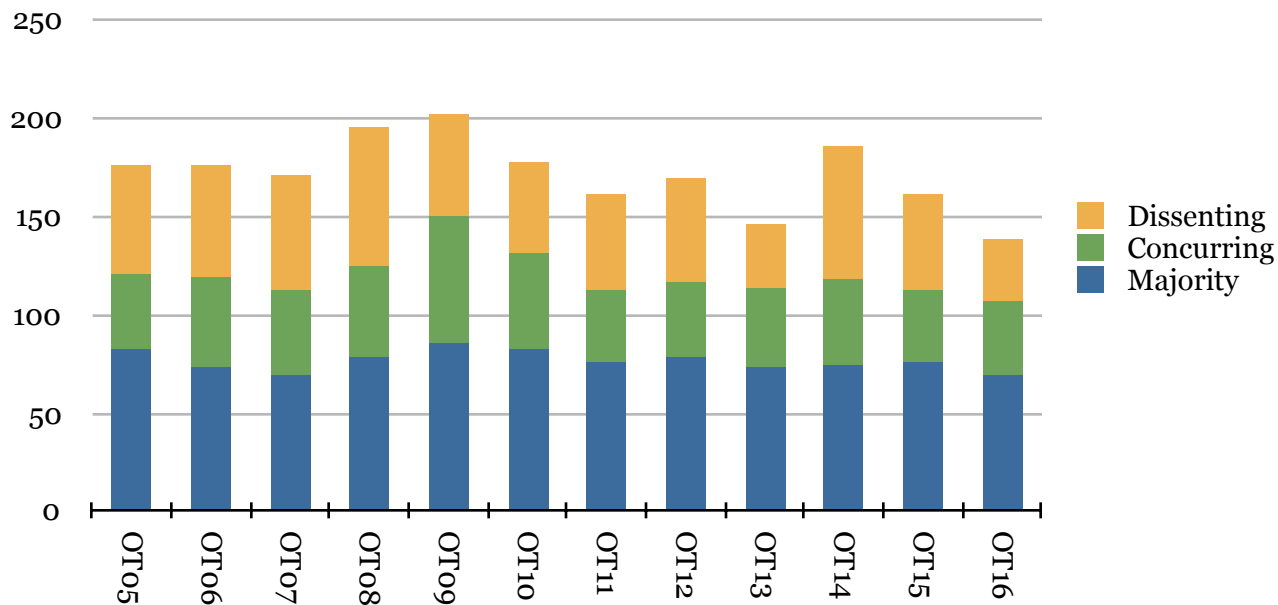
The number of opinions five pages or longer is included in parentheses and represented by a black line in the chart below.

	Total Opinions	Majority Opinions	Concurring Opinions	Dissenting Opinions
Roberts	10 (10)	8 (8)	- (-)	2 (2)
Kennedy	10 (9)	8 (8)	2 (1)	- (-)
Thomas	31 (15)	7 (7)	15 (4)	9 (4)
Ginsburg	17 (9)	8 (8)	5 (0)	4 (1)
Breyer	17 (13)	8 (8)	3 (0)	6 (5)
Alito	18 (13)	7 (7)	7 (2)	4 (4)
Sotomayor	15 (14)	7 (7)	4 (3)	4 (4)
Kagan	8 (8)	7 (7)	- (-)	1 (1)
Gorsuch	5 (2)	1 (1)	2 (0)	2 (1)
Per Curiam	8 (5)	8 (5)	- (-)	- (-)
	139 (98)	69 (66)	38 (10)	32 (22)



Total Opinions Over Time

Term	Majority Opinions	Concurring Opinions	Dissenting Opinions	Total Opinions
OT05	82	39	56	177
OT06	73	46	57	176
OT07	69	43	59	171
OT08	79	46	71	196
OT09	86	65	51	202
OT10	82	49	47	178
OT11	76	37	48	161
OT12	78	39	52	169
OT13	73	41	32	146
OT14	74	44	68	186
OT15	76	36	50	162
OT16	69	38	32	139
Average	76	44	52	172



Opinions Authored by Each Justice

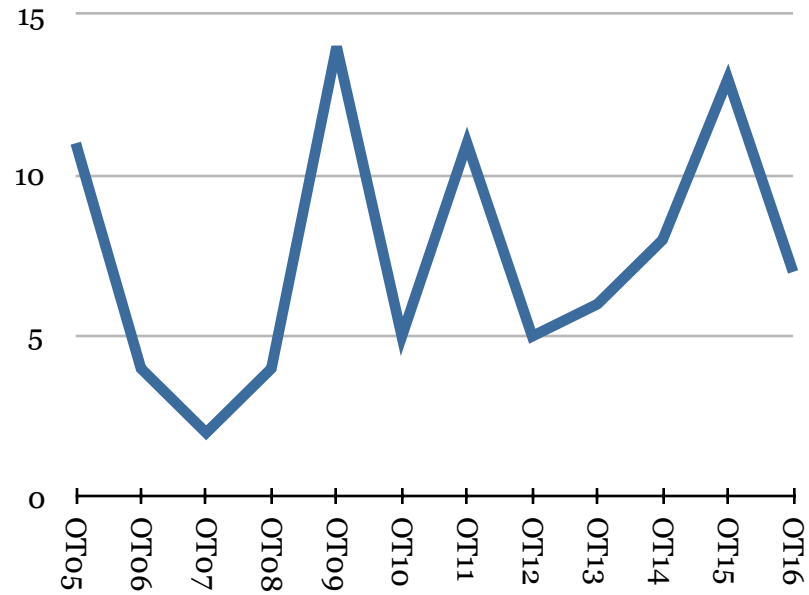
		Roberts	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	PC	
Majority Opinions	1	Buck	State Farm	Beckles	Bravo-Fernandez	Shaw	Salman	Samsung	Fry	Henson	Bosse	69
	2	NLRB	Bethune-Hill	Star Athletica	Moore	Czyzewski	SCA Hygiene	Lightfoot	Manuel		White	
	3	Andrew F.	Pena-Rodriguez	Manrique	Coventry	Helmerich	Water Splash	Life Techs.	Goodyear		Rippo	
	4	Expressions	Packingham	TC Heartland	Nelson	BoA	Mendez	McLane	Kindred		Covington	
	5	Dean	Ziglar	Esquivel	BNSF	Howell	Chester	Lewis	Harris		LeBlanc	
	6	Impression	Weaver	Sandoz	Microsoft	Midland	Tam	Honeycutt	Advocate		Hutton	
	7	Lee	Murr	Davila	Morales-Santana	McWilliams	Bristol-Myers	Kokesh	Maslenjak		Hernandez	
	8	Trinity	Cal. Public		Perry	Turner					Pavan	
	9											
	10											
	11											
	12											
	13											
	14											
	15											
	16											
Concurring Opinions	1		Beckles	Bosse	White	Expressions	Life Techs.	Beckles		Maslenjak	38	
	2		Tam	Bravo-Fernandez	Beckles	Sandoz	Fry	Expressions		Trinity		
	3			Bethune-Hill	Star Athletica	Trinity	Bethune-Hill	BNSF				
	4			NLRB	Lewis		Nelson	Advocate				
	5			Coventry	LeBlanc		Packingham					
	6			Lewis			Weaver					
	7			BoA			Maslenjak					
	8			Howell								
	9			Harris								
	10			Microsoft								
	11			Morales-Santana								
	12			Ziglar								
	13			Tam								
	14			Weaver								
	15			Trinity								
	16											
Dissenting Opinions	1	Moore		Buck	McLane	SCA Hygiene	Pena-Rodriguez	NLRB	Turner	Perry	32	
	2	Murr		Pena-Rodriguez	Manrique	Star Athletica	Manuel	Midland		Pavan		
	3			Manuel	Impression	Ziglar	Harris	Bristol-Myers				
	4			Czyzewski	Cal. Public	Weaver	McWilliams	Trinity				
	5			Nelson		Davila						
	6			Kindred		Hernandez						
	7			Lee								
	8			Murr								
	9			Hernandez								
	10											
	11											
	12											
	13											
	14											
	15											
	16											
17												
18												
19												
20												
Total		10	10	31	17	17	18	15	8	5	8	139

Workload - Slip Pages Released Each Week

		October			November			December			January			February			March			April			May			June				Total
		#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#4	
JGR	Majority												26			34	11	8								13	15	125		
	Concurring																												-	
	Dissenting															16											14		30	
Total													26			34	27	8						18			27	15	155	
AMK	Majority							10						17	21											80	17	145		
	Concurring														1												8	9		
	Dissenting																											-		
Total								10					17	22												88	17	154		
CT	Majority													13	17			9			10	12			18		16	95		
	Concurring		1				2						9		8			1	1	11		2			6	9	2	53		
	Dissenting											12		6	3			6				1				12	1	41		
Total			1				2				12	9	19	28			16	1	11		2	12	12		24	21	19	189		
RBG	Majority							19								18			22			13			45	17	134			
	Concurring								1				2	3					1						1			8		
	Dissenting																1	3				3					5	12		
Total							19		1			2	3	18	1	25	1					16			46	17	5	154		
SGB	Majority								9						18				29		19				31			106		
	Concurring															3								1		2	6			
	Dissenting													24											28	16	68			
Total							9						42	3				29	19					1	59	18	180			
SAA	Majority							12							16						12	11	9		38			98		
	Concurring												3	1				10							17			31		
	Dissenting														22	13						34			19			88		
Total							12					3	1	22	29			10				46	11	9	74			217		
SMS	Majority							9			16			11										22				82		
	Concurring													13										5		3		32		
	Dissenting														11								11			11	27	60		
Total							9		16		11		13	11	11	12		12				11		5	25	11	27	174		
EK	Majority													20									10	34		15	16	123		
	Concurring																											-		
	Dissenting																									6		6		
Total													20			15		13				10	34		15	22		129		
NMG	Majority																								11			11		
	Concurring																											5		
	Dissenting																									2	3	15		
Total																										11	14	6	31	

Summary Reversals

Term	Summary Reversals
OT05	11
OT06	4
OT07	2
OT08	4
OT09	14
OT10	5
OT11	11
OT12	5
OT13	6
OT14	8
OT15	13
OT16	7
Average	7

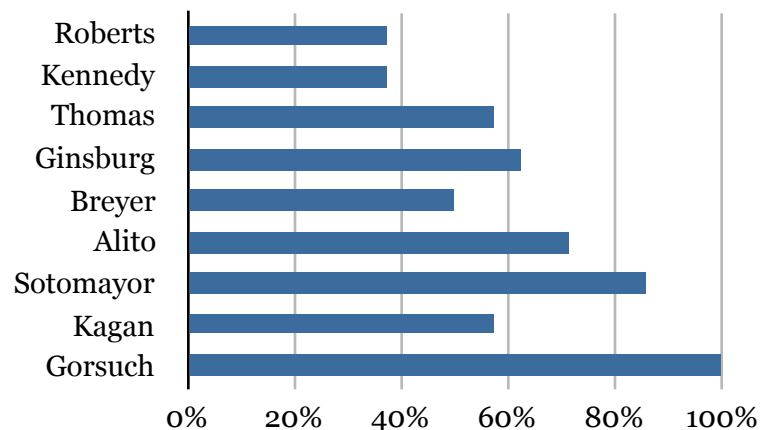


Majority Opinion Authorship

Majority Opinions Authored

	Total	9-0	8-1	7-2	6-3	5-4	Average Strength of the Majority
Roberts	8	3	1	4	-	-	7.9
Kennedy	8	3	-	2	-	3	7.0
Thomas	7	4	-	2	-	1	7.9
Ginsburg	8	5	1	1	-	1	8.1
Breyer	8	4	-	2	1	1	7.6
Alito	7	5	2	-	-	-	8.7
Sotomayor	7	6	1	-	-	-	8.9
Kagan	7	4	1	1	-	1	8.0
Gorsuch	1	1	-	-	-	-	9.0
	61	35	6	12	1	7	8.0

Percentage of Majority Opinions Decided with Unanimous Judgment



Authorship as a Percentage of Similar Opinions

	9-0	8-1	7-2	6-3	5-4
Roberts	9%	17%	33%	-	-
Kennedy	9%	-	17%	-	43%
Thomas	11%	-	17%	-	14%
Ginsburg	14%	17%	8%	-	14%
Breyer	11%	-	17%	100%	14%
Alito	14%	33%	-	-	-
Sotomayor	17%	17%	-	-	-
Kagan	11%	17%	8%	-	14%
Gorsuch	3%	-	-	-	-
	100% (35)	100% (6)	100% (12)	100% (1)	100% (7)

Days Between Argument and Opinion

Majority Opinion Author	Days
Gorsuch	55d
Sotomayor	67d
Alito	84d
Roberts	85d
Ginsburg	90d
Kennedy	95d
Thomas	98d
Breyer	105d
Kagan	108d
	92d

Strength of the Majority

Argument Sitting	Decided	9-0	8-1	7-2	6-3	5-4	Average Strength of the Majority	Number of Opinions Per Case
October	8	4	-	3	-	1	7.8	1.9
November	9	6	1	2	-	-	8.4	1.9
December	6	3	-	1	-	2	7.3	2.7
January	8	5	1	1	1	-	8.3	2.4
February	7	4	2	-	1	-	8.3	1.9
March	11	7	1	2	-	1	8.2	1.7
April	13	6	1	3	-	3	7.5	2.2
Summary Reversal	7	6	-	-	1	-	8.6	1.6
	69	41	6	12	3	7	8.0	2.0

Cases Affirmed by an Equally Divided Court

Term	Total
OT05	0
OT06	0
OT07	2
OT08	0
OT09	0
OT10	2
OT11	0
OT12	0
OT13	0
OT14	0
OT15	4
OT16	0
Average	0.7

Recusals

Justice	Total
Kagan	2
Roberts	1
Sotomayor	1
Kennedy	-
Thomas	-
Ginsburg	-
Breyer	-
Alito	-
Gorsuch	-
	4

Solo Dissents

Justice	Total (OT16)	Average* (OT05-OT15)
Thomas	2	2.2
Ginsburg	2	0.9
Breyer	1	0.3
Sotomayor	1	1.0
Roberts	-	0.0
Kennedy	-	0.1
Alito	-	0.5
Kagan	-	0.0
Gorsuch	-	N/A
	6	6.3

* Averages consider only the terms during which a justice served on the court.

Unanimity

To take a closer look at unanimity at the court, we created three distinct measures of unanimity. The measures of unanimity are defined as follows:

Measure #1: When all justices simply voted for the same judgment – i.e., whether to affirm or reverse the judgment below. This is the broadest measure of unanimity because it allows for justices to write separate opinions – and sometimes even conflicting ones – as long as each justice voted to affirm or reverse the decision below.

Measure #2: When all justices joined some part of the same majority opinion, but one or more justices (1) wrote separately to state an individual position or (2) did not join the majority opinion in full.

Measure #3: When all justices joined a single majority opinion in full, and without any justices writing separate concurring opinions. This is the narrowest measure of unanimity because it requires that the justices agree in full and without any written reservations or additions.

	Measure #3	<i>All Justices In Total Agreement</i>	21	30%
	Measure #2	<i>All Justices Join The Majority Opinion</i>	29	42%
	Measure #1	<i>All Justices Vote For the Same Judgment</i>	41	59%

Divided	<i>Justices Disagree On Whether To Affirm, Reverse, Or Vacate The Decision Below</i>	28	41%
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* Note that Measure #2 incorporates the cases captured in Measure #1, just as Measure #3 captures those cases included in Measures #1 and #2. For more information on our measures of unanimity, see Kedar S. Bhatia, *A Few Notes On Unanimity*, SCOTUSBLOG (July 10, 2014 10:40 AM), <http://www.scotusblog.com/2014/07/a-few-notes-on-unanimity/>.

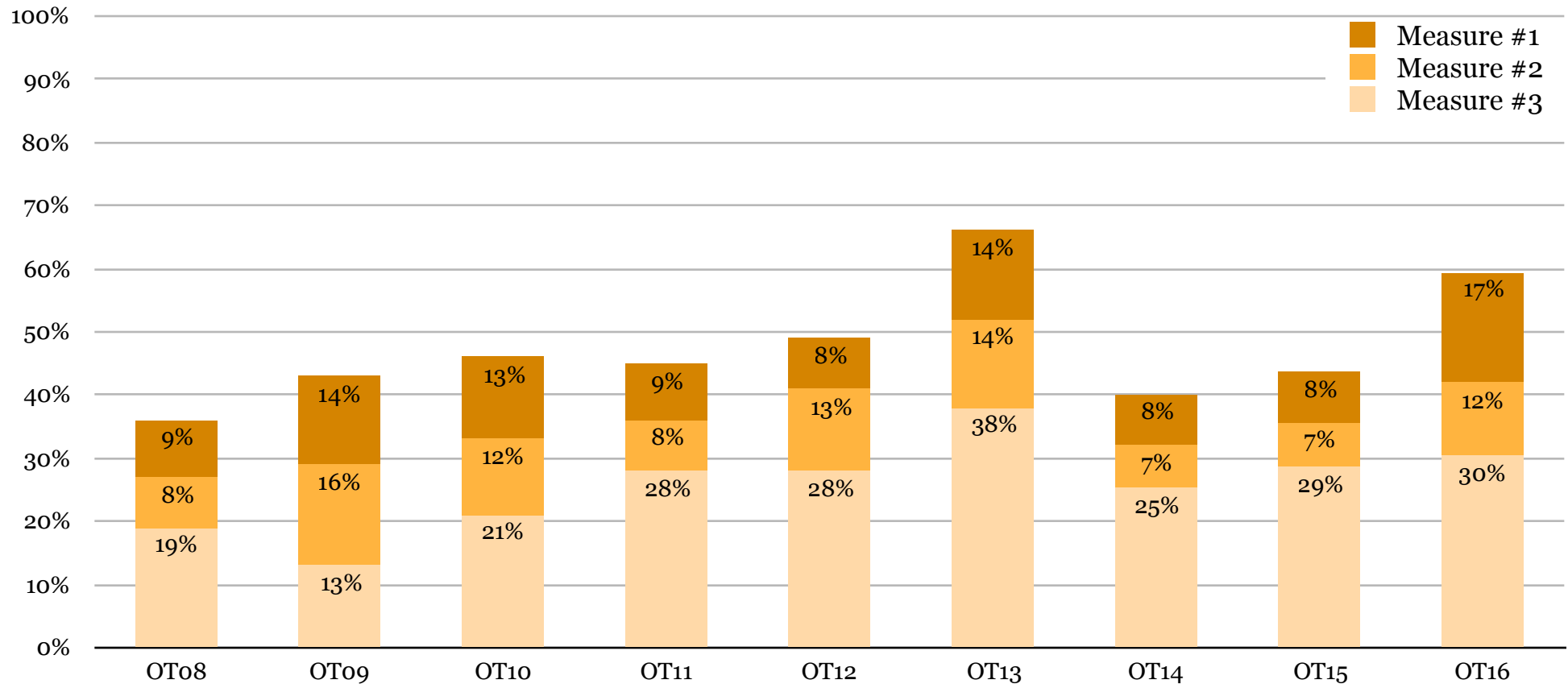
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Frequency in the Majority

The following charts measure how frequently each justice has voted with the majority during October Term 2016. The charts include summary reversals but do not include cases that were dismissed.

All Cases

Justice	Votes	Frequency in Majority		OT15	OT14	OT13	OT12	OT11	OT10
Kennedy	71	69	97%	98%	88%	92%	91%	93%	94%
Roberts	70	65	93%	92%	80%	92%	86%	92%	91%
Kagan	69	64	93%	95%	85%	92%	81%	82%	81%
Breyer	71	64	90%	94%	92%	88%	83%	76%	79%
Sotomayor	70	63	90%	83%	89%	82%	79%	80%	81%
Alito	71	61	86%	84%	72%	88%	79%	83%	86%
Ginsburg	71	60	85%	88%	86%	85%	79%	70%	74%
Gorsuch	17	14	82%	-	-	-	-	-	-
Thomas	71	58	82%	72%	61%	88%	79%	86%	88%

Divided Cases

Justice	Votes	Frequency in Majority		OT15	OT14	OT13	OT12	OT11	OT10
Kennedy	30	28	93%	96%	80%	84%	83%	88%	88%
Roberts	30	25	83%	84%	66%	76%	73%	86%	83%
Kagan	29	24	83%	91%	75%	75%	63%	67%	67%
Breyer	30	23	77%	89%	86%	64%	67%	57%	60%
Sotomayor	29	22	76%	68%	82%	46%	59%	64%	64%
Alito	30	20	67%	70%	52%	63%	59%	69%	74%
Ginsburg	30	19	63%	78%	77%	56%	60%	45%	50%
Gorsuch	8	5	63%	-	-	-	-	-	-
Thomas	30	17	57%	49%	34%	64%	60%	74%	76%

5-4 Cases

Alignment of the Majority

Majority	7	Cases
Kennedy, Ginsburg, Breyer, Sotomayor, Kagan	4	<i>Pena-Rodriguez, Moore, McWilliams, Murr</i>
Roberts, Kennedy, Thomas, Alito, Gorsuch	2	<i>Cal. Public Employees' Retirement System, Davila</i>
Thomas, Ginsburg, Breyer, Sotomayor, Kagan	1	<i>Harris</i>

Term	Number of 5-4 Opinions	Percentage of Total Opinions	Percentage of 5-4 Split Ideological	Conservative Victory* (Percentage of Ideological)	Conservative Victory (Percentage of All 5-4)	Number of Different Alignments
OT05	11	12%	73%	63%	45%	7
OT06	24	33%	79%	68%	54%	6
OT07	12	17%	67%	50%	33%	6
OT08	23	29%	70%	69%	48%	7
OT09	16	19%	69%	73%	50%	7
OT10	16	20%	88%	71%	63%	4
OT11	15	20%	67%	50%	33%	7
OT12	23	29%	70%	63%	43%	7
OT13	10	14%	60%	67%	40%	7
OT14	19	26%	68%	38%	26%	7
OT15	4	5%	100%	25%	25%	2
OT16	7	10%	86%	33%	29%	3
Average	16	20%	74%	58%	42%	6

* For the purposes of this chart, a “Conservative Victory” occurs whenever the majority consists of Chief Justice Roberts and Justices Kennedy, Thomas, Alito and Gorsuch.

5-4 Cases

Membership in a 5-4 Majority

Justice	Cases Decided	Frequency in Majority		OT15	OT14	OT13	OT12	OT11	OT10
Kennedy	7	6	86%	100%	74%	100%	87%	80%	88%
Ginsburg	7	5	71%	75%	63%	40%	43%	33%	38%
Breyer	7	5	71%	75%	74%	50%	48%	47%	31%
Sotomayor	7	5	71%	75%	68%	30%	39%	47%	38%
Kagan	7	5	71%	50%	53%	50%	43%	40%	38%
Gorsuch	3	2	67%	-	-	-	-	-	-
Thomas	7	3	43%	25%	37%	50%	65%	67%	75%
Roberts	7	2	29%	25%	53%	70%	61%	67%	63%
Alito	7	2	29%	25%	47%	60%	57%	60%	63%

5-4 Majority Opinion Authorship

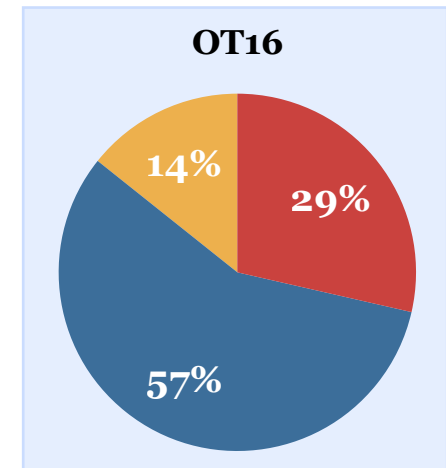
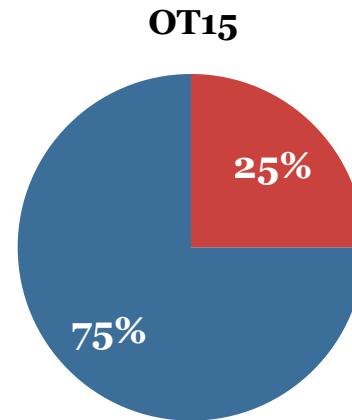
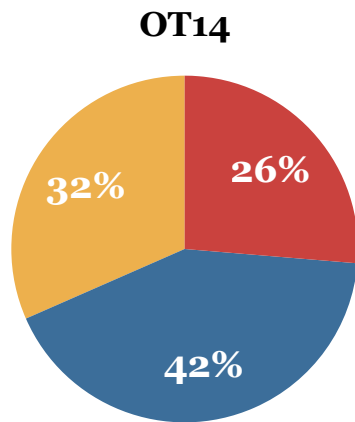
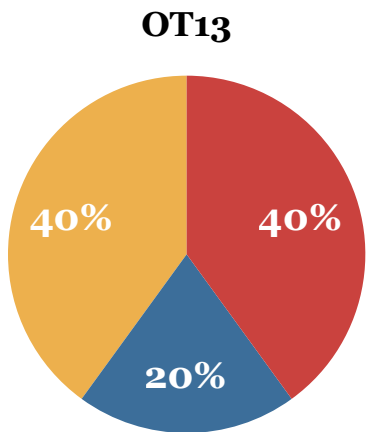
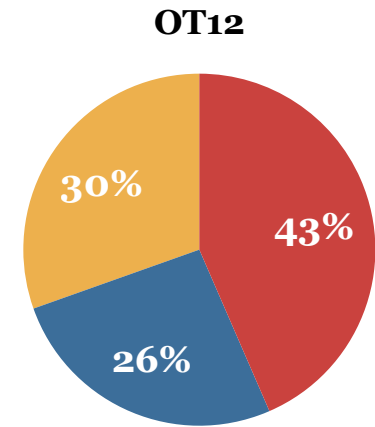
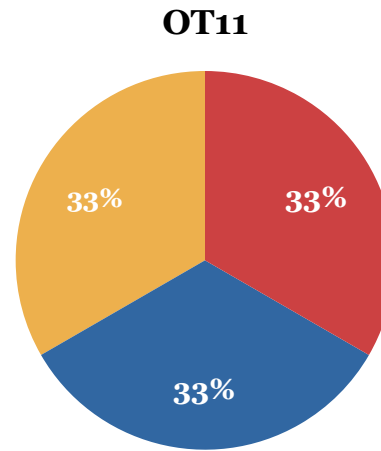
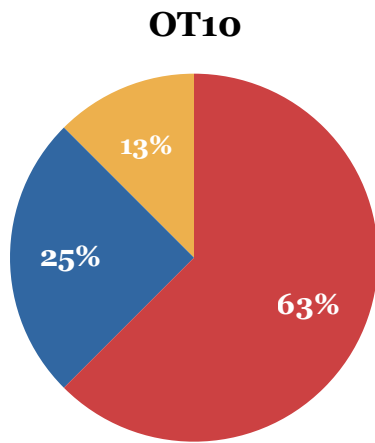
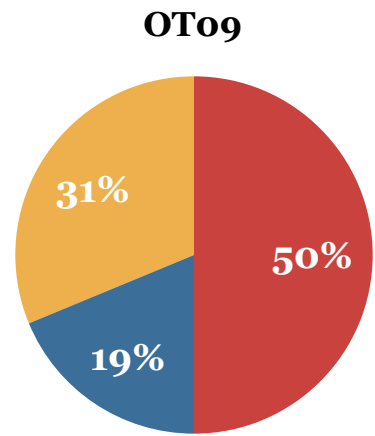
These percentages consider how often a justice authors the majority opinion when that justice is in the majority.*

Justice	Cases Decided	Frequency in the Majority	Opinions Authored	Frequency as Author	OT15	OT14	OT13	OT12	OT11	OT10
Kennedy	7	6	3	50%	50%	14%	30%	20%	33%	21%
Thomas	7	3	1	33%	0%	0%	20%	13%	0%	33%
Ginsburg	7	5	1	20%	0%	25%	0%	10%	0%	33%
Breyer	7	5	1	20%	33%	21%	0%	18%	43%	20%
Kagan	7	5	1	20%	0%	10%	60%	10%	17%	0%
Roberts	7	2	0	0%	0%	20%	14%	14%	10%	30%
Alito	7	2	0	0%	100%	33%	33%	46%	33%	0%
Sotomayor	7	5	0	0%	0%	15%	0%	22%	29%	17%
Gorsuch	3	2	0	0%	-	-	-	-	-	-

* Percentages represent the number of majority opinions authored divided by the number of times a justice was in the majority for a signed opinion.

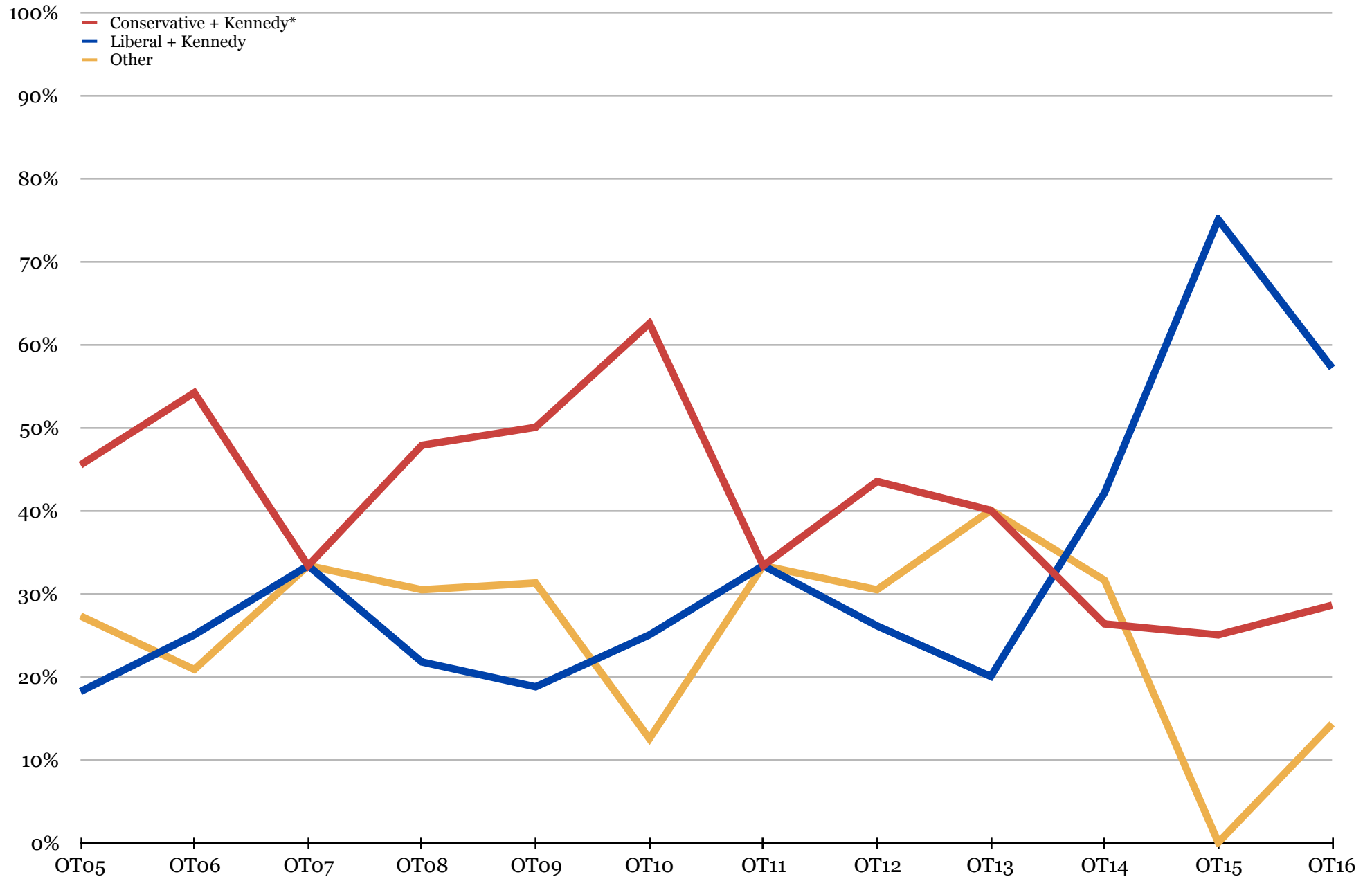
5-4 Cases

- Conservative + Kennedy
- Liberal + Kennedy
- Other



*Conservative = Roberts, Kennedy, Scalia/Gorsuch, Thomas, Alito;
 Liberal = Stevens/Kagan, Kennedy, Souter/Sotomayor, Ginsburg, Breyer

5-4 Cases



*The conservative line includes the combination of Roberts, Kennedy, Scalia/Gorsuch, Thomas and Alito; the liberal line counts the combination of Kennedy, Stevens/Kagan, Souter/Sotomayor, Ginsburg and Breyer. All other alignments of five-justice majorities are grouped into the "other" category.

Majority Opinion Distribution by Senior Justices - OT16

For each case decided with a merits opinion, the author of the majority opinion is selected by the most senior justice who votes with the majority. For example, in *Moore v. Texas*, a 5-3 decision in which Justices Kennedy, Ginsburg, Breyer, Sotomayor and Kagan voted in the majority, Justice Kennedy (the most senior justice in the majority) assigned authorship duties to Justice Ginsburg (the author of the majority opinion). The tables below demonstrate how the five most senior justices on the court assigned majority opinions during OT16 when they had the chance. For unanimous cases we have showed only statistics for Chief Justice Roberts because he is always the most senior justice in the majority for unanimous opinions.

Unanimous Cases

	Roberts	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch
Roberts* (34)	3 9%	3 9%	4 12%	5 15%	4 12%	5 15%	5 15%	4 12%	1 3%

Divided Cases

	Roberts	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch
Roberts (21)	5 24%	3 14%	3 14%	2 10%	3 14%	2 10%	1 5%	2 10%	0 0%
Kennedy (4)		2 50%	0 0%	1 25%	1 25%	0 0%	0 0%	0 0%	0 0%
Thomas (1)			0 0%	0 0%	0 0%	0 0%	0 0%	1 100%	0 0%
Ginsburg (0)				0 0%	0 0%	0 0%	0 0%	0 0%	0 0%
Breyer (0)					0 0%	0 0%	0 0%	0 0%	0 0%

*Chief Justice Roberts was recused in one unanimous opinion during OT16: *Life Technologies v. Promega*. In that instance, Justice Kennedy assigned the majority opinion to Justice Sotomayor.

Justice Agreement - All Cases

	Kennedy		Thomas		Ginsburg		Breyer		Alito		Sotomayor		Kagan		Gorsuch		Total
Roberts	58	85%	43	63%	43	63%	51	75%	55	81%	48	72%	53	80%	12	71%	68
	60	88%	52	76%	46	68%	52	76%	55	81%	50	75%	54	82%	14	82%	
	62	91%	56	82%	52	76%	56	82%	62	91%	55	82%	56	85%	15	88%	
	6	9%	12	18%	16	24%	12	18%	6	9%	12	18%	10	15%	2	12%	
Kennedy	38	55%	50	72%	56	81%	47	68%	54	79%	59	88%	11	65%	69		
	47	68%	52	75%	59	86%	50	72%	55	81%	59	88%	13	76%			
	53	77%	55	80%	61	88%	59	86%	58	85%	59	88%	14	82%			
	16	23%	14	20%	8	12%	10	14%	10	15%	8	12%	3	18%			
Thomas	27	39%	33	48%	49	71%	30	44%	34	51%	17	100%	69				
	35	51%	40	58%	59	86%	37	54%	41	61%	17	100%					
	45	65%	49	71%	63	91%	46	68%	47	70%	17	100%					
	24	35%	20	29%	6	9%	22	32%	20	30%	0	0%					
Ginsburg	51	74%	30	43%	54	79%	55	82%	8	47%	69						
	55	80%	34	49%	57	84%	57	85%	9	53%							
	59	86%	47	68%	63	93%	60	90%	11	65%							
	10	14%	22	32%	5	7%	7	10%	6	35%							
Breyer	39	57%	53	78%	58	87%	8	47%	69								
	42	61%	56	82%	60	90%	9	53%									
	51	74%	59	87%	62	93%	11	65%									
	18	26%	9	13%	5	7%	6	35%									
Alito	37	54%	41	61%	14	82%	69										
	40	59%	43	64%	15	88%											
	50	74%	51	76%	16	94%											
	18	26%	16	24%	1	6%											
Sotomayor	58	87%	7	41%	68												
	59	88%	8	47%													
	61	91%	10	59%													
	6	9%	7	41%													
Kagan	9	53%	67														
	10	59%															
	11	65%															
	6	35%															
Gorsuch		69															

Key	
Fully Agree	Light Blue
Agree in Full or Part	Medium Blue
Agree in Full, Part or Judgment Only	Dark Blue
Disagree in Judgment	Yellow

Justice Agreement - Non-Unanimous Cases

	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Total
Roberts	23 82%	12 43%	11 39%	15 54%	21 75%	15 56%	17 63%	4 50%	28
	23 82%	18 64%	11 39%	15 54%	21 75%	15 56%	17 63%	6 75%	
	23 82%	18 64%	12 43%	16 57%	23 82%	15 56%	17 63%	6 75%	
	5 18%	10 36%	16 57%	12 43%	5 18%	12 44%	10 37%	2 25%	
Kennedy	9 32%	15 54%	20 71%	16 57%	18 67%	20 74%	3 38%	28	
	13 46%	15 54%	20 71%	16 57%	18 67%	20 74%	5 63%		
	13 46%	15 54%	21 75%	18 64%	18 67%	20 74%	5 63%		
	15 54%	13 46%	7 25%	10 36%	9 33%	7 26%	3 38%		
Thomas	2 7%	6 21%	15 54%	5 19%	6 22%	8 100%	28		
	4 14%	8 29%	22 79%	7 26%	9 33%	8 100%			
	6 21%	10 36%	23 82%	7 26%	9 33%	8 100%			
	22 79%	18 64%	5 18%	20 74%	18 67%	0 0%			
Ginsburg	18 64%	4 14%	21 78%	19 70%	1 13%	28			
	18 64%	4 14%	21 78%	19 70%	2 25%				
	18 64%	7 25%	22 81%	20 74%	2 25%				
	10 36%	21 75%	5 19%	7 26%	6 75%				
Breyer	9 32%	18 67%	21 78%	1 13%	28				
	9 32%	18 67%	21 78%	1 13%					
	11 39%	18 67%	22 81%	2 25%					
	17 61%	9 33%	5 19%	6 75%					
Alito	8 30%	11 41%	6 75%	28					
	8 30%	11 41%	7 88%						
	10 37%	12 44%	7 88%						
	17 63%	15 56%	1 13%						
Sotomayor	21 78%	0 0%	27						
	21 78%	1 13%							
	21 78%	1 13%							
	6 22%	7 88%							
Kagan	1 13%	28							
	2 25%								
	2 25%								
	6 75%								
Gorsuch							28		

Key

Fully Agree

Agree in Full or Part

Agree in Full, Part or Judgment Only

Disagree in Judgment

Justice Agreement - 5-4 Cases

	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Total
Roberts	3 43%	4 57%	0 0%	0 0%	7 100%	0 0%	0 0%	3 100%	7
	3 43%	6 86%	0 0%	0 0%	7 100%	0 0%	0 0%	3 100%	
	3 43%	6 86%	0 0%	0 0%	7 100%	0 0%	0 0%	3 100%	
	4 57%	1 14%	7 100%	7 100%	0 0%	7 100%	7 100%	0 0%	
Kennedy	2 29%	4 57%	4 57%	3 43%	4 57%	4 57%	4 57%	2 67%	7
	2 29%	4 57%	4 57%	3 43%	4 57%	4 57%	4 57%	2 67%	
	2 29%	4 57%	4 57%	3 43%	4 57%	4 57%	4 57%	2 67%	
	5 71%	3 43%	3 43%	4 57%	3 43%	3 43%	3 43%	1 33%	
Thomas	0 0%	0 0%	4 57%	0 0%	4 57%	0 0%	0 0%	3 100%	7
	1 14%	1 14%	6 86%	1 14%	1 14%	1 14%	1 14%	3 100%	
	1 14%	1 14%	6 86%	1 14%	1 14%	1 14%	1 14%	3 100%	
	6 86%	6 86%	1 14%	6 86%	6 86%	6 86%	0 0%	0 0%	
Ginsburg	7 100%	0 0%	7 100%	7 100%	7 100%	7 100%	0 0%	0 0%	7
	7 100%	0 0%	7 100%	7 100%	7 100%	7 100%	0 0%	0 0%	
	7 100%	0 0%	7 100%	7 100%	7 100%	7 100%	0 0%	0 0%	
	0 0%	7 100%	0 0%	0 0%	3 100%	0 0%	3 100%	0 0%	
Breyer	0 0%	7 100%	7 100%	0 0%	0 0%	0 0%	0 0%	3 100%	7
	0 0%	7 100%	7 100%	0 0%	0 0%	0 0%	0 0%	3 100%	
	0 0%	7 100%	7 100%	0 0%	0 0%	0 0%	0 0%	3 100%	
	7 100%	0 0%	0 0%	0 0%	3 100%	0 0%	3 100%	0 0%	
Alito	0 0%	0 0%	3 100%	0 0%	0 0%	0 0%	3 100%	0 0%	7
	0 0%	0 0%	3 100%	0 0%	0 0%	0 0%	3 100%	0 0%	
	0 0%	0 0%	3 100%	0 0%	0 0%	0 0%	3 100%	0 0%	
	7 100%	7 100%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	
Sotomayor	7 100%	0 0%	0 0%	0 0%	0 0%	0 0%	3 100%	0 0%	7
	7 100%	0 0%	0 0%	0 0%	0 0%	0 0%	3 100%	0 0%	
	7 100%	0 0%	0 0%	0 0%	0 0%	0 0%	3 100%	0 0%	
	0 0%	3 100%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	
Kagan	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	7
	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	
	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	
	3 100%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	0 0%	
Gorsuch									7

Key
Fully Agree
Agree in Full or Part
Agree in Full, Part or Judgment Only
Disagree in Judgment

Justice Agreement - Highs and Lows

The following tables list the justice pairs with the highest and lowest agreement rates based on both metrics for justice agreement—i.e., all cases and non-unanimous cases only—when justices agree in full, part or judgment only. Non-unanimous cases are those in which at least one justice dissented; cases that produced only a majority opinion and one or more concurring opinions are not included in that measure.

	Highest Agreement			Lowest Agreement		
All Cases	1	Thomas - Gorsuch	100.0%	1	Sotomayor - Gorsuch	58.8%
	2	Alito - Gorsuch	94.1%	2	Ginsburg - Gorsuch	64.7%
	3	Ginsburg - Sotomayor	92.6%	3	Breyer - Gorsuch	64.7%
	4	Breyer - Kagan	92.5%	4	Kagan - Gorsuch	64.7%
	5	Thomas - Alito	91.3%	5	Thomas - Ginsburg	65.2%
	6	Roberts - Kennedy	91.2%	6	Thomas - Sotomayor	67.6%
	7	Roberts - Alito	91.2%	7	Ginsburg - Alito	68.1%
	8	Sotomayor - Kagan	91.0%	8	Thomas - Kagan	70.1%
	9	Ginsburg - Kagan	89.6%	9	Thomas - Breyer	71.0%
	10	Kennedy - Breyer	88.4%	10	Alito - Sotomayor	73.5%
Divided Cases	1	Thomas - Gorsuch	100.0%	1	Sotomayor - Gorsuch	12.5%
	2	Alito - Gorsuch	87.5%	2	Thomas - Ginsburg	21.4%
	3	Roberts - Kennedy	82.1%	3	Ginsburg - Alito	25.0%
	4	Roberts - Alito	82.1%	4	Ginsburg - Gorsuch	25.0%
	5	Thomas - Alito	82.1%	5	Breyer - Gorsuch	25.0%
	6	Ginsburg - Sotomayor	81.5%	6	Kagan - Gorsuch	25.0%
	7	Breyer - Kagan	81.5%	7	Thomas - Sotomayor	25.9%
	8	Sotomayor - Kagan	77.8%	8	Thomas - Kagan	33.3%
	9	Roberts - Gorsuch	75.0%	9	Thomas - Breyer	35.7%
	10	Kennedy - Breyer	75.0%	10	Alito - Sotomayor	37.0%
5-4 Cases	1	Roberts - Alito	100.0%	1	Roberts - Ginsburg	0.0%
	2	Roberts - Gorsuch	100.0%	2	Roberts - Breyer	0.0%
	3	Thomas - Gorsuch	100.0%	3	Roberts - Sotomayor	0.0%
	4	Ginsburg - Breyer	100.0%	4	Roberts - Kagan	0.0%
	5	Ginsburg - Sotomayor	100.0%	5	Ginsburg - Alito	0.0%
	6	Ginsburg - Kagan	100.0%	6	Ginsburg - Gorsuch	0.0%
	7	Breyer - Sotomayor	100.0%	7	Breyer - Alito	0.0%
	8	Breyer - Kagan	100.0%	8	Breyer - Gorsuch	0.0%
	9	Alito - Gorsuch	100.0%	9	Alito - Sotomayor	0.0%
	10	Sotomayor - Kagan	100.0%	10	Alito - Kagan	0.0%

Time Between Oral Argument and Opinion

The following charts address the time it takes for the court to release opinions following oral argument. The court released 62 merits opinions after argument during OT16.

Argued	Avg.	Total	Remain
October	111d	8	-
November	134d	9	-
December	109d	7	-
January	109d	9	-
February	76d	7	-
March	73d	11	-
April	56d	13	-
Overall	92d	64	0

Average	92d
Median	78d

Shortest	<i>Dean</i>	34d
Longest	<i>Morales-Santana</i>	215d

Averages

OT05	79d
OT06	96d
OT07	94d
OT08	94d
OT09	109d
OT10	106d
OT11	97d
OT12	95d
OT13	94d
OT14	95d
OT15	95d
OT16	92d

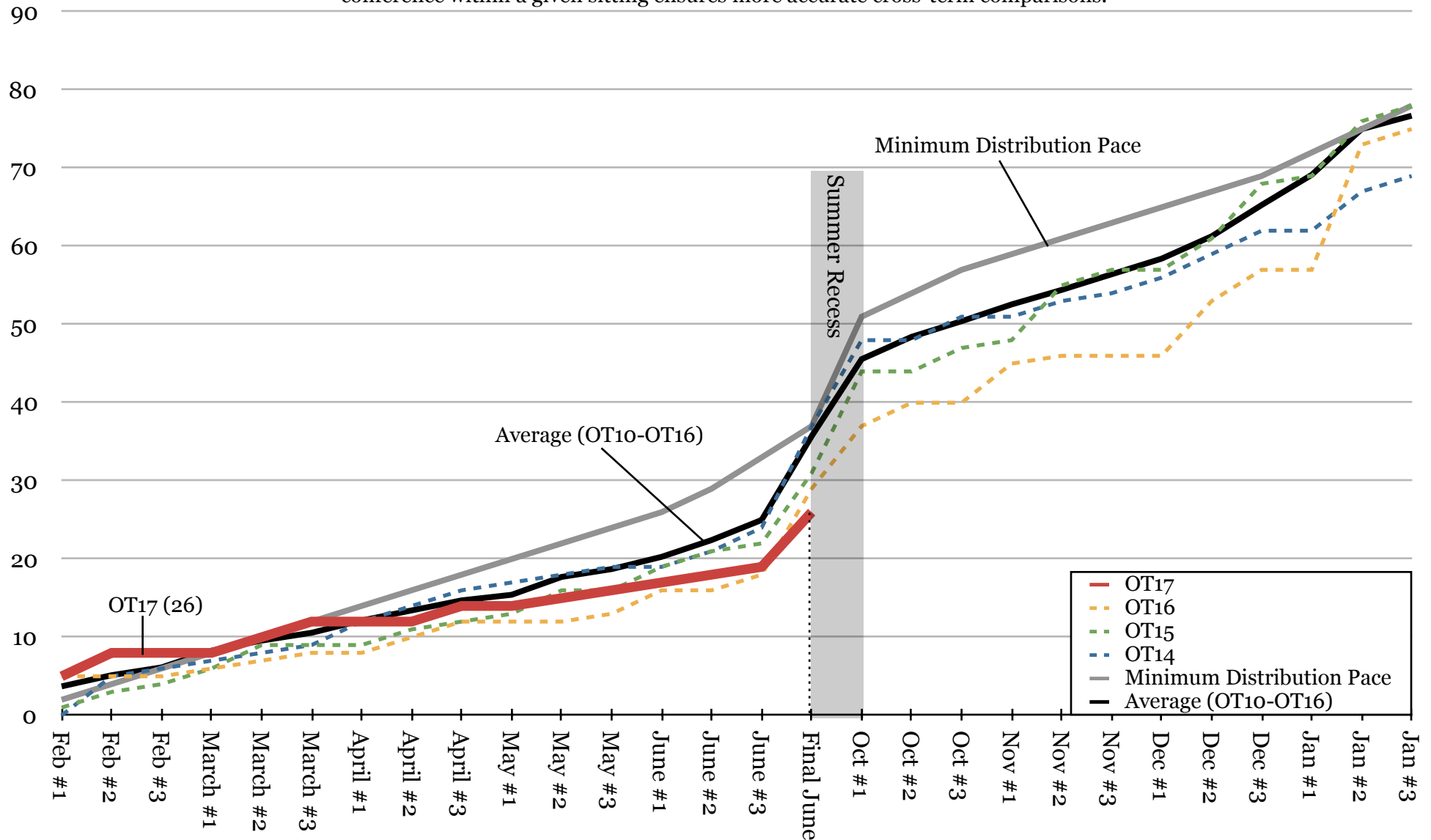
	Rank			Author	Vote	Argued	Decided
Shortest	1	<i>Dean v. U.S.</i>	34d	Roberts	8-0	Feb 28, 2017	Apr 3, 2017
	2	<i>BNSF Railway v. Tyrrell</i>	35d	Ginsburg	9-0	Apr 25, 2017	May 30, 2017
	2	<i>State Farm v. U.S. ex rel. Rigsby</i>	35d	Kennedy	8-0	Nov 1, 2016	Dec 6, 2016
	4	<i>McLane v. EEOC</i>	41d	Sotomayor	7-1	Feb 21, 2017	Apr 3, 2017
	5	<i>Sandoz v. Amgen</i>	47d	Thomas	9-0	Apr 26, 2017	Jun 12, 2017
	6	<i>Kokesh v. SEC</i>	48d	Sotomayor	9-0	Apr 18, 2017	Jun 5, 2017
	6	<i>Coventry Health v. Nevils</i>	48d	Ginsburg	8-0	Mar 1, 2017	Apr 18, 2017
	8	<i>Chester v. Laroe</i>	49d	Alito	9-0	Apr 17, 2017	Jun 5, 2017
	9	<i>Bristol-Myers v. Superior Ct.</i>	55d	Alito	8-1	Apr 25, 2017	Jun 19, 2017
9	<i>Henson v. Santander</i>	55d	Gorsuch	9-0	Apr 18, 2017	Jun 12, 2017	

	Rank			Author	Vote	Argued	Decided
Longest	1	<i>Sessions v. Morales-Santana</i>	215d	Ginsburg	8-0	Nov 9, 2016	Jun 12, 2017
	2	<i>Manrique v. U.S.</i>	190d	Thomas	6-2	Oct 11, 2016	Apr 19, 2017
	3	<i>Venezuela v. Helmerich</i>	180d	Breyer	8-0	Nov 2, 2016	May 1, 2017
	4	<i>BoA v. Miami</i>	174d	Breyer	8-0	Nov 8, 2016	May 1, 2017
	5	<i>Cooper v. Harris</i>	168d	Kagan	5-3	Dec 5, 2016	May 22, 2017
	6	<i>Manuel v. Joliet</i>	167d	Kagan	6-2	Oct 5, 2016	Mar 21, 2017
	7	<i>Matal v. Tam</i>	152d	Alito	8-0	Jan 18, 2017	Jun 19, 2017
	7	<i>Ziglar v. Abbasi</i>	152d	Kennedy	4-2	Jan 18, 2017	Jun 19, 2017
	9	<i>Pena-Rodriguez v. Colorado</i>	146d	Kennedy	5-3	Oct 11, 2016	Mar 6, 2017
	10	<i>Star Athletica v. Varsity Brands</i>	142d	Thomas	6-2	Oct 31, 2016	Mar 22, 2017

	Less than 30 days	30-59	60-89	90-119	120-149	150-179	180-209	210-239	More than 240
OT14	0	11	21	21	8	2	2	1	0
OT15	1	17	16	19	5	3	6	0	0
OT16	0	16	21	11	6	5	2	1	0

Pace of Grants

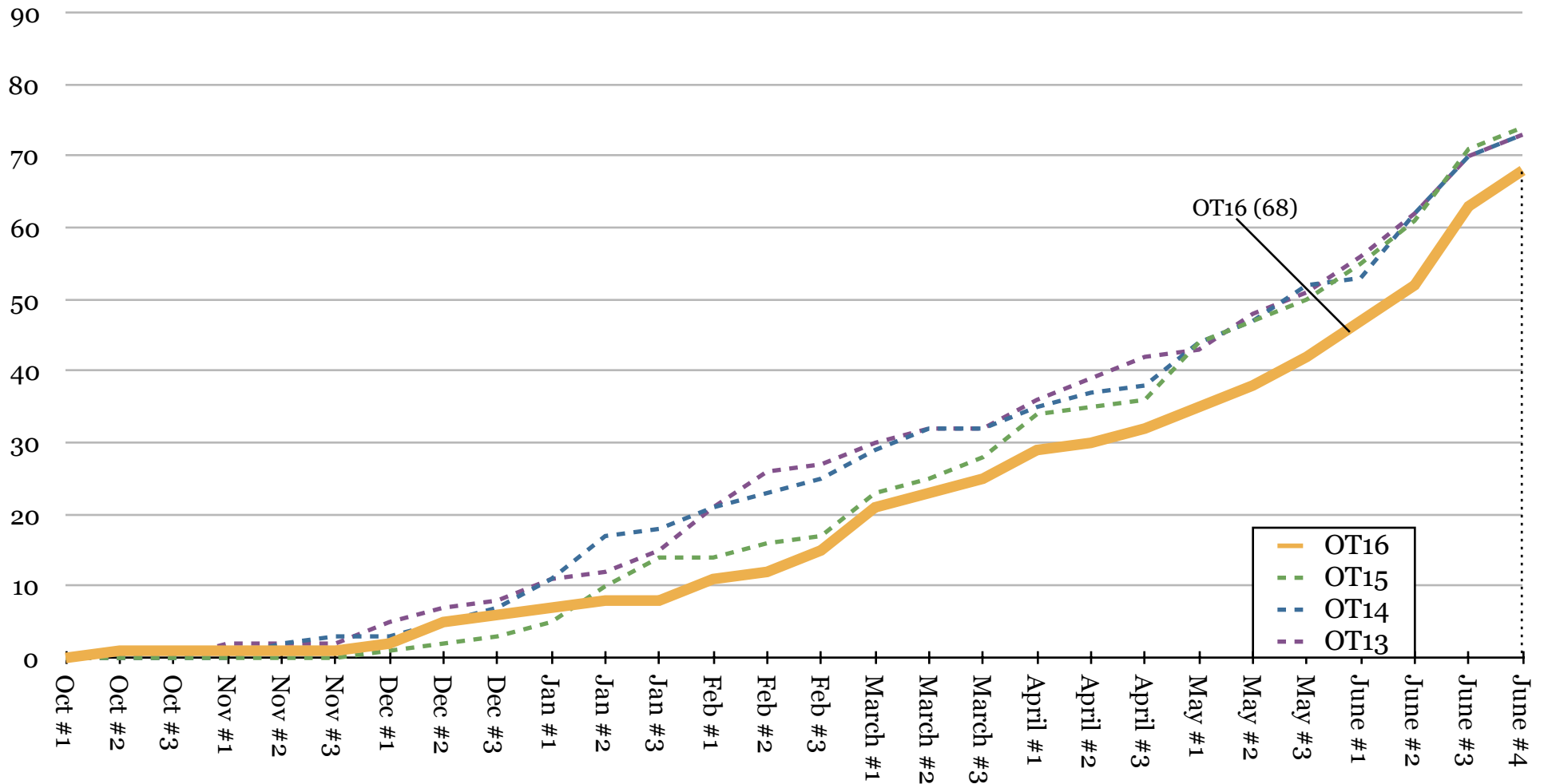
The following chart plots the pace at which the court fills its merits docket for a given term. Each date marker represents the conference within a given sitting. For instance, Feb #3 is the third February conference, which, during OT16, took place on March 3, 2017. Categorizing grants by their conference within a given sitting ensures more accurate cross-term comparisons.



* The Minimum Distribution Pace presented in this chart reflects the number of petitions that must be granted to fill the court's docket for oral argument while giving the litigants in each case a complete or near-complete briefing schedule. The pace also reflects the number of petitions raised at each conference and other factors affecting the certiorari process.

Pace of Opinions

The following chart plots the pace at which the court releases merits opinions throughout the term, beginning in October and ending in June. This chart includes both opinions released after full briefing and summary reversals. Here, as in the Pace of Grants chart, cases are categorized by their release within a given sitting, rather than by calendar month. For example, the opinions for Feb #3 of OT16 were actually released on March 6, 2017.



Grants Per Conference

	OT05	OT06	OT07	OT08	OT09	OT10	OT11	OT12	OT13	OT14	OT15	OT16	Average (OT05-OT15)	Range (OT05-OT15)	Calendar Weeks Covered	Grants Per Weeks Covered (OT05-OT15)	
Feb #1	3	4	2	8	9	3	7	6	4	0	1	5	4.3	7.2	0 - 9	4	1.1
Feb #2	4	0	3	3	1	1	0	0	2	5	2	3	1.9		0 - 5	1	1.9
Feb #3	2	1	0	0	1	3	1	0	1	1	1	0	1.0		0 - 3	1	1.0
March #1	0	0	0	8	0	4	2	2	3	1	2	0	2.0	4.4	0 - 8	2	1.0
March #2	1	1	2	2	1	0	1	1	2	1	3	2	1.4		0 - 3	1	1.4
March #3	1	1	0	2	1	0	2	2	1	1	0	2	1.0		0 - 2	1	1.0
April #1	3	3	0	2	3	4	1	1	2	3	0	0	2.0	5.0	0 - 4	2	1.0
April #2	5	0	1	2	3	2	0	0	1	2	2	0	1.6		0 - 5	1	1.6
April #3	2	1	1	0	4	0	2	1	1	2	1	2	1.4		0 - 4	1	1.4
May #1	2	4	0	1	4	1	1	0	1	1	1	0	1.5	4.5	0 - 4	2	0.7
May #2	1	0	3	0	1	5	1	1	5	1	3	1	1.9		0 - 5	1	1.9
May #3	1	1	4	0	1	1	1	1	2	1	0	1	1.2		0 - 4	1	1.2
June #1	1	4	1	0	2	0	2	1	2	0	3	1	1.5	15.2	0 - 4	1	1.5
June #2	1	1	3	3	4	4	4	2	1	2	2	1	2.5		1 - 4	1	2.5
June #3	2	2	1	3	3	3	4	1	4	3	1	1	2.5		1 - 4	1	2.5
June #4	7	5	5	9	7	7	13	10	12	13	9	7	8.8		5 - 13	1	8.8
Oct #1	11	9	17	10	11	13	7	9	8	12	14		11.0	15.5	7 - 17	13	0.8
Oct #2	3	2	0	1	5	7	2	7	2	0	0		2.6		0 - 7	2	1.3
Oct #3	1	1	2	1	2	1	4	1	2	3	3		1.9		1 - 4	1	1.9
Nov #1	4	4	2	2	3	5	1	4	1	0	1		2.5	6.9	0 - 5	2	1.2
Nov #2	3	2	1	1	0	0	5	1	0	4	8		2.3		0 - 8	1	2.3
Nov #3	2	0	1	5	1	2	3	4	2	2	2		2.2		0 - 5	1	2.2
Dec #1	3	0	3	2	3	3	4	3	4	2	0		2.5	8.7	0 - 4	1	2.5
Dec #2	2	3	3	2	2	2	1	2	1	3	4		2.3		1 - 4	2	1.1
Dec #3	2	5	6	2	3	3	5	5	2	3	8		4.0		2 - 8	1	4.0
Jan #1	6	7	6	4	1	5	1	3	8	0	1		3.8	9.1	0 - 8	4	1.0
Jan #2	1	4	4	6	5	0	0	6	3	6	7		3.8		0 - 7	1	3.8
Jan #3	1	7	2	0	0	0	1	2	0	1	2		1.5		0 - 7	1	1.5
Total	75	72	73	79	81	79	76	76	77	73	81	26	76.5	76.5	72 - 81	52	

Opinions Per Week

	OT06	OT07	OT08	OT09	OT10	OT11	OT12	OT13	OT14	OT15	OT16	Average (OT06-OT15)		Range (OT06-OT15)
Oct #1	0	0	0	0	0	0	0	0	0	0	0	0.0	0.3	0 - 0
Oct #2	0	0	1	0	0	0	0	0	0	0	1	0.1		0 - 1
Oct #3	1	0	0	1	0	0	0	0	0	0	0	0.2		0 - 1
Nov #1	0	0	0	0	0	1	0	2	0	0	0	0.3	1.8	0 - 2
Nov #2	0	1	1	1	1	3	1	0	2	0	0	1.0		0 - 3
Nov #3	1	0	0	1	1	0	1	0	1	0	0	0.5		0 - 1
Dec #1	0	0	1	1	1	0	1	3	0	1	1	0.8	3.6	0 - 3
Dec #2	1	2	0	5	0	0	1	2	2	1	3	1.4		0 - 5
Dec #3	2	3	1	0	1	2	1	1	2	1	1	1.4		0 - 3
Jan #1	4	3	4	4	2	7	4	3	4	2	1	3.7	9.9	2 - 7
Jan #2	1	3	5	5	3	4	1	1	6	5	1	3.4		1 - 6
Jan #3	3	1	6	1	4	4	1	3	1	4	0	2.8		1 - 6
Feb #1	5	5	5	5	4	7	9	6	3	0	3	4.9	9.6	0 - 9
Feb #2	1	2	3	3	6	1	4	5	2	2	1	2.9		1 - 6
Feb #3	2	1	4	2	3	1	1	1	2	1	3	1.8		1 - 4
March #1	1	2	2	1	3	7	4	3	4	6	6	3.3	7.7	1 - 7
March #2	2	2	5	5	2	5	3	2	3	2	2	3.1		2 - 5
March #3	2	1	2	0	2	2	1	0	0	3	2	1.3		0 - 3
April #1	5	5	4	4	2	4	4	4	3	6	4	4.1	8.3	2 - 6
April #2	3	1	4	3	2	2	1	3	2	1	1	2.2		1 - 4
April #3	5	1	4	2	2	0	1	3	1	1	2	2.0		0 - 5
May #1	1	1	2	3	3	1	3	1	6	8	3	2.9	10.1	1 - 8
May #2	5	4	3	6	6	5	4	5	3	3	3	4.4		3 - 6
May #3	1	3	2	5	2	2	2	3	5	3	4	2.8		1 - 5
June #1	4	3	5	4	8	2	3	5	1	5	5	4.0	24.9	1 - 8
June #2	8	9	6	9	9	2	7	6	9	6	5	7.1		2 - 9
June #3	6	7	7	10	10	8	8	8	8	10	11	8.2		6 - 10
June #4	8	10	2	5	5	5	12	3	3	3	5	5.6		2 - 12
Total	72	70	79	86	82	75	78	73	73	74	68	76.2	76.2	70 - 86

Oral Argument - Justices

For our purposes, the number of “questions” per argument is simply the number of times a given justice’s name appears in the argument transcript in capital letters. To account for the chief justice’s administrative comments—such as his call for an advocate to begin—his tally for each case has been uniformly reduced by three “questions.”

Average Number of Questions Per Argument

	Average
Breyer	20.5
Sotomayor	19.6
Roberts	17.9
Kagan	16.7
Gorsuch	13.7
Kennedy	10.5
Ginsburg	10.2
Alito	10.1
Thomas	0.0

Frequency as the Top Questioner or as a Top 3 Questioner

	Freq. Top 1	Freq. Top 3
Breyer	39%	67%
Roberts	22%	58%
Sotomayor	21%	73%
Kagan	15%	61%
Gorsuch	8%	23%
Ginsburg	3%	23%
Kennedy	2%	20%
Alito	2%	17%
Thomas	0%	0%

Most Active Arguments

	Argument	Number of Questions (% of all Questions)
Roberts	Advocate v. Stapleton	36 (28%)
Kennedy	Murr v. Wisconsin	35 (19%)
Thomas	—	—
Ginsburg	Microsoft v. Baker	28 (24%)
Breyer	Czyzewski v. Jevic Holding	57 (34%)
Alito	Advocate v. Stapleton	26 (20%)
Sotomayor	Sandoz v. Amgen	49 (36%)
Kagan	Esquivel-Quintana v. Sessions	40 (37%)
Gorsuch	Perry v. MSPB	47 (30%)

Frequency as the First Questioner

	Frequency	
Ginsburg	19 /64	30%
Sotomayor	14 /63	22%
Kennedy	14 /64	22%
Roberts	10 /64	16%
Kagan	7 /62	11%
Thomas	0 /64	0%
Breyer	0 /64	0%
Alito	0 /64	0%
Gorsuch	0 /13	0%

Oral Argument - Advocates

Overview

	OT10	OT11	OT12	OT13	OT14	OT15	OT16
Number of different advocates	143	118	120	121	112	117	100
Number of total appearances	196	182	193	185	178	186	158

Appearances by Advocates Who...	OT10	OT11	OT12	OT13	OT14	OT15	OT16
...Are from the Office of the Solicitor General	57 (29%)	58 (32%)	64 (33%)	61 (33%)	56 (31%)	59 (32%)	48 (30%)
...Have experience in the Office of the Solicitor General	<i>Not Available</i>	<i>Not Available</i>	<i>Not Available</i>	85 (47%)	78 (46%)	84 (71%)	73 (48%)
...Have argued at least twice during the Term	81 (41%)	98 (54%)	104 (54%)	96 (52%)	104 (58%)	109 (59%)	94 (59%)
...Are “expert” Supreme Court litigators*	<i>Not Available</i>	<i>Not Available</i>	137 (71%)	131 (71%)	116 (66%)	136 (74%)	115 (74%)
...Are based in Washington, D.C.**	106 (54%)	122 (67%)	125 (65%)	119 (64%)	101 (57%)	122 (66%)	97 (61%)
...Are female	33 (17%)	27 (15%)	33 (17%)	28 (15%)	34 (19%)	32 (18%)	33 (21%)
...Are female and not from the Office of the Solicitor General***	19 (14%)	14 (11%)	17 (13%)	11 (9%)	17 (14%)	13 (10%)	15 (14%)

Most Popular Advocate Origins

State	Total
Washington, D.C.	97
California	11
Texas	10
New York	9
Illinois	4

Most Popular Supreme Court Clerkships

Clerkship	Appearances	Advocates
Antonin Scalia	20	9
Stephen Breyer	11	4
John Paul Stevens	8	4
Ruth Bader Ginsburg	7	4
Anthony Kennedy	6	4

Most Popular Law Schools

Law School	Appearances	Advocates
Harvard	46	29
Yale	28	15
Chicago	8	7
Georgetown	6	4
Texas	7	4

* We adopt Richard Lazarus’s definition of an “expert” Supreme Court litigator: one who has argued five or more times before the Supreme Court or works in an office where lawyers have collectively argued more than 10 times. See Richard J. Lazarus, *Advocacy Matters Before and Within the Supreme Court: Transforming the Court by Transforming the Bar*, 97 GEO. L.J. 1487, 1490 n.17 (2008).

** An advocate’s “origin” is simply the state of origin listed for that lawyer on the court’s monthly hearing lists. If attorneys from the Office of the Solicitor General are omitted, lawyers based in Washington, D.C., appeared 49 times during OT16.























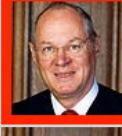








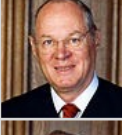

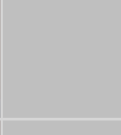






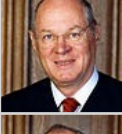










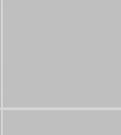








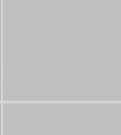






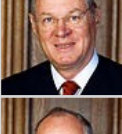

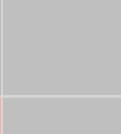











*** The percentage figures for this category omit all advocates from the Office of the Solicitor General. As such, they demonstrate the percentage of female advocates from positions other than those within the Office of the Solicitor General as a percentage of all men or women arguing from positions other than those within the Office of the Solicitor General.

Advocates Who Appeared Two or More Times During OT16











































































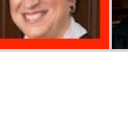

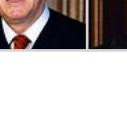




Name*	Appearances		Position	Law School	Supreme Court Clerkship	U.S. Solicitor General Experience**
	OT16	All-Time				
Neal K. Katyal	6	34	Hogan Lovells LLP	Yale	Stephen Breyer	Yes
Seth P. Waxman	4	79	WilmerHale LLP	Yale	None	Yes
Jeffrey L. Fisher	4	32	Stanford Supreme Court Clinic	Michigan	John Paul Stevens	No
Edwin S. Kneedler	3	135	Deputy Solicitor General	Virginia	None	Yes
Michael R. Dreeben	3	103	Deputy Solicitor General	Duke	None	Yes
Paul D. Clement	3	86	Kirkland & Ellis LLP	Harvard	Antonin Scalia	Yes
Nicole A. Saharsky	3	29	Assistant to the Solicitor General	Minnesota	None	Yes
Anthony A. Yang	3	26	Assistant to the Solicitor General	Yale	None	Yes
Sarah E. Harrington	3	20	Assistant to the Solicitor General	Harvard	None	Yes
Ann O'Connell	3	16	Assistant to the Solicitor General	George Washington	William Rehnquist	Yes
Eric J. Feigin	3	15	Assistant to the Solicitor General	Stanford	Stephen Breyer	Yes
E. Joshua Rosenkranz	3	15	Orrick, Herrington & Sutcliffe LLP	Georgetown	William Brennan	No
Elaine J. Goldenberg	3	12	Assistant to the Solicitor General	Harvard	None	Yes
Brian H. Fletcher	3	8	Assistant to the Solicitor General	Harvard	Ruth Bader Ginsburg	Yes
Scott A. Keller	3	8	Solicitor General of Texas	Texas	Anthony Kennedy	No
Rachel P. Kovner	3	8	Assistant to the Solicitor General	Stanford	Antonin Scalia	Yes
Christopher Landau	3	8	Kirkland & Ellis LLP	Harvard	Antonin Scalia	No
Adam G. Unikowsky	3	4	Jenner & Block LLP	Harvard	Antonin Scalia	No
Malcolm L. Stewart	2	75	Deputy Solicitor General	Yale	Harry Blackmun	Yes
Thomas C. Goldstein	2	40	Goldstein & Russell PC	American	None	No
Irving L. Gornstein	2	38	Counselor to the Solicitor General	Boston University	None	Yes
Lisa S. Blatt	2	35	Arnold & Porter Kaye Scholer LLP	Texas	None	Yes
Andrew J. Pincus	2	27	Mayer Brown LLP	Columbia	None	Yes
Kannon K. Shanmugam	2	20	Williams & Connolly LLP	Harvard	Antonin Scalia	Yes
William M. Jay	2	15	Goodwin Procter LLP	Harvard	Antonin Scalia	Yes
Ian H. Gershengorn	2	13	Principal Deputy Solicitor General	Harvard	John Paul Stevens	Yes
John J. Bursch	2	11	Bursch Law PLLC	Minnesota	None	No
Kathleen M. Sullivan	2	11	Quinn Emanuel LLP	Harvard	None	No
Shay Dvoretzky	2	5	Jones Day LLP	Yale	Antonin Scalia	No
Ilana H. Eisenstein	2	5	Assistant to the Solicitor General	Pennsylvania	None	Yes
Allon Kedem	2	5	Assistant to the Solicitor General	Yale	Elena Kagan	Yes
Elizabeth B. Prelogar	2	5	Assistant to the Solicitor General	Harvard	Elena Kagan	Yes
Zachary D. Tripp	2	5	Assistant to the Solicitor General	Columbia	Ruth Bader Ginsburg	Yes
Marc E. Elias	2	3	Perkins Coie LLP	Duke	None	No
Frederick R. Yarger	2	2	Colorado Solicitor General	Chicago	None	No
Total: 40						

Voting Alignment - All Cases

Cases are sorted by date of decision. Dissenting justices are shaded in gray and the author of the majority opinion is highlighted in red.





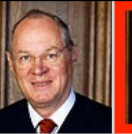





































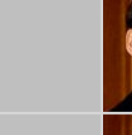








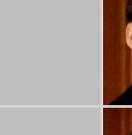








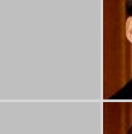




















Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Kennedy	Roberts	Gorsuch	Alito	Thomas
Bosse v. Oklahoma	October 11, 2016	8-0	Per Curiam									
Bravo-Fernandez v. United States	November 29, 2016	8-0	Ginsburg									
State Farm Fire & Casualty Co. v. United States ex rel. Rigsby	December 6, 2016	8-0	Kennedy									
Salman v. United States	December 6, 2016	8-0	Alito									
Samsung Electronics v. Apple	December 6, 2016	8-0	Sotomayor									
Shaw v. United States	December 12, 2016	8-0	Breyer									
White v. Pauly	January 9, 2017	8-0	Per Curiam									
Lightfoot v. Cendant Mortgage	January 18, 2017	8-0	Sotomayor									
Buck v. Davis	February 22, 2017	6-2	Roberts									

Voting Alignment - All Cases (continued)


















































































Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Kennedy	Roberts	Gorsuch	Alito	Thomas
Life Technologies v. Promega	February 22, 2017	7-0	Sotomayor									
Fry v. Napoleon Community School	February 22, 2017	8-0	Kagan									
Bethune-Hill v. Virginia Board of Elections	March 1, 2017	8-0	Kennedy									
Pena-Rodriguez v. Colorado	March 6, 2017	5-3	Kennedy									
Beckles v. United States	March 6, 2017	7-0	Thomas									
Rippo v. Baker	March 6, 2017	8-0	Per Curiam									
National Labor Relations Board v. SW General	March 21, 2017	6-2	Roberts									
SCA Hygiene Products v. First Quality Baby Products	March 21, 2017	7-1	Alito									
Manuel v. Joliet	March 21, 2017	6-2	Kagan									

Voting Alignment - All Cases











































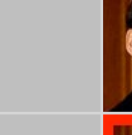








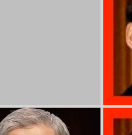





























(continued)

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Kennedy	Roberts	Gorsuch	Alito	Thomas
Andrew F. v. Douglas County School District	March 22, 2017	8-0	Roberts									
Star Athletica v. Varsity Brands	March 22, 2017	6-2	Thomas									
Czyzewski v. Jevic Holding	March 22, 2017	6-2	Breyer									
Moore v. Texas	March 28, 2017	5-3	Ginsburg									
Expressions Hair Design v. Schneiderman	March 29, 2017	8-0	Roberts									
Dean v. United States	April 3, 2017	8-0	Roberts									
McLane Co. v. EEOC	April 3, 2017	7-1	Sotomayor									
Coventry Health Care of Missouri v. Nevils	April 18, 2017	8-0	Ginsburg									
Goodyear Tire v. Haeger	April 18, 2017	8-0	Kagan									

Voting Alignment - All Cases (continued)









































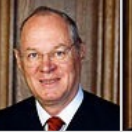








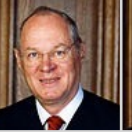
























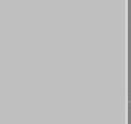






Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Kennedy	Roberts	Gorsuch	Alito	Thomas
Manrique v. United States	April 19, 2017	6-2	Thomas									
Nelson v. Colorado	April 19, 2017	7-1	Ginsburg									
Lewis v. Clarke	April 25, 2017	8-0	Sotomayor									
Venezuela v. Helmerich & Payne International	May 1, 2017	8-0	Breyer									
Bank of America v. Miami	May 1, 2017	8-0	Breyer									
Howell v. Howell	May 15, 2017	8-0	Breyer									
Midland Funding v. Johnson	May 15, 2017	5-3	Breyer									
Kindred Nursing Centers v. Clark	May 15, 2017	7-1	Kagan									
TC Heartland v. Kraft Food Brands Group	May 22, 2017	8-0	Thomas									

Voting Alignment - All Cases (continued)




















































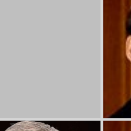





























Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Kennedy	Roberts	Gorsuch	Alito	Thomas
Water Splash v. Menon	May 22, 2017	8-0	Alito									
Cooper v. Harris	May 22, 2017	5-3	Kagan									
Impression Products v. Lexmark International	May 30, 2017	7-1	Roberts									
Esquivel-Quintana v. Sessions	May 30, 2017	8-0	Thomas									
BNSF Railway Co. v. Tyrrell	May 30, 2017	9-0	Ginsburg									
County of Los Angeles v. Mendez	May 30, 2017	8-0	Alito									
Town of Chester v. Laroe Estates, Inc.	June 5, 2017	9-0	Alito									
Honeycutt v. United States	June 5, 2017	8-0	Sotomayor									
Kokesh v. Securities Exchange Commission	June 5, 2017	9-0	Sotomayor									

Voting Alignment - All Cases

(continued)























































Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Kennedy	Roberts	Gorsuch	Alito	Thomas
Advocate Health Care v. Stapleton	June 5, 2017	8-0	Kagan									
North Carolina v. Covington et al.	June 5, 2017	9-0	Per Curiam									
Sandoz Inc. v. Amgen Inc.	June 12, 2017	9-0	Thomas									
Microsoft v. Baker	June 12, 2017	8-0	Ginsburg									
Sessions v. Morales-Santana	June 12, 2017	8-0	Ginsburg									
Henson v. Santander Consumer USA	June 12, 2017	9-0	Gorsuch									
Virginia v. LeBlanc	June 12, 2017	9-0	Per Curiam									
Packingham v. North Carolina	June 19, 2017	8-0	Kennedy									
Ziglar v. Abbasi	June 19, 2017	4-2	Kennedy									

Voting Alignment - All Cases (continued)

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Kennedy	Roberts	Gorsuch	Alito	Thomas
McWilliams v. Dunn	June 19, 2017	5-4	Breyer									
Matal v. Tam	June 19, 2017	8-0	Alito									
Bristol-Myers Squibb Co. v. Superior Court of California	June 19, 2017	8-1	Alito									
Jenkins v. Hutton	June 19, 2017	9-0	Per Curiam									
Weaver v. Massachusetts	June 22, 2017	7-2	Kennedy									
Turner v. United States	June 22, 2017	6-2	Breyer									
Maslenjak v. United States	June 22, 2017	9-0	Kagan									
Lee v. United States	June 23, 2017	6-2	Roberts									
Murr v. Wisconsin	June 23, 2017	5-3	Kennedy									





















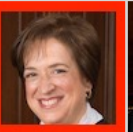





















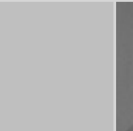











Voting Alignment - All Cases

(continued)

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Kennedy	Roberts	Gorsuch	Alito	Thomas
Perry v. Merit Systems Protection Board	June 23, 2017	7-2	Ginsburg									
Trinity Lutheran Church v. Pauley	June 26, 2017	7-2	Roberts									
California Public Employees' Retirement v. ANZ Securities, Inc.	June 26, 2017	5-4	Kennedy									
Davila v. Davis	June 26, 2017	5-4	Thomas									
Hernandez v. Mesa	June 26, 2017	5-3	Per Curiam									
Pavan v. Smith	June 26, 2017	6-3	Per Curiam									

Voting Alignment - 5-4 Cases

Cases are sorted by date of decision. Dissenting Justices are shaded in gray and the author of the majority opinion is highlighted in red.

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Kennedy	Roberts	Gorsuch	Alito	Thomas
Pena-Rodriguez v. Colorado	March 6, 2017	5-3	Kennedy									
Moore v. Texas	March 28, 2017	5-3	Ginsburg									
Cooper v. Harris	May 22, 2017	5-3	Kagan									
McWilliams v. Dunn	June 19, 2017	5-4	Breyer									
Murr v. Wisconsin	June 23, 2017	5-3	Kennedy									
California Public Employees' Retirement v. ANZ Securities, Inc.	June 26, 2017	5-4	Kennedy									
Davila v. Davis	June 26, 2017	5-4	Thomas	