

# Interim Stat Pack for October Term 2018

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Summary of the Term	
Total Merits Opinions Released	66
+ Signed merits opinions after oral argument	60
+ Per Curiam merits opinions after oral argument	1
+ Summary reversals	5
Total Merits Opinions Expected	74
+ Petitions granted and set for argument	72
+ Summary reversals	5
- Cases removed from argument calendar	2
- Cases dismissed after oral argument	1
Cases Set for Argument During OT19	29

\* You can find past Stat Packs here: <<https://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 argument, summary reversals (cases decided with per curiam opinions without briefing or oral argument, often to reverse a lower court), 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.

# Opinions By Sitting

Roberts	1		2		1		1		-		-		-		JGR	5	
Thomas	1		1		1		2		1		1		1		CT	8	
Ginsburg	1		1		1		1		-		1		1		RBG	6	
Breyer	1		1		1		2		-		1		2		SGB	8	
Alito	1		1		1		-		1		1		-		SAA	5	
Sotomayor	-		1		1		1		1		1		2		SMS	7	
Kagan	2		1		1		1		1		-		1		EK	7	
Gorsuch	1		2		1		1		-		-		2		NMG	7	
Kavanaugh	1		1		1		1		1		1		1		BMK	7	
Per Curiam	-		1		-		-		-		-		-		Per Cur.	1	
	October		November		December		January		February		March		April		Decided	61	
	Decided: 9   Remain: 0		Decided: 12   Remain: 0		Decided: 9   Remain: 1		Decided: 10   Remain: 1		Decided: 5   Remain: 1		Decided: 6   Remain: 3		Decided: 10   Remain: 2		Argued	69	
	Weyerhaeuser	JGR	Schein	BMK	Apple	BMK	Merck	SGB	Return Mail	SMS	Bethune	RBG	Brunetti	EK			
	Mt. Lemmon	RBG	Lamps Plus	JGR	Nieves	JGR	Obduskey	SGB	Mission Prd.	EK	Smith	SMS	Emulex*				
	Gundy	EK	Cougar Den	SGB	Nutraceutical	SMS	Herrera	SMS	Manhattan	BMK	Cochise	CT	Parker	CT			
	Madison	EK	Garza	SMS	Murphy		Fourth Est.	RBG	Haymond		Flowers	BMK	Kaestner Tr.	SMS			
	Knick*		Frank	PC	Timbs	RBG	Hyatt	CT	Mont	CT	PDR	SGB	Davis	NMG			
	New Prime	NMG	Jam	JGR	Dawson	NMG	Thacker	EK	Am. Legion	SAA	Dutra	SAA	McDonough	SMS			
	Stokeling	CT	Sturgeon	EK	Lorenzo	SGB	Rimini	BMK				Rucho		Food Mrkt.	NMG		
	Stitt	SGB	Va. Uranium	NMG	Biestek	EK	Home Depot	CT				Benisek		Fort Bend	RBG		
	Preap	SAA	Bucklew	NMG	Helsinn	CT	Allina	NMG				Kisor		Commerce			
	Air & Liquid	BMK	BNSF Rail.	RBG	Gamble	SAA	Knick	SGB						Mitchell			
			Harrison	SAA			Tenn. Wine							Rehaif	SGB		
		Culbertson	CT									Quarles	BMK				
												Taggart	SGB				

\*After oral argument in *Knick v. Township of Scott, Pennsylvania* on October 3, 2018, the Supreme Court ordered new briefing and heard reargument on January 16, 2019. After oral argument on April 15, 2019, the court dismissed *Emulex Corp. v. Varjabedian* as improvidently granted. The total of 69 arguments counts *Knick* only once and does not count *Emulex*.

# Circuit Scorecard

October Term 2018							
	Number	Percent	Decided	Aff'd	Rev'd	Aff'd %	Rev'd %
CA1	2	3%	2	1	1	50%	50%
CA2	6	7%	4	1	3	25%	75%
CA3	3	4%	3	1	2	33.33%	66.67%
CA4	5	5%	4	2	2	50%	50%
CA5	4	5%	4	2	2	50%	50%
CA6	7	9%	6	3	3	50%	50%
CA7	1	1%	1	0	1	0%	100%
CA8	4	5%	4	1	3	25%	75%
CA9	15	19%	14	2	12	14.29%	85.71%
CA10	3	4%	1	1	0	100%	0%
CA11	7	9%	7	4	3	57.14%	42.86%
CA DC	3	4%	3	2	1	66.67%	33.33%
CA Fed	5	5%	3	2	1	66.67%	33.33%
State	11	14%	10	2	8	20%	80%
Dist. Court	3	4%	1	1	0	100%	0%
Original	0	0%	-	-	-	-	-
	75	100%	67	25	42	37.31%	62.69%

October Term 2019		
	Number	Percent
CA1	1	3%
CA2	3	10%
CA3	2	7%
CA4	2	7%
CA5	4	13%
CA6	3	10%
CA7	0	0%
CA8	0	0%
CA9	3	10%
CA10	0	0%
CA11	3	10%
CA DC	0	0%
CA Fed	3	10%
State	6	20%
Dist. Court	-	-
Original	-	-
	30	100%

\* For the circuit scorecards only, we treat 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 *United States v. Stitt*, 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 two petitions from the U.S. Court of Appeals for the 4th Circuit in *The American Legion v. American Humanist Association* and *Maryland-National Capital Park and Planning Commission v. AHA*, we count the Supreme Court’s decision only once. Throughout the rest of the Stat Pack consolidated cases are uniformly treated as a single case.

\*\* For purposes of the Circuit Scorecard, we include as “affirmances” merits opinions that let stand the lower-court opinion, such as Justice Ginsburg’s opinion in *Virginia House of Delegates v. Bethune-Hill*, in which the court held that the appellants lacked standing and dismissed the appeal. Similarly, we include as “reversals” opinions that may in fact only vacate the lower-court decision and remand for further consideration, such as Justice Thomas’ opinion in *Parker Drilling Management Services, Ltd. v. Newton*.

\*\*\* The circuit scorecard does not include *Emulex v. Varjabedian*, which was dismissed as improvidently granted.

# 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	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Total Votes	Overall Decisions
CA1	1-1	1-1	1-1	1-1	1-1	1-1	1-1	2-0	0-1	9-8	1-1
CA2	0-4	2-2	2-2	2-2	1-3	2-2	3-1	1-3	0-3	13-22	1-3
CA3	1-2	0-3	2-1	2-1	0-3	2-1	2-1	0-3	1-2	10-17	1-2
CA4	0-4	2-2	3-1	1-3	0-4	3-1	2-2	1-3	1-3	13-23	2-2
CA5	1-3	1-3	2-2	2-2	1-3	2-2	2-2	2-2	1-2	14-21	2-2
CA6	3-3	3-3	2-4	2-4	3-3	1-5	2-4	1-5	3-3	20-34	3-3
CA7	0-1	0-1	1-0	0-1	0-1	1-0	0-1	0-1	0-1	2-7	0-1
CA8	1-3	2-2	1-3	1-3	1-3	1-3	0-4	2-2	1-3	10-26	1-3
CA9	1-13	2-12	6-8	5-9	1-13	6-8	4-10	2-12	1-12	28-97	2-12
CA10	1-0	1-0	1-0	1-0	1-0	1-0	1-0	1-0	1-0	9-0	1-0
CA11	3-4	5-2	2-5	4-3	5-2	3-4	3-4	3-4	4-3	32-31	4-3
CA DC	2-1	1-2	2-1	2-1	2-1	2-1	2-1	1-2	0-0	14-10	2-1
CA Fed	1-2	2-1	3-0	2-1	2-1	1-2	3-0	2-1	2-1	18-9	2-1
State	2-8	6-4	3-7	3-7	5-5	3-7	3-7	6-4	2-7	33-56	2-8
Dist. Court	0-1	1-0	1-0	0-1	0-1	1-0	1-0	1-0	0-1	5-4	1-0
Original											

# Merits Cases By Vote Split

9-0 27 (41%)	8-1 5 (8%)	7-2 7 (11%)	6-3 11 (17%)	5-4 16 (24%)	
<i>Mt. Lemmon</i> (8-0)	<i>Jam</i> (7-1)	<i>BNSF Railway</i>	<i>Moore</i> (PC)	<i>Stokeling</i>	
<i>Weyerhaeuser</i> (8-0)	<i>Frank</i> (PC)	<i>Lorenzo</i> (6-2)	<i>Garza</i>	<i>Madison</i> (5-3)	
<i>Stitt</i>	<i>Harrison</i>	<i>Box</i> (PC)	<i>Air &amp; Liquid</i>	<i>Cougar Den</i>	
<i>Emmons</i> (PC)	<i>Mission Prd.</i>	<i>Gamble</i>	<i>Biestek</i>	<i>Preap</i>	
<i>Hill</i> (PC)	<i>Allina</i> (7-1)	<i>Am. Legion</i>	<i>Nieves</i>	<i>Bucklew</i>	
<i>Culbertson</i>		<i>Rehaif</i>	<i>Return Mail</i>	<i>Lamps Plus</i>	
<i>Schein</i>		<i>Flowers</i>	<i>Va. Uranium</i>	<i>Hyatt</i>	
<i>New Prime</i> (8-0)			<i>McDonough</i>	<i>Apple</i>	
<i>Helsinn</i>			<i>Dutra</i>	<i>Herrera</i>	
<i>Timbs</i>			<i>Brunetti</i>	<i>Home Depot</i>	
<i>Dawson</i>			<i>Food Mrkt.</i>	<i>Mont</i>	
<i>Rizo</i> (PC)				<i>Bethune</i>	
<i>Nutraceutical</i>				<i>Manhattan</i>	
<i>Fourth Est.</i>				<i>Gundy</i> (5-3)	
<i>Rimini</i>				<i>Knick</i>	
<i>Obduskey</i>				<i>Davis</i>	
<i>Sturgeon</i>					
<i>Thacker</i>					
<i>Cochise</i>					
<i>Merck</i>					
<i>Smith</i>					
<i>Fort Bend</i>					
<i>Taggart</i>					
<i>Parker</i>					
<i>Quarles</i>					
<i>PDR</i>					
<i>Kaestner Tr.</i>					

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%
OT16	59%	9%	17%	4%	10%
OT17	39%	8%	15%	10%	26%
Avg.	49%	8%	13%	10%	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 nonparticipating justice would have joined the majority. In cases that are decided 5-3, we look at each case individually to decide whether it was more likely that the nonparticipating 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, Thomas, Alito, Gorsuch and Kavanaugh), the most liberal bloc (Ginsburg, Breyer, Sotomayor and Kagan) along with any of the more conservative justices, or a more uncommon alignment. A conservative lineup is marked with a red square, a liberal lineup is marked with a blue square, and all others are marked with a yellow square.

\*\*\*For per curiam opinions, we assume that all justices who do not publicly dissent voted with the majority.

Term Index

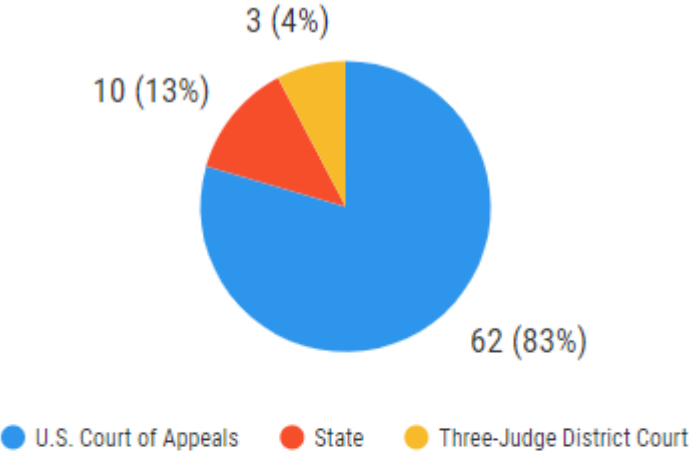
This chart includes a summary of the cases for the term including (1) majority opinion author, (2) vote, (3) days between argument and opinion, (4) judgment, and (5) court below. For each sitting, the chart provides the number of majority opinions written by each justice and the average number of days between argument and opinion for that justice’s majority opinions.

October										November								December									
1	Weyerhaeuser	JGR	8-0	57d	R	CA5	JGR	1	57d	Schein	BMK	9-0	71d	R	CA5	JGR	2	148d	Apple	BMK	5-4	168d	A	CA9	JGR	1	183d
2	Mt. Lemmon	RBG	8-0	36d	A	CA9	CT	1	98d	Lamps Plus	JGR	5-4	177d	R	CA9	CT	1	62d	Nieves	JGR	6-3	183d	R	CA9	CT	1	52d
3	Gundy	EK	5-3	261d	A	CA2	RBG	1	36d	Cougar Den	SGB	5-4	140d	A	ST	RBG	1	118d	Nutraceutical	SMS	9-0	91d	R	CA9	RBG	1	84d
4	Madison	EK	5-3	148d	R	ST	SGB	1	62d	Garza	SMS	6-3	120d	R	ST	SGB	1	140d	Murphy					CA10	SGB	1	114d
5	Knick					CA3	SAA	1	160d	Frank	PC	8-1	140d	R	CA9	SAA	1	139d	Timbs	RBG	9-0	84d	R	ST	SAA	1	194d
6	New Prime	NMG	8-0	104d	A	CA1	SMS	0		Jam	JGR	7-1	119d	R	CADC	SMS	1	120d	Dawson	NMG	9-0	79d	R	ST	SMS	1	91d
7	Stokeling	CT	5-4	98d	A	CA11	EK	2	205d	Sturgeon	EK	9-0	141d	R	CA9	EK	1	141d	Lorenzo	SGB	6-2	114d	A	CADC	EK	1	118d
8	Stitt	SGB	9-0	62d	R	CA6	NMG	1	104d	Va. Uranium	NMG	6-3	224d	A	CA4	NMG	2	148d	Biestek	EK	6-3	118d	A	CA6	NMG	1	79d
9	Preap	SAA	5-4	160d	R	CA9	BMK	1	160d	Bucklew	NMG	5-4	146d	A	CA8	BMK	1	71d	Helsinn	CT	9-0	52d	A	CAFC	BMK	0	
10	Air & Liquid	BMK	6-3	160d	A	CA3	Tot.	9		BNSF Railway	RBG	7-2	118d	R	CA8	PC	1	140d	Gamble	SAA	7-2	194d	A	CA11	Tot.	9	
11							Expect	9		Harrison	SAA	8-1	139d	R	CA2	Tot.	12								Expect	10	
12							Avg.		121d	Culbertson	CT	9-0	62d	R	CA11	Expect	12								Avg.		120d
																Avg.		133d									
	January									February								March									
1	Merck	SGB	9-0	133d	R	CA3	JGR	1	156d	Return Mail	SMS	6-3	110d	R	CAFC	JGR	0		Bethune	RBG	5-4	91d	A	USDC	JGR	0	
2	Obduskey	SGB	9-0	72d	A	CA10	CT	2	129d	Mission Prd.	EK	8-1	89d	R	CA1	CT	1	97d	Smith	SMS	9-0	71d	R	CA6	CT	1	55d
3	Herrera	SMS	5-4	132d	R	ST	RBG	1	55d	Manhattan	BMK	5-4	112d	R	CA2	RBG	0		Cochise	CT	9-0	55d	A	CA11	RBG	1	91d
4	Fourth Est.	RBG	9-0	55d	A	CA11	SGB	2	103d	Haymond					CA10	SGB	0		Flowers	BMK	7-2	93d	R	ST	SGB	1	87d
5	Hyatt	CT	5-4	124d	R	ST	SAA	0		Mont	CT	5-4	97d	A	CA6	SAA	1	113d	PDR	SGB	9-0	87d	R	CA4	SAA	1	91d
6	Thacker	EK	9-0	105d	R	CA11	SMS	1	132d	Am. Legion	SAA	7-2	113d	R	CA4	SMS	1	110d	Dutra	SAA	6-3	91d	R	CA9	SMS	1	71d
7	Rimini	BMK	9-0	49d	R	CA9	EK	1	105d							EK	1	89d	Rucho					USDC	EK	0	
8	Home Depot	CT	5-4	133d	A	CA4	NMG	1	139d							NMG	0		Benisek					USDC	NMG		0
9	Allina	NMG	7-1	139d	A	CADC	BMK	1	49d							BMK	1	112d	Kisor					CAFC	BMK	1	93d
10	Knick	JGR	5-4	156d	R	CA3	Tot.	10								Tot.	5								Tot.	6	
11	Tenn. Wine					CA6	Expect	11								Expect	6								Expect	9	
12							Avg.		110d							Avg.		104d							Avg.		81d
	April									Summary Reversal								Total									
1	Brunetti	EK	6-3	70d	A	CAFC	JGR	0		Emmons	PC	9-0	n/a	R	CA9				JGR	5	134d			Dismissed after argument		1	
2	Emulex					CA9	CT	1	55d	Hill	PC	9-0	n/a	R	CA6				CT	8	85d			Dismissed before argument		2	
3	Parker	CT	9-0	55d	R	CA9	RBG	1	42d	Moore	PC	6-3	n/a	R	ST				RBG	6	71d						
4	Kaestner Tr.	SMS	9-0	66d	A	ST	SGB	2	50d	Rizo	PC	9-0	n/a	R	CA9				SGB	8	88d						
5	Davis	NMG	5-4	68d	A	CA5	SAA	0		Box	PC	7-2	n/a	R	CA7				SAA	5	139d						
6	McDonough	SMS	6-3	64d	R	CA2	SMS	2	65d										SMS	7	93d						
7	Food Mrkt.	NMG	6-3	63d		CA8	EK	1	70d										EK	7	133d						
8	Fort Bend	RBG	9-0	42d	A	CA5	NMG	2	66d										NMG	7	118d						
9	Commerce					CA2	BMK	1	47d										BMK	7	100d						
10	Mitchell					ST	Tot.	10											PC	6							
11	Rehaif	SGB	7-2	59d	R	CA11	Expect	13											Cases disposed	66							
12	Quarles	BMK	9-0	47d		CA6	Avg.		57d										Expected	74							
13	Taggart	SGB	9-0	40d	R	CA9													Percent Decided	89%							
																			Average time	106d							

# Makeup 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.

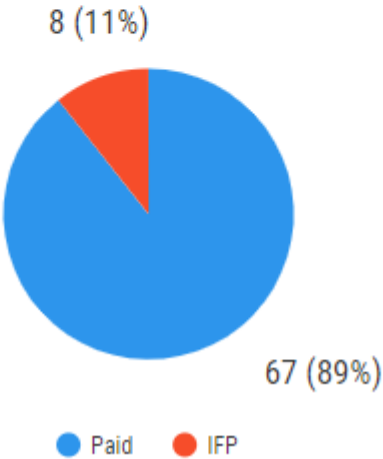
Court Below



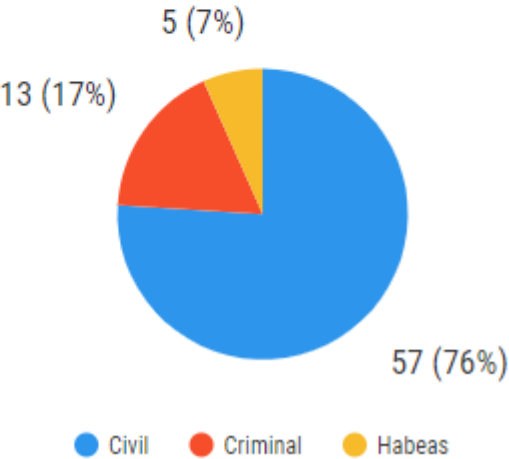
Jurisdiction



Docket



Nature

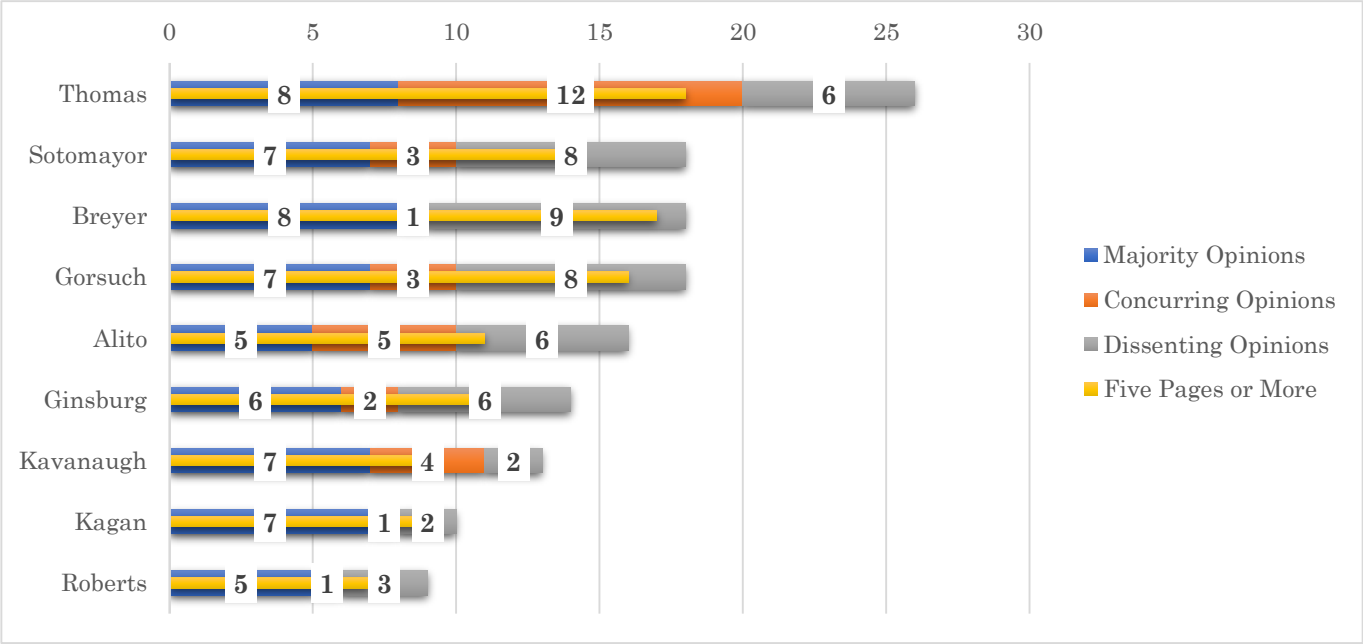


\* Technically, all paid and in forma pauperis cases have been on the same docket since 1971, with paid cases beginning each year with case number 1, and IFP cases beginning at number 5001. Original cases remain on a separate docket and follow a separate numbering convention. For more information on 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 the thicker bars in the chart below.

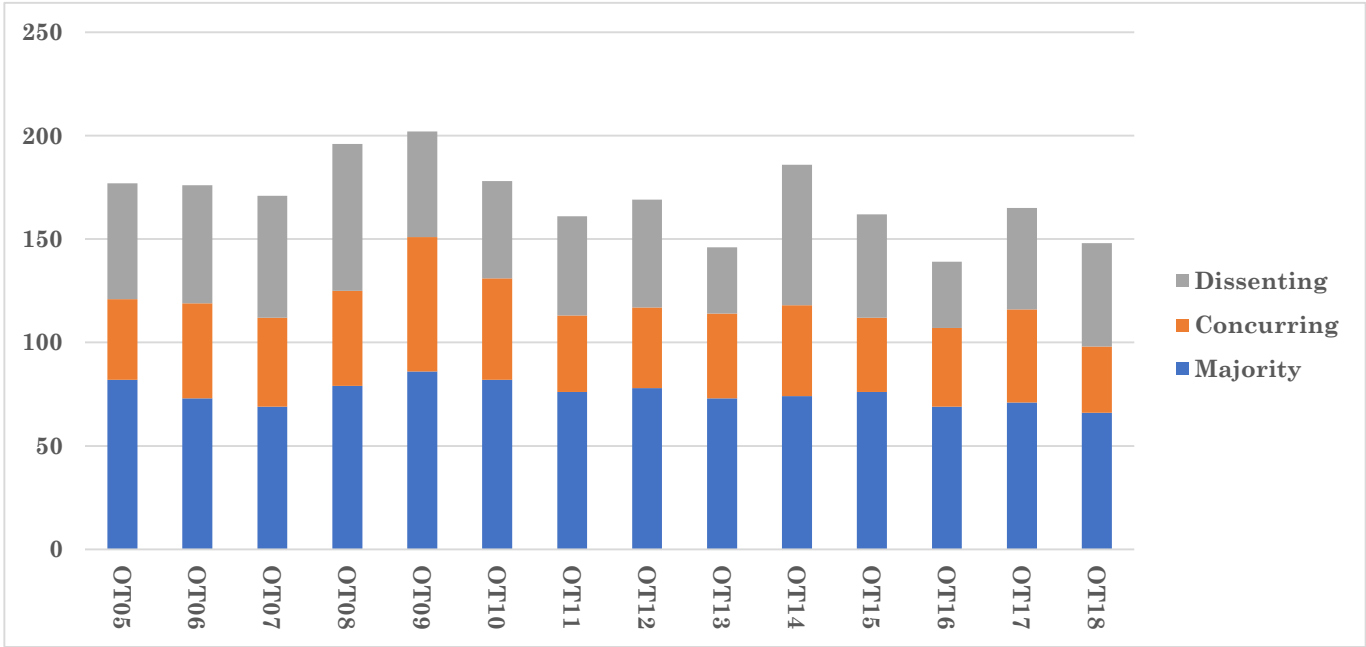
	Total Opinions	Majority Opinions	Concurring Opinions	Dissenting Opinions
Roberts	9 (7)	5 (5)	1 (0)	3 (2)
Thomas	26 (18)	8 (8)	12 (6)	6 (4)
Ginsburg	14 (11)	6 (6)	2 (1)	6 (4)
Breyer	18 (17)	8 (8)	1 (0)	9 (9)
Alito	16 (11)	5 (5)	5 (1)	6 (5)
Sotomayor	18 (14)	7 (7)	3 (2)	8 (6)
Kagan	10 (9)	7 (7)	1 (0)	2 (2)
Gorsuch	18 (16)	7 (7)	3 (2)	8 (7)
Kavanaugh	13 (9)	7 (7)	4 (2)	2 (2)
Per Curiam	6 (5)	6 (5)	- (-)	- (-)





# 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
OT17	71	45	49	165
OT18	66	32	50	148
Average (OT05-OT17)	76	44	52	171



# Opinions Authored By Each Justice

		Roberts	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	PC	
Majority Opinions	1	<i>Weyerhaeuser</i>	<i>Culbertson</i>	<i>Mt. Lemmon</i>	<i>Stitt</i>	<i>Preap</i>	<i>Nutraceutical</i>	<i>Madison</i>	<i>New Prime</i>	<i>Schein</i>	<i>Emmons</i>	66
	2	<i>Jam</i>	<i>Stokeling</i>	<i>Timbs</i>	<i>Cougar Den</i>	<i>Harrison</i>	<i>Garza</i>	<i>Sturgeon</i>	<i>Dawson</i>	<i>Rimini</i>	<i>Hill</i>	
	3	<i>Lamps Plus</i>	<i>Helsinn</i>	<i>Fourth Est.</i>	<i>Obduskey</i>	<i>Gamble</i>	<i>Herrera</i>	<i>Biestek</i>	<i>Bucklew</i>	<i>Air &amp; Liquid</i>	<i>Moore</i>	
	4	<i>Nieves</i>	<i>Hyatt</i>	<i>BNSF Railway</i>	<i>Lorenzo</i>	<i>Am. Legion</i>	<i>Smith</i>	<i>Thacker</i>	<i>Allina</i>	<i>Apple</i>	<i>Rizo</i>	
	5	<i>Knick</i>	<i>Cochise</i>	<i>Fort Bend</i>	<i>Merck</i>	<i>Dutra</i>	<i>Return Mail</i>	<i>Mission Prd.</i>	<i>Va. Uranium</i>	<i>Quarles</i>	<i>Frank</i>	
	6		<i>Home Depot</i>	<i>Bethune</i>	<i>Taggart</i>		<i>McDonough</i>	<i>Gundy</i>	<i>Food Mrkt.</i>	<i>Manhattan</i>	<i>Box</i>	
	7		<i>Mont</i>		<i>PDR</i>		<i>Kaestner Tr.</i>	<i>Brunetti</i>	<i>Davis</i>	<i>Flowers</i>		
	8		<i>Parker</i>		<i>Rehaif</i>							
	9											
	10											
	11											
	12											
	13											
	14											
	15											
Concurring Opinions	1	<i>Moore</i>	<i>Timbs</i>	<i>New Prime</i>	<i>Am. Legion</i>	<i>Merck</i>	<i>Obduskey</i>	<i>Am. Legion</i>	<i>Timbs</i>	<i>Preap</i>		32
	2		<i>Preap</i>	<i>Va. Uranium</i>		<i>Gundy</i>	<i>Sturgeon</i>		<i>Cougar Den</i>	<i>Bucklew</i>		
	3		<i>Bucklew</i>			<i>Kaestner Tr.</i>	<i>Mission Prd.</i>		<i>Am. Legion</i>	<i>PDR</i>		
	4		<i>Lamps Plus</i>			<i>Flowers</i>				<i>Am. Legion</i>		
	5		<i>Merck</i>			<i>Brunetti</i>						
	6		<i>Nieves</i>									
	7		<i>Box</i>									
	8		<i>Quarles</i>									
	9		<i>Gamble</i>									
	10		<i>PDR</i>									
	11		<i>Am. Legion</i>									
	12		<i>Knick</i>									
	13											
	14											
	15											
Dissenting Opinions	1	<i>Cougar Den</i>	<i>Garza</i>	<i>Lamps Plus</i>	<i>Jam</i>	<i>Moore</i>	<i>Stokeling</i>	<i>Lamps Plus</i>	<i>BNSF Railway</i>	<i>Cougar Den</i>		50
	2	<i>Va. Uranium</i>	<i>Frank</i>	<i>Nieves</i>	<i>Preap</i>	<i>Madison</i>	<i>Biestek</i>	<i>Knick</i>	<i>Air &amp; Liquid</i>	<i>Davis</i>		
	3	<i>Brunetti</i>	<i>Harrison</i>	<i>Box</i>	<i>Bucklew</i>	<i>Herrera</i>	<i>Bucklew</i>		<i>Biestek</i>			
	4		<i>Lorenzo</i>	<i>Gamble</i>	<i>Lamps Plus</i>	<i>Home Depot</i>	<i>Lamps Plus</i>		<i>Apple</i>			
	5		<i>McDonough</i>	<i>Am. Legion</i>	<i>Hyatt</i>	<i>Bethune</i>	<i>Nieves</i>		<i>Mission Prd.</i>			
	6		<i>Flowers</i>	<i>Dutra</i>		<i>Rehaif</i>	<i>Mont</i>		<i>Nieves</i>			
	7					<i>Return Mail</i>		<i>Manhattan</i>	<i>Gamble</i>			
	8					<i>Brunetti</i>		<i>Brunetti</i>	<i>Gundy</i>			
	9					<i>Food Mrkt.</i>						
	10											
	11											
	12											
	13											
	14											
	15											
Total		9	26	14	18	16	18	10	18	13	6	148

\*Plurality opinions, like those by Justice Breyer in *Washington State Department of Licensing v. Cougar Den Inc.* and Justice Gorsuch in *Virginia Uranium Inc. v. Warren*, are treated as majority opinions throughout the Stat Pack.

# Workload – Opinions Released Each Week

The chart below demonstrates how many opinions were released by each justice during each opinion week.

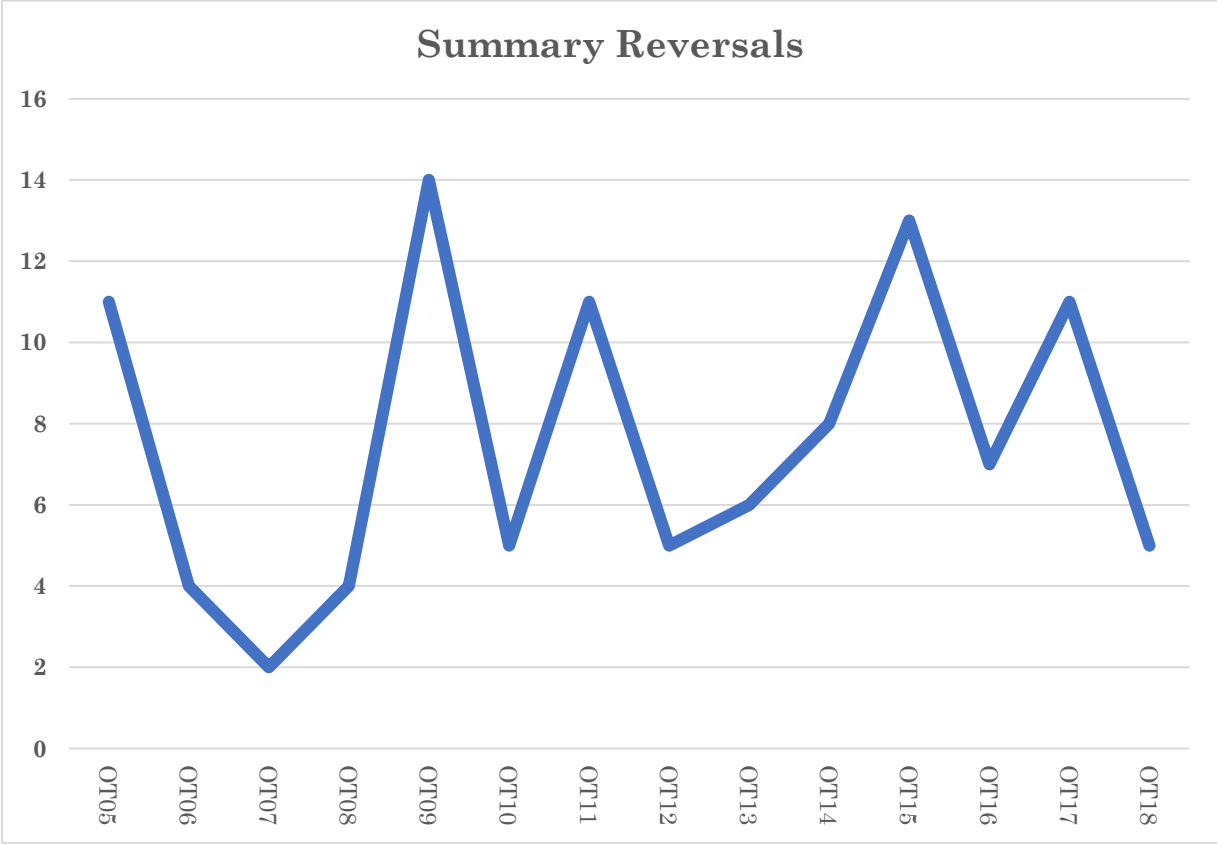
		October			November			December			January			February			March			April			May			June				Total
		#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#4				
JGR	Majority							1							1					1				1			1		5	
	Concurring													1														1		
	Dissenting															1										1	1	3		
	Total							1							1	1		1			1			1			2	1	9	
CT	Majority									1	1	1									2		1	1	1			8		
	Concurring												1			1		1		1		1	2		1	4		12		
	Dissenting												1			1	2								2		6			
	Total									1	1	1	1	1		2	2	1		1		2	1	3	1	2	6	26		
RBG	Majority					1							1		2									1		1		6		
	Concurring										1														1		2			
	Dissenting																	1				2			2	1	6			
	Total					1					1		1		2				1			2	1		4	1	14			
SGB	Majority								1							2	1					1		1		2		8		
	Concurring																								1		1			
	Dissenting												1			1		1		1			1	1		2	9			
	Total								1					1		3	1	1		1		1		2	1	3	2	18		
SAA	Majority															1	1									2	1	5		
	Concurring																					1				3	1	5		
	Dissenting											1	1									1	1			2		6		
	Total											1	1		1	1					2	1			7	2	16			
SMS	Majority													2								1	1		1	2		7		
	Concurring															1	1					1						3		
	Dissenting									1								2		1			1	1		1	1	8		
	Total									1			2		1	1	2		1			2	2	1		3	1	18		
EK	Majority													1			1	1			1		1			1	1	7		
	Concurring																									1		1		
	Dissenting																		1							1		2		
	Total													1			1	1		1	1		1			3	1	10		
NMG	Majority										1			1				1							1		1	2	7	
	Concurring												1			1										1		3		
	Dissenting													1	1		1				1	1	1			2		8		
	Total										1		2		1	2		2			1	1	1	1		4	2	18		
BMK	Majority									1							1					1				1	2		7	
	Concurring															1		1								2		4		
	Dissenting															1											1	2		
	Total									1						3		1				1				1	4	1	13	

# 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							15						16						13						16			23					83
	Concurring													1																1				
	Dissenting																10											9	2	21				
	Total							15						1			16	10						13						16	32			2
CT	Majority										9	13	9									27		11	13	15				97				
	Concurring												13			6		2		2			6	24		2	29			84				
	Dissenting													18		3	20										45			86				
	Total									9	13	9	13	18		9	20	2		2		27	6	35	13	17	74			267				
RBG	Majority					7							9		26										11		12			65				
	Concurring											2														14			16					
	Dissenting																		5				4			30	11		50					
	Total					7						2		9		26				5				4	11		56	11		131				
SGB	Majority									9						32	13							17		11		18		100				
	Concurring																									3			3					
	Dissenting													17		17		18		9		13			18	8		13	113					
	Total									9				17		49	13	18		9		13	17		29	8	21	13	216					
SAA	Majority															26	17										62	19		124				
	Concurring																						6			7	2		9					
	Dissenting												3	13									19	26		31			92					
	Total												3	13		26	17						25	26			100	21		225				
SMS	Majority													24									22	16		18	31			111				
	Concurring															3	12						2						17					
	Dissenting										19						8		3					14	14		20	19		97				
	Total										19			24		3	12	8		3			24	30	14	18	20	19		225				
EK	Majority													18			30	11			11		17				18	11		116				
	Concurring																										2			2				
	Dissenting																			14							19			33				
	Total													18			30	11		14	11		17				39	11		151				
NMG	Majority										15		8					31								17		17	37		125			
	Concurring												1			11											11			23				
	Dissenting														9	9		9				11	2	9			58			107				
	Total										15		9		9	20		40				11	2	9	17		86	37		255				
BMK	Majority									8					12	11							14				10	47			102			
	Concurring															3		2									24			24				
	Dissenting															6												35		41				
	Total									8					12	20		2				14				10	71	35		167				

# 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
OT17	11
OT18	5
Average (OT05-OT17)	8



# Majority Opinion Authorship

Majority Opinions Authored

	Total	9-0	8-1	7-2	6-3	5-4	Average Majority
Roberts	5	1	1	-	1	2	6.6
Thomas	8	4	-	-	-	4	7
Ginsburg	6	4	-	1	-	1	8
Breyer	8	5	-	2	-	1	8
Alito	5	-	1	2	1	1	6.6
Sotomayor	7	3	-	-	3	1	7.1
Kagan	7	2	1	-	2	2	6.9
Gorsuch	7	2	1	-	2	2	6.9
Kavanaugh	7	3	-	1	1	2	7.1
	60	24	4	6	10	16	7.3

Percentage of Majority Opinions Decided with Unanimous Judgment

Ginsburg	66.67%
Breyer	62.5%
Thomas	50%
Sotomayor	42.86%
Kavanaugh	42.86%
Kagan	28.57%
Gorsuch	28.57%
Roberts	20%
Alito	0%

Authorship as a Percentage of Similar Opinions

	9-0	8-1	7-2	6-3	5-4
Roberts	4.17%	25%		10%	12.5%
Thomas	16.67%				25%
Ginsburg	16.67%		16.67%		6.25%
Breyer	20.83%		33.33%		6.25%
Alito		25%	33.33%	10%	6.25%
Sotomayor	12.5%			30%	6.25%
Kagan	8.33%	25%		20%	12.5%
Gorsuch	8.33%	25%		20%	12.5%
Kavanaugh	12.5%		16.67%	10%	12.5%

Average Days Between Argument and Opinion

Sotomayor	139d
Alito	134d
Breyer	133d
Thomas	118d
Ginsburg	100d
Kavanaugh	93d
Gorsuch	88d
Roberts	85d
Kagan	71d

# Strength of the Majority

Argument Sitting	Decided	9-0	8-1	7-2	6-3	5-4	Average Majority
October	9	4			1	4	6.89
November	12	3	3	1	2	3	7.08
December	9	4		2	2	1	7.44
January	10	5	1			4	7.3
February	5		1	1	1	2	6.2
March	6	3		1	1	1	7.5
April	10	5		1	3	1	7.5
Summary Reversal	5	3		1	1		8

Number of Opinions Per Case
2
3.67
2.44
1.9
3.2
2
2
1.8

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
OT17	1
OT18	0
Average (OT05-OT17)	0.7

Term Recusals	
Justice	Total
Kavanaugh	8
Gorsuch	1

Solo Dissents		
Justice	Total (OT18)	Average* (OT05-OT17)
Breyer	2	.28
Thomas	2	2.1
Gorsuch	1	.5
Alito	-	.62
Sotomayor	-	.89
Kagan	-	0
Roberts	-	0
Kavanaugh	-	0

\* Averages consider only the terms during which a justice served on the court. Chief Justice Roberts and Justice Kagan have never filed a lone dissenting vote.

# 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, 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	All Justices in Total Agreement	19	28.79%
		Measure #2	All Justices Join the Majority Opinion	24	36.36%
		Measure #1	All Justices Vote For the Same Judgment	27	40.91%
Divided			Justices Disagree On Whether To Affirm, Reverse, Or Vacate The Decision Below	39	59.09%

\* 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/>>.



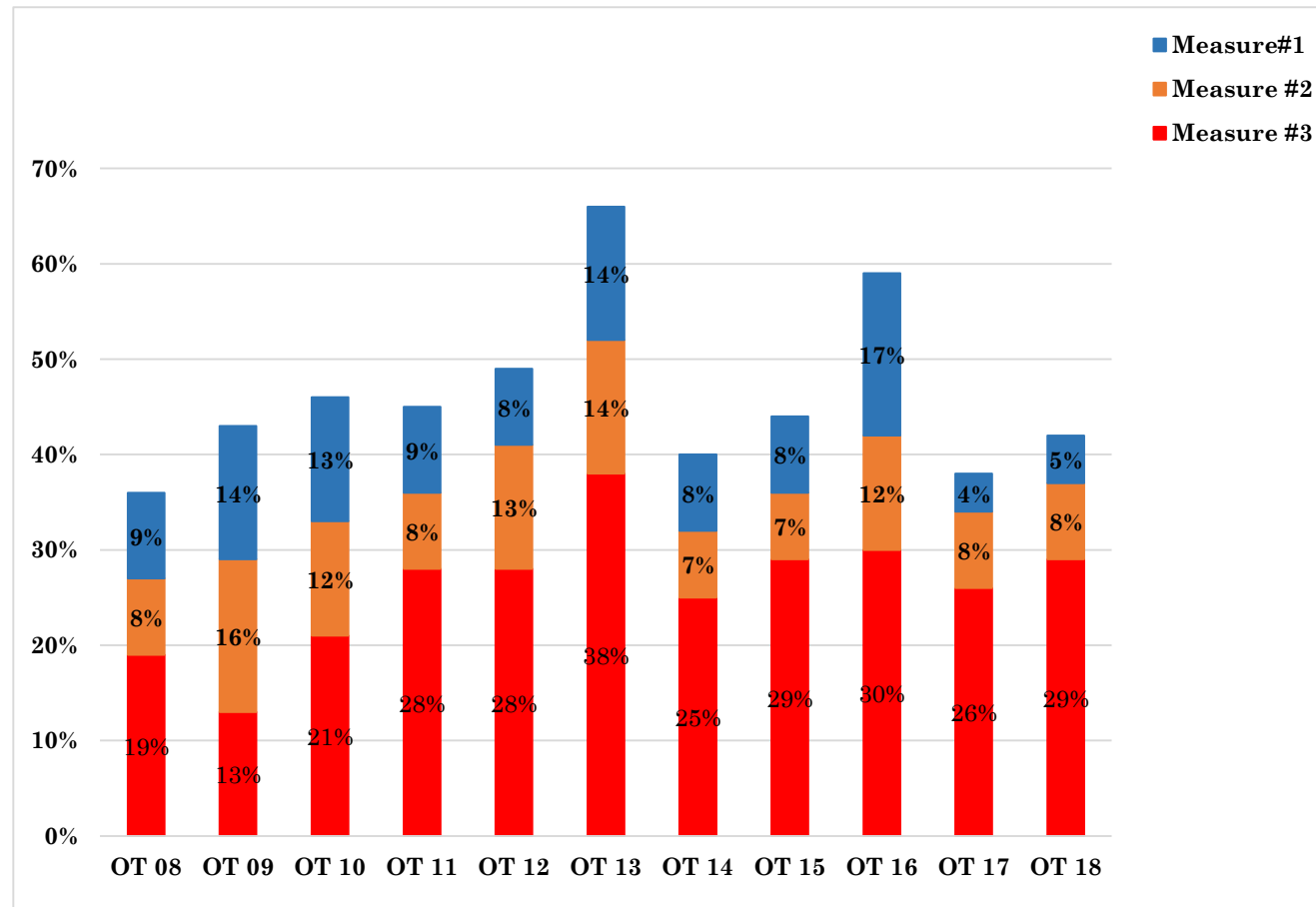
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# Frequency in the Majority

The following charts measure how frequently each justice has voted with the majority during October Term 2018. The charts include summary reversals but do not include cases that were dismissed.

All Cases										
Justice	Votes	Frequency in Majority		OT17	OT16	OT15	OT14	OT13	OT12	OT11
Roberts	66	56	85%	93%	93%	92%	80%	92%	86%	92%
Thomas	66	50	76%	81%	82%	72%	61%	88%	79%	86%
Ginsburg	66	51	77%	73%	85%	88%	86%	85%	79%	70%
Breyer	66	51	77%	73%	90%	94%	92%	88%	83%	76%
Alito	66	54	82%	79%	86%	84%	72%	88%	79%	83%
Sotomayor	66	51	77%	68%	90%	83%	89%	82%	79%	80%
Kagan	66	56	85%	74%	93%	95%	85%	92%	81%	82%
Gorsuch	66	50	76%	85%	82%	-	-	-	-	-
Kavanaugh	58	53	91%	-	-	-	-	-	-	-

Divided Cases										
Justice	Votes	Frequency in Majority		OT17	OT16	OT15	OT14	OT13	OT12	OT11
Roberts	39	29	74%	89%	83%	84%	66%	76%	73%	86%
Thomas	39	23	59%	69%	57%	49%	34%	64%	60%	74%
Ginsburg	39	24	62%	56%	63%	78%	77%	56%	60%	45%
Breyer	39	24	62%	56%	77%	89%	86%	64%	67%	57%
Alito	39	27	69%	67%	67%	70%	52%	63%	59%	69%
Sotomayor	39	24	62%	49%	76%	68%	82%	46%	59%	64%
Kagan	39	29	74%	59%	83%	91%	75%	75%	63%	67%
Gorsuch	39	23	59%	75%	63%	-	-	-	-	-
Kavanaugh	34	29	85%	-	-	-	-	-	-	-

# 5-4 Cases

Alignment of the Majority		
Majority		Cases
Roberts, Thomas, Alito, Gorsuch, Kavanaugh	6	<i>Preap, Bucklew, Lamps Plus, Hyatt, Manhattan, Knick</i>
Ginsburg, Breyer, Sotomayor, Kagan, Gorsuch	3	<i>Cougar Den, Herrera, Davis</i>
Roberts, Ginsburg, Breyer, Sotomayor, Kagan	1	<i>Madison</i>
Roberts, Thomas, Ginsburg, Alito, Kavanaugh	1	<i>Mont</i>
Thomas, Ginsburg, Breyer, Sotomayor, Kagan	1	<i>Home Depot</i>
Ginsburg, Breyer, Sotomayor, Kagan, Kavanaugh	1	<i>Apple</i>
Thomas, Breyer, Alito, Gorsuch, Kavanaugh	1	<i>Stokeling</i>
Thomas, Ginsburg, Sotomayor, Kagan, Gorsuch	1	<i>Bethune</i>
Ginsburg, Breyer, Alito, Sotomayor, Kagan	1	<i>Gundy</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%	53%	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
OT17	19	26%	74%	100%	74%	5
OT18	16	24%	81%	46%	38%	9
Average	15	20%	75%	58%	43%	6

\* For the purposes of this chart, a “Conservative Victory” occurs whenever the majority consists of Chief Justice Roberts and Justices Thomas, Alito, Gorsuch and Kavanaugh. A “Liberal Victory” occurs whenever the majority consists of Justices Ginsburg, Breyer, Sotomayor, Kagan and one conservative. An ideological split occurs with either of these two types of victories.

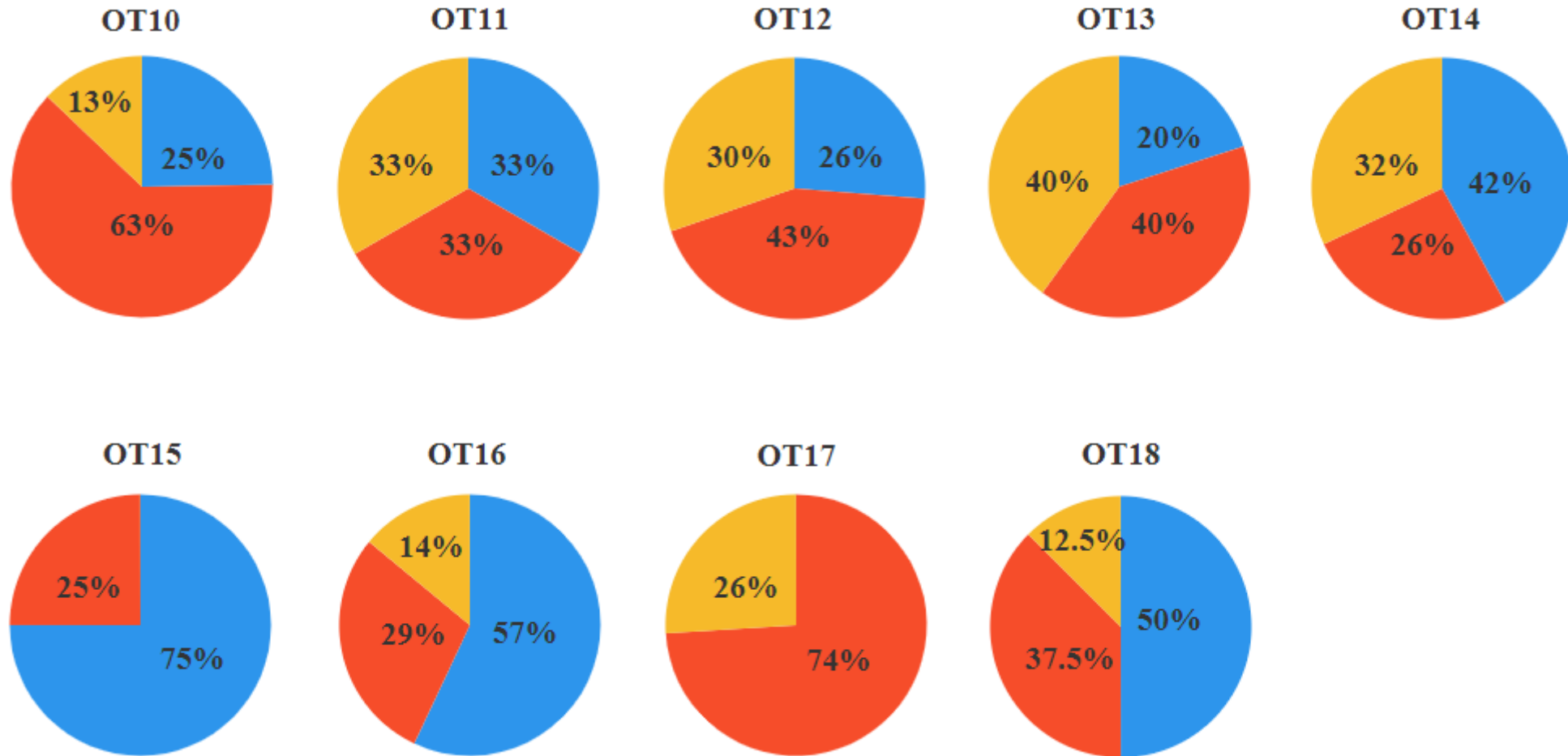
# 5-4 Cases

Membership in a 5-4 Majority											
Justice	Cases Decided	Frequency in Majority		OT17	OT16	OT15	OT14	OT13	OT12	OT11	OT10
Gorsuch	16	11	69%	84%	67%	-	-	-	-	-	-
Kavanaugh	14	9	64%	-	-	-	-	-	-	-	-
Thomas	16	10	63%	79%	43%	25%	37%	50%	65%	67%	75%
Alito	16	9	56%	79%	29%	25%	47%	60%	57%	60%	63%
Ginsburg	16	9	56%	26%	71%	75%	63%	40%	43%	33%	38%
Roberts	16	8	50%	89%	29%	25%	53%	70%	61%	67%	63%
Breyer	16	8	50%	21%	71%	75%	74%	50%	48%	47%	31%
Sotomayor	16	8	50%	21%	71%	75%	68%	30%	39%	47%	38%
Kagan	16	8	50%	17%	71%	50%	53%	50%	43%	40%	38%

5-4 Majority Opinion Authorship *												
Justice	Cases Decided	Frequency in the Majority	Opinions Authored	Frequency as Author	OT17	OT16	OT15	OT14	OT13	OT12	OT11	OT10
Thomas	16	10	4	25%	20%	33%	0%	0%	20%	13%	0%	33%
Kagan	16	8	2	13%	33%	20%	0%	10%	60%	10%	17%	0%
Roberts	16	8	2	13%	12%	0%	0%	20%	14%	14%	10%	30%
Gorsuch	16	11	2	13%	31%	0%	-	-	-	-	-	-
Kavanaugh	14	9	2	14%	-	-	-	-	-	-	-	-
Sotomayor	16	8	1	6%	0%	0%	0%	15%	0%	22%	29%	17%
Breyer	16	8	1	6%	25%	20%	33%	21%	0%	18%	43%	20%
Alito	16	9	1	6%	27%	0%	100%	33%	33%	46%	33%	0%
Ginsburg	16	9	1	6%	20%	20%	0%	25%	0%	10%	0%	33%

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

# 5-4 Cases



\*For OT10 through OT17, a victorious conservative majority (in red) includes Kennedy, Roberts, Scalia/Gorsuch, Thomas and Alito. A victorious liberal majority (in blue) includes Kennedy, Ginsburg, Breyer, Sotomayor and Kagan. Different majorities are marked in yellow.

\*\*For OT 18, a victorious conservative majority (in red) includes Roberts, Thomas, Alito, Gorsuch and Kavanaugh. A victorious liberal majority (in blue) includes Ginsburg, Breyer, Sotomayor, Kagan and one other justice. Different majorities are marked in yellow.

# Majority Opinion Distribution

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 *Herrera v. Wyoming*, a 5-4 decision in which Justices Ginsburg, Breyer, Sotomayor, Kagan and Gorsuch voted in the majority, Justice Ginsburg (the most senior justice in the majority) assigned authorship duties to Justice Sotomayor (the author of the majority opinion). The tables below demonstrate how the five most senior justices on the court assigned majority opinions during OT18 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	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh
Roberts (24)	1	4	4	5	0	3	2	2	3

5-4 Cases									
	Roberts	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh
Roberts (8)	2	2	0	0	1		1	1	1
	Thomas (3)	2	1	0	0	0	0	0	0
		Ginsburg (5)	0	1	0	1	1	1	1
			Breyer (0)	0	0	0	0	0	0
				Alito (0)	0	0	0	0	0

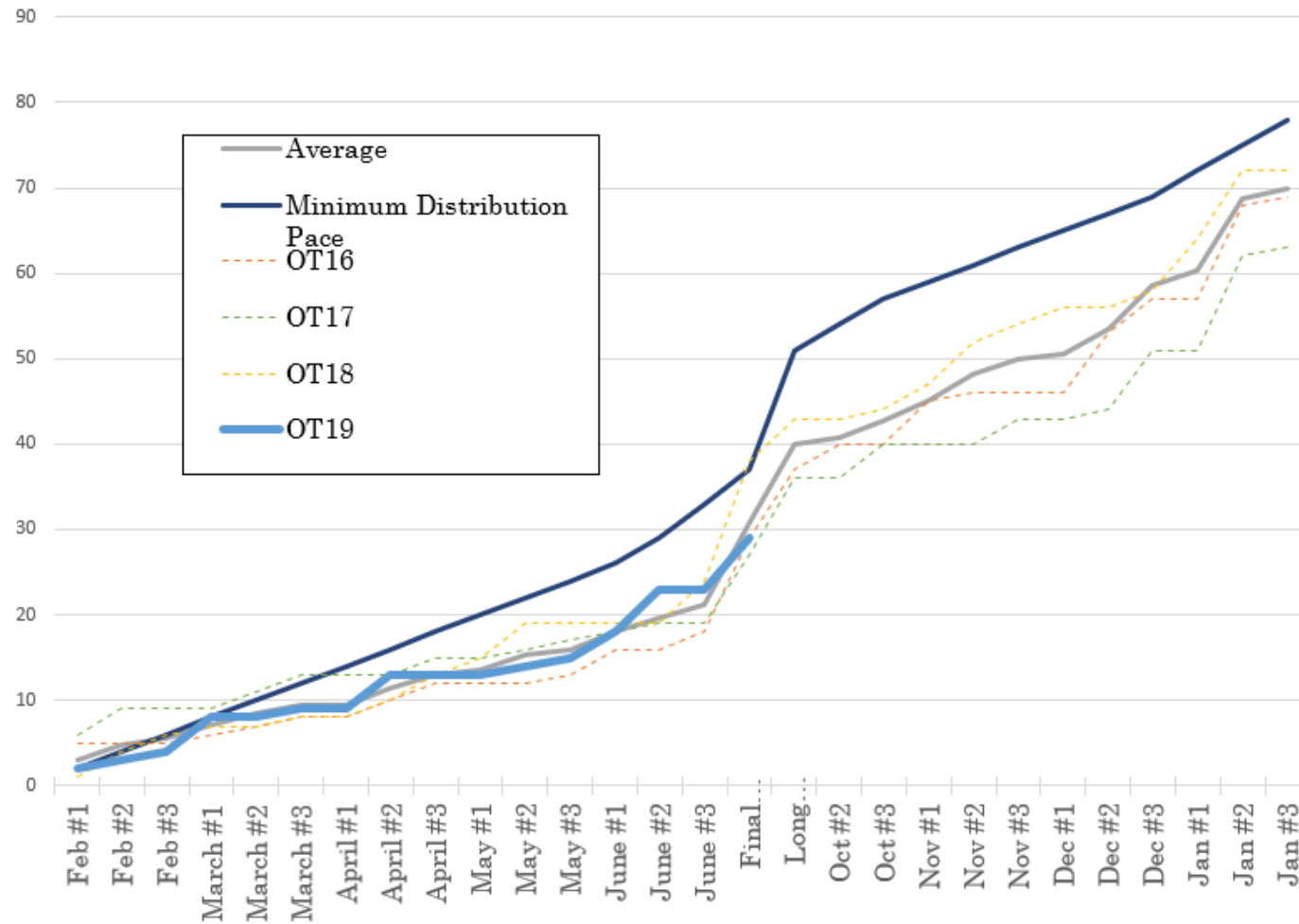
# Justice Agreement (All Cases)

Thomas		Ginsburg		Breyer		Alito		Sotomayor		Kagan		Gorsuch		Kavanaugh		Total	
Roberts	35	53%	38	58%	42	64%	54	82%	37	56%	44	67%	41	62%	46	79%	66
	46	70%	42	64%	45	68%	57	86%	42	64%	47	71%	43	65%	53	91%	
	50	76%	43	65%	47	71%	58	88%	45	68%	48	73%	46	70%	54	93%	
	16	24%	23	35%	19	29%	8	12%	21	32%	18	27%	20	30%	4	7%	
Thomas			28	42%	27	41%	40	61%	25	38%	33	50%	43	65%	34	59%	66
			32	48%	32	48%	52	79%	31	47%	38	58%	53	80%	42	72%	
			35	53%	35	53%	56	85%	35	53%	42	64%	54	82%	46	79%	
			31	47%	31	47%	10	15%	31	47%	24	36%	12	18%	12	21%	
Ginsburg					49	74%	31	47%	52	79%	53	80%	33	50%	34	59%	66
					53	80%	36	55%	57	86%	56	85%	37	56%	35	60%	
					54	82%	39	59%	62	94%	57	86%	42	64%	38	66%	
					12	18%	27	41%	4	6%	9	14%	24	36%	20	34%	
Breyer							37	56%	49	74%	54	82%	32	48%	39	67%	66
							40	61%	55	83%	57	86%	34	52%	40	69%	
							43	65%	56	85%	57	86%	37	56%	42	72%	
							23	35%	10	15%	9	14%	29	44%	16	28%	
Alito									30	45%	37	56%	43	65%	45	78%	66
									35	53%	41	62%	48	73%	52	90%	
									39	59%	44	67%	50	76%	52	90%	
									27	41%	22	33%	16	24%	6	10%	
Sotomayor											51	77%	31	47%	31	53%	66
											56	85%	36	55%	34	59%	
											57	86%	42	64%	39	67%	
											14	10%	9	14%	19	33%	
Key													38	58%	38	66%	66
	Fully Agree												40	61%	40	69%	
	Agree in Full or Part												44	67%	43	74%	
	Agree in Full, Part, or Judgment Only												22	33%	15	26%	
Disagree in Judgment															35	60%	66
															40	69%	
															42	72%	
															16	28%	
																Kavanaugh	58

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

# 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 OT18, took place on March 1, 2019. Categorizing grants by their conference within a given sitting ensures more accurate cross-term comparisons.

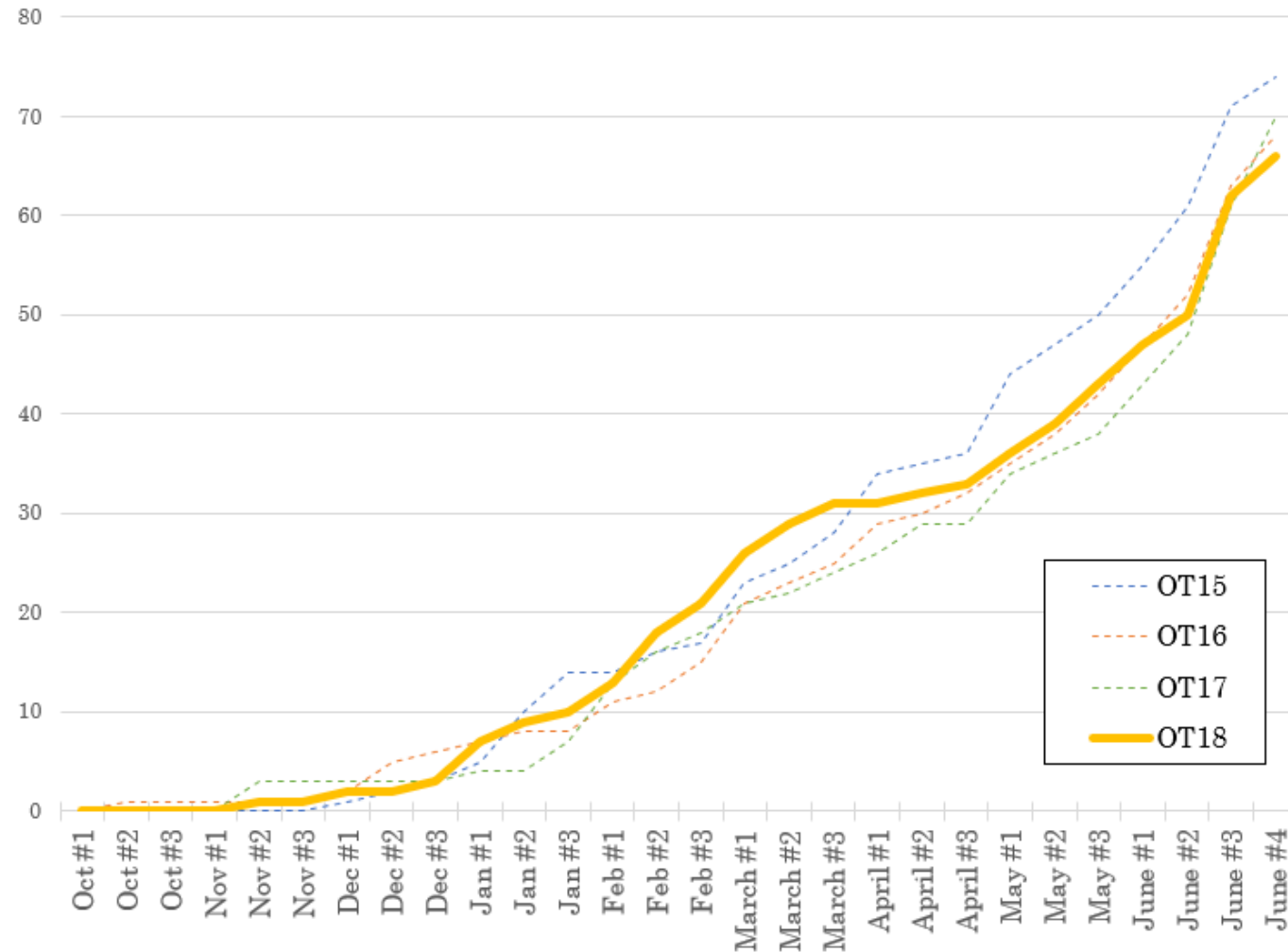


\* The Minimum Distribution Pace presented in this chart reflects the number of petitions that must be granted to fill the court's docket for oral argument while giving the litigants in each case a complete or near-complete briefing schedule. The pace also reflects the number of petitions raised at each 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 OT18 were actually released on March 4, 2019.



# Grants Per Conference

	October Term																		
	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18	'19	Average (OT 06-OT18)		Range (OT06-OT18)	Calendar Weeks Covered	Grants Per Weeks Covered (OT06-OT18)
Feb #1	4	2	8	9	3	7	6	4	0	1	5	6	1	2	4.3	6.9	0-9	4	1.1
Feb #2	0	3	3	1	1	0	0	2	5	2	0	3	3	1	1.8		0-5	1	1.8
Feb #3	1	0	0	1	3	1	0	1	1	1	0	0	2	1	0.8		0-3	1	0.8
March #1	0	0	8	0	4	2	2	3	1	2	1	0	1	4	1.8	4.2	0-8	2	0.9
March #2	1	2	2	1	0	1	1	2	1	3	1	2	0	0	1.3		0-3	1	1.3
March #3	1	0	2	1	0	2	2	1	1	0	1	2	1	1	1.1		0-2	1	1.1
April #1	3	0	2	3	4	1	1	2	3	0	0	0	0	0	1.5	4.3	0-4	2	0.7
April #2	0	1	2	3	2	0	0	1	2	2	2	0	2	4	1.3		0-3	1	1.3
April #3	1	1	0	4	0	2	1	1	2	1	2	2	3	0	1.5		0-4	1	1.5
May #1	4	0	1	4	1	1	0	1	1	1	0	0	2	0	1.2	4.2	0-4	2	0.6
May #2	0	3	0	1	5	1	1	5	1	3	0	1	4	1	1.9		0-5	1	1.9
May #3	1	4	0	1	1	1	1	2	1	0	1	1	0	1	1.1		0-4	1	1.1
June #1	4	1	0	2	0	2	1	2	0	3	3	1	0	3	1.5	15.9	0-4	1	1.5
June #2	1	3	3	4	4	4	2	1	2	2	0	1	0	5	2.1		0-4	1	2.5
June #3	2	1	3	3	3	4	1	4	3	1	2	0	5	0	2.5		0-5	1	2.6
June #4	5	5	9	7	7	13	10	12	13	9	11	8	14	6	9.9		5-14	1	8.7
Oct #1	9	17	10	11	13	7	9	8	12	13	8	9	5		10.1	14.2	5-17	13	0.8
Oct #2	2	0	1	5	7	2	7	2	0	0	3	0	0		2.2		0-7	2	1.5
Oct #3	1	2	1	2	1	4	1	2	3	3	0	4	1		1.9		0-4	1	2.2
Nov #1	4	2	2	3	5	1	4	1	0	1	5	0	3		2.4	6.5	0-5	2	1.4
Nov #2	2	1	1	0	0	5	1	0	4	7	1	0	5		2.1		0-7	1	1.8
Nov #3	0	1	5	1	2	3	4	2	2	2	0	3	2		2.1		0-5	1	2.1
Dec #1	0	3	2	3	3	4	3	4	2	0	0	0	2		2.0	8.5	0-4	1	2.1
Dec #2	3	3	2	2	2	1	2	1	3	4	7	1	0		2.4		1-7	2	1.2
Dec #3	5	6	2	3	3	5	5	2	3	7	4	7	2		4.2		2-7	1	3.8
Jan #1	7	6	4	1	5	1	3	8	0	1	0	0	6		3.2	9.8	0-8	4	0.8
Jan #2	4	4	6	5	0	0	6	3	6	4	11	11	8		5.2		0-11	1	4.3
Jan #3	7	2	0	0	0	1	2	0	1	3	1	1	0		1.4		0-7	1	1.5
Total	72	73	79	81	79	76	76	77	73	76	69	63	72	29	74.3		63-81	52	1.4

# Opinions Per Week

October Term														Average (OT 06-OT17)		Range (OT06-OT17)
	'06	'07	'08	'09	'10	'11	'12	'13	'14	'15	'16	'17	'18			
Oct #1	0	0	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	0	0.2		0-1
Oct #3	1	0	0	1	0	0	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	0	0.3	1.8	0-2
Nov #2	0	1	1	1	1	3	1	0	2	0	0	3	1	1.1		0-3
Nov #3	1	0	0	1	1	0	1	0	1	0	0	0	0	0.4		0-1
Dec #1	0	0	1	1	1	0	1	3	0	1	1	0	1	0.8	3.4	0-3
Dec #2	1	2	0	5	0	0	1	2	2	1	3	0	0	1.4		0-5
Dec #3	2	3	1	0	1	2	1	1	2	1	1	0	1	1.3		0-3
Jan #1	4	3	4	4	2	7	4	3	4	2	1	1	4	3.3	8.8	1-7
Jan #2	1	3	5	5	3	4	1	1	6	5	1	0	2	2.9		1-6
Jan #3	3	1	6	1	4	4	1	3	1	4	0	3	1	2.6		0-6
Feb #1	5	5	5	5	4	7	9	6	3	0	3	6	3	4.8	9.5	0-9
Feb #2	1	2	3	3	6	1	4	5	2	2	1	3	5	2.8		1-6
Feb #3	2	1	4	2	3	1	1	1	2	1	3	2	3	1.9		1-4
March #1	1	2	2	1	3	7	4	3	4	6	6	3	5	3.5	7.8	1-7
March #2	2	2	5	5	2	5	3	2	3	2	2	1	3	2.8		1-5
March #3	2	1	2	0	2	2	1	0	0	3	2	2	2	1.4		0-3
April #1	5	5	4	4	2	4	4	4	3	6	4	2	0	3.9	7.9	2-6
April #2	3	1	4	3	2	2	1	3	2	1	1	3	1	2.2		1-4
April #3	5	1	4	2	2	0	1	3	1	1	2	0	1	1.8		0-5
May #1	1	1	2	3	3	1	3	1	6	8	3	5	3	3.1	10	1-8
May #2	5	4	3	6	6	5	4	5	3	3	3	2	3	4.1		2-6
May #3	1	3	2	5	2	2	2	3	5	3	4	2	4	2.8		1-5
June #1	4	3	5	4	8	2	3	5	1	5	5	5	4	4.2	25.9	1-8
June #2	8	9	6	9	9	2	7	6	9	6	5	5	3	6.8		2-9
June #3	6	7	7	10	10	8	8	8	8	10	11	13	12	8.8		6-13
June #4	8	10	2	5	5	5	12	3	3	3	5	9	4	6.2		2-12
Total	72	70	79	86	82	75	78	73	73	74	68	70	66	75	75	68-86

# 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
Sotomayor	23.8
Breyer	18.1
Kavanaugh	15.1
Kagan	14.9
Gorsuch	14.2
Roberts	13.3
Alito	13.1
Ginsburg	8.1
Thomas	0.0

Frequency as the Top Questioner or as a Top 3 Questioner		
	Freq. Top 1	Freq. Top 3
Sotomayor	46%	78%
Breyer	16%	52%
Gorsuch	16%	41%
Kavanaugh	13%	37%
Roberts	6%	29%
Kagan	6%	42%
Ginsburg	5%	10%
Alito	4%	35%
Thomas	0%	0%

Cases With Most Total Justice Questions	
	Questions
Commerce	219
Am. Legion	212
PDR Network	199
Kaestner Tr.	174
Rehaif	166
Manhattan	163
Cougar Den	161
Davis	153
Murphy	153
Gamble	152

Most Active Arguments		
	Argument	Number of Questions (% of all questions)
Roberts	Dawson	33 (23%)
Thomas	Flowers	3 (2%)
Ginsburg	Fort Bend	34 (37%)
Breyer	Halleck	50 (31%)
Alito	Benisek	34 (23%)
Sotomayor	Commerce	58 (26%)
Kagan	Am. Legion	38 (18%)
Gorsuch	Rehaif	43 (26%)
Kavanaugh	Emulex	42 (30%)

Frequency as the First Questioner		
	Frequency	
Ginsburg	24/ 60	40%
Sotomayor	27/ 70	39%
Roberts	9/ 70	13%
Alito	5/ 70	7%
Kagan	3/ 70	4%
Breyer	1/ 70	1%
Gorsuch	1/ 70	1%
Thomas	0/ 70	0%
Kavanaugh	0/ 62	0%

# Oral Argument - Advocates

Overview							
	OT12	OT13	OT14	OT15	OT16	OT17	OT18
Number of Different Advocates	120	121	112	117	100	113	122
Number of Total Appearances	193	185	178	186	158	163	178

Appearances by Advocates Who...	OT12	OT13	OT14	OT15	OT16	OT17	OT18
...Are from the Office of the Solicitor General	64 (33%)	61 (33%)	56 (31%)	59 (32%)	48 (30%)	48 (29%)	50 (28%)
...Have experience in the Office of the Solicitor General	Not Available	85 (47%)	78 (46%)	84 (71%)	73 (48%)	71 (65%)	86 (48%)
...Have argued at least twice during the Term	104 (54%)	96 (52%)	104 (58%)	109 (59%)	94 (59%)	77 (47%)	87 (49%)
...Are “expert” Supreme Court litigators*	137 (71%)	131 (71%)	116 (66%)	136 (74%)	115 (74%)	89 (56%)	123 (69%)
...Are based in Washington, D.C.**	125 (65%)	119 (64%)	101 (57%)	122 (66%)	97 (61%)	97 (60%)	109 (61%)
...Are female	33 (17%)	28 (15%)	34 (19%)	32 (18%)	33 (21%)	19 (12%)	30 (17%)
...Are female and not from the Office of the Solicitor General***	17 (13%)	11 (9%)	17 (14%)	13 (10%)	15 (14%)	10 (9%)	21 (12%)

Most Popular Advocate Origins	
State	Total
Washington, D.C.	109
California	12
New York	10
Texas	8

Most Popular Supreme Court Clerkships		
Clerkship	Appearances	Advocates
Antonin Scalia	26	11
John G. Roberts	15	9
Stephen Breyer	10	7
Ruth Bader Ginsburg	7	4

Most Popular Law Schools		
Law School	Appearances	Advocates
Harvard	34	24
Yale	32	18
Chicago	15	7
Stanford	9	5
Michigan	8	5

\* We adopt Richard Lazarus’ 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 59 times during OT18.

\*\*\* The percentage figures for this category omit all advocates from the Office of the Solicitor General. 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.

# Oral Argument - Advocates









































































Advocates Who Have Argued Two or More Cases During OT18							
Name	Appearances		Position	Law School	Supreme Court Clerkship	U.S. Solicitor General Experience	Gender
	OT18	All Time					
David C. Frederick	5	55	Kellogg, Hansen, Todd, Figel & Frederick PLLC	Texas	Byron White	Assistant to the Solicitor General	Male
Jeffrey B. Wall	5	21	Principal Deputy Solicitor General	Chicago	Clarence Thomas	Assistant to the Solicitor General	Male
Noel J. Francisco	5	11	Solicitor General	Chicago	Antonin Scalia	Solicitor General	Male
Paul D. Clement	4	96	Kirkland & Ellis LLP	Harvard	Antonin Scalia	Solicitor General	Male
Edwin S. Kneedler	4	142	Deputy Solicitor General	Virginia	None	Deputy Solicitor General	Male
Kannon K. Shanmugam	4	27	Williams & Connolly LLP*	Harvard	Antonin Scalia	Assistant to the Solicitor General	Male
Malcolm L. Stewart	4	83	Deputy Solicitor General	Yale	Harry Blackmun	Deputy Solicitor General	Male
Daniel L. Geyser	4	8	Geyser PC	Harvard	None	None	Male
Shay Dvoretzky	3	10	Jones Day LLP	Yale	Antonin Scalia	None	Male
Eric J. Feigin	3	21	Assistant to the Solicitor General	Stanford	Stephen Breyer	Assistant to the Solicitor General	Male
Jeffrey L. Fisher	3	38	Stanford Supreme Court Clinic	Michigan	John Paul Stevens	None	Male
Allon Kedem	3	11	Assistant to the Solicitor General	Yale	Elena Kagan	Assistant to the Solicitor General	Male
Zachary D. Tripp	3	11	Assistant to the Solicitor General	Columbia	Ruth Bader Ginsburg	Assistant to the Solicitor General	Male
Anthony A. Yang	3	29	Assistant to the Solicitor General	Yale	None	Assistant to the Solicitor General	Male
Jonathan C. Bond	3	4	Assistant to the Solicitor General	George Washington	Antonin Scalia	Assistant to the Solicitor General	Male
Lisa S. Blatt	2	37	Arnold & Porter Kaye Scholer LLP*	Texas	None	Assistant to the Solicitor General	Female
Theodore J. Boutrous Jr.	2	4	Gibson, Dunn & Crutcher LLP	San Diego	None	None	Male
Paul W. Hughes	2	5	Mayer Brown LLP*	Yale	None	None	Male
Neal K. Katyal	2	39	Hogan Lovells LLP	Yale	Stephen Breyer	Acting Solicitor General	Male
Rachel P. Kovner	2	13	Assistant to the Solicitor General	Stanford	Antonin Scalia	Assistant to the Solicitor General	Female
Ann O'Connell Adams	2	21	Assistant to the Solicitor General*	George Washington	William Rehnquist	Assistant to the Solicitor General	Female
Carter G. Phillips	2	87	Sidley Austin LLP	Northwestern	Warren Burger	Assistant to the Solicitor General	Male
Andrew J. Pincus	2	29	Mayer Brown LLP	Columbia	None	Assistant to the Solicitor General	Male
Seth P. Waxman	2	82	WilmerHale LLP	Yale	None	Solicitor General	Male
Michael B. Kimberly	2	5	Mayer Brown LLP*	Yale	None	None	Male
Christopher G. Michel	2	3	Assistant to the Solicitor General	Yale	John G. Roberts	Assistant to the Solicitor General	Male
Erica L. Ross	2	3	Assistant to the Solicitor General	Stanford	Elena Kagan	Assistant to the Solicitor General	Female
Jonathan Ellis	2	3	Assistant to the Solicitor General	Pennsylvania	John G. Roberts	Assistant to the Solicitor General	Male
Michael R. Huston	2	3	Assistant to the Solicitor General	Michigan	John G. Roberts	Assistant to the Solicitor General	Male
Morgan Ratner	2	3	Assistant to the Solicitor General	Harvard	John G. Roberts	Assistant to the Solicitor General	Female
Toby J. Heytens	2	9	Solicitor General of Virginia	Virginia	Ruth Bader Ginsburg	Assistant to the Solicitor General	Male
Total: 30							

\*Since their last oral arguments so far this term, these attorneys have moved to new positions.











































































# 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	Roberts	Kavanaugh	Gorsuch	Alito	Thomas
<i>Mount Lemmon Fire District v. Guido</i>	November 6, 2018	8-0	Ginsburg									
<i>Weyerhaeuser v. U.S. Fish and Wildlife Service</i>	November 27, 2018	8-0	Roberts									
<i>United States v. Stitt</i>	December 10, 2018	9-0	Breyer									
<i>Escondido v. Emmons</i>	January 7, 2019	9-0	Per Curiam									
<i>Shoop v. Hill</i>	January 7, 2019	9-0	Per Curiam									
<i>Culbertson v. Berryhill</i>	January 8, 2019	9-0	Thomas									
<i>Henry Schein v. Archer and White Sales</i>	January 8, 2019	9-0	Kavanaugh									
<i>Stokeling v. United States</i>	January 15, 2019	5-4	Thomas									

# Voting Alignment – All Cases









































































(continued)

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Roberts	Kavanaugh	Gorsuch	Alito	Thomas
<i>New Prime v. Oliveira</i>	January 15, 2019	8-0	Gorsuch									
<i>Helsinn Healthcare v. Teva Pharmaceuticals</i>	January 22, 2019	9-0	Thomas									
<i>Moore v. Texas</i>	February 19, 2019	6-3	Per Curiam									
<i>Timbs v. Indiana</i>	February 20, 2019	9-0	Ginsburg									
<i>Dawson v. Steager</i>	February 20, 2019	9-0	Gorsuch									
<i>Yovino v. Rizo</i>	February 25, 2019	9-0	Per Curiam									
<i>Nutraceutical v. Lambert</i>	February 26, 2019	9-0	Sotomayor									
<i>Jam v. International Finance Corp.</i>	February 27, 2019	7-1	Roberts									











































































# Voting Alignment – All Cases

(continued)

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Roberts	Kavanaugh	Gorsuch	Alito	Thomas
<i>Garza v. Idaho</i>	February 27, 2019	6-3	Sotomayor									
<i>Madison v. Alabama</i>	February 27, 2019	5-3	Kagan									
<i>Fourth Estate Public Benefit Corp. v. Wall-Street.com</i>	March 4, 2019	9-0	Ginsburg									
<i>BNSF Railway v. Loos</i>	March 4, 2019	7-2	Ginsburg									
<i>Rimini Street Inc. v. Oracle USA Inc.</i>	March 4, 2019	9-0	Kavanaugh									
<i>Washington Department of Licensing v. Cougar Den</i>	March 19, 2019	5-4	Breyer									
<i>Nielsen v. Preap</i>	March 19, 2019	5-4	Alito									
<i>Air &amp; Liquid Systems v. Devries</i>	March 19, 2019	6-3	Kavanaugh									

# Voting Alignment – All Cases









































































(continued)

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Roberts	Kavanaugh	Gorsuch	Alito	Thomas
<i>Obduskey v. McCarthy &amp; Holthus LLP</i>	March 20, 2019	9-0	Breyer									
<i>Frank v. Gaos</i>	March 20, 2019	8-1	Per Curiam									
<i>Sudan v. Harrison</i>	March 26, 2019	8-1	Alito									
<i>Sturgeon v. Frost</i>	March 26, 2019	9-0	Kagan									
<i>Lorenzo v. Securities Exchange Commission</i>	March 27, 2019	6-2	Breyer									
<i>Biestek v. Berryhill</i>	April 1, 2019	6-3	Kagan									
<i>Bucklew v. Precythe</i>	April 1, 2019	5-4	Gorsuch									
<i>Lamps Plus v. Varela</i>	April 24, 2019	5-4	Roberts									











































































# Voting Alignment – All Cases

(continued)

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Roberts	Kavanaugh	Gorsuch	Alito	Thomas
<i>Thacker v. Tennessee Valley Authority</i>	April 29, 2019	9-0	Kagan									
<i>California Franchise Tax Board v. Hyatt</i>	May 13, 2019	5-4	Thomas									
<i>Cochise Consultancy v. United States ex rel. Hunt</i>	May 13, 2019	9-0	Thomas									
<i>Apple v. Pepper</i>	May 13, 2019	5-4	Kavanaugh									
<i>Merck Sharp &amp; Dohme Corp. v. Albrecht</i>	May 20, 2019	9-0	Breyer									
<i>Herrera v. Wyoming</i>	May 20, 2019	5-4	Sotomayor									
<i>Mission Product Holdings Inc. v. Tempnology, LLC</i>	May 20, 2019	8-1	Kagan									
<i>Nieves v. Bartlett</i>	May 28, 2019	6-3	Roberts									

# Voting Alignment – All Cases









































































(continued)

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Roberts	Kavanaugh	Gorsuch	Alito	Thomas
<i>Home Depot v. Jackson</i>	May 28, 2019	5-4	Thomas									
<i>Smith v. Berryhill</i>	May 28, 2019	9-0	Sotomayor									
<i>Box v. Planned Parenthood of Indiana and Kentucky</i>	May 28, 2019	7-2	Per Curiam									
<i>Mont v. United States</i>	June 3, 2019	5-4	Thomas									
<i>Fort Bend County, Texas v. Davis</i>	June 3, 2019	9-0	Ginsburg									
<i>Taggart v. Lorenzen</i>	June 3, 2019	9-0	Breyer									
<i>Azar v. Allina Health Services</i>	June 3, 2019	7-1	Gorsuch									
<i>Parker Drilling Management Services, Ltd. v. Newton</i>	June 10, 2019	9-0	Thomas									











































































# Voting Alignment – All Cases

(continued)

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Roberts	Kavanaugh	Gorsuch	Alito	Thomas
<i>Return Mail Inc. v. United States Postal Service</i>	June 10, 2019	6-3	Sotomayor									
<i>Quarles v. United States</i>	June 10, 2019	9-0	Kavanaugh									
<i>Virginia Uranium v. Warren</i>	June 17, 2019	6-3	Gorsuch									
<i>Manhattan Community Access Corp. v. Halleck</i>	June 17, 2019	5-4	Kavanaugh									
<i>Gamble v. United States</i>	June 17, 2019	7-2	Alito									
<i>Virginia House of Delegates v. Bethune-Hill</i>	June 17, 2019	5-4	Ginsburg									
<i>PDR Network, LLC v. Carlton &amp; Harris Chiropractic Inc.</i>	June 20, 2019	9-0	Breyer									
<i>The American Legion v. American Humanist Association</i>	June 20, 2019	7-2	Alito									



















# Voting Alignment – All Cases

(continued)

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Roberts	Kavanaugh	Gorsuch	Alito	Thomas
<i>McDonough v. Smith</i>	June 20, 2019	6-3	Sotomayor									
<i>Gundy v. United States</i>	June 20, 2019	5-3	Kagan									
<i>Rehaif v. United States</i>	June 21, 2019	7-2	Breyer									
<i>Flowers v. Mississippi</i>	June 21, 2019	7-2	Kavanaugh									
<i>Knick v. Township of Scott, Pennsylvania</i>	June 21, 2019	5-4	Roberts									
<i>North Carolina Department of Revenue v. The Kimberly Rice Kaestner 1992 Family Trust</i>	June 21, 2019	9-0	Sotomayor									
<i>The Dutra Group v. Batterton</i>	June 24, 2019	6-3	Alito									
<i>United States v. Davis</i>	June 24, 2019	5-4	Gorsuch									

# Voting Alignment – All Cases









































































(continued)

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Roberts	Kavanaugh	Gorsuch	Alito	Thomas
<i>Food Marketing Institute v. Argus Leader Media</i>	June 24, 2019	6-3	Gorsuch									
<i>Iancu v. Brunetti</i>	June 24, 2019	6-3	Kagan									



# 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	Roberts	Kavanaugh	Gorsuch	Alito	Thomas
<i>Stokeling v. United States</i>	January 15, 2019	5-4	Thomas									
<i>Madison v. Alabama</i>	February 27, 2019	5-3	Kagan									
<i>Washington Department of Licensing v. Cougar Den</i>	March 19, 2019	5-4	Breyer									
<i>Nielsen v. Preap</i>	March 19, 2019	5-4	Alito									
<i>Bucklew v. Precythe</i>	April 1, 2019	5-4	Gorsuch									
<i>Lamps Plus v. Varela</i>	April 24, 2019	5-4	Roberts									
<i>California Franchise Tax Board v. Hyatt</i>	May 13, 2019	5-4	Thomas									
<i>Apple v. Pepper</i>	May 13, 2019	5-4	Kavanaugh									



# Voting Alignment – 5-4 Cases

(continued)

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Roberts	Kavanaugh	Gorsuch	Alito	Thomas
<i>Herrera v. Wyoming</i>	May 20, 2019	5-4	Sotomayor									
<i>Home Depot v. Jackson</i>	May 28, 2019	5-4	Thomas									
<i>Mont v. United States</i>	June 3, 2019	5-4	Thomas									
<i>Manhattan Community Access Corp. v. Halleck</i>	June 17, 2019	5-4	Kavanaugh									
<i>Virginia House of Delegates v. Bethune-Hill</i>	June 17, 2019	5-4	Ginsburg									
<i>Gundy v. United States</i>	June 20, 2019	5-3	Kagan									
<i>Knick v. Township of Scott, Pennsylvania</i>	June 21, 2019	5-4	Roberts									
<i>United States v. Davis</i>	June 24, 2019	5-4	Gorsuch	