#### Interim Stat Pack for October Term 2019: July 2, 2020

Term Index	2	Signed merits opinions after oral argument	+ 46
Opinions by Sitting	3	Den anniant manife aniniana after anal annuar ant	+ 2
Merits Cases by Vote Split	4	Per curiam merits opinions after oral argument	+ 2
Circuit Scorecard	5-6	Summary reversals	+ 5
Makeup of the Merits Docket	7	Total merits opinions released	53
Opinions Authored by Each Justice	8		
Total Opinion Authorship	9		
Workload	10-11	Petitions granted for argument	+ 71
Majority Opinion Authorship	12	Summary reversals	+ 5
Frequency in the Majority	13	Cases rescheduled for argument during OT20	- 11
Strength of the Majority	14		1
5-4 Cases	15-16	Cases not scheduled for argument during OT19	-1
Majority Opinion Distribution	17	Cases dismissed before oral argument	-1
Justice Agreement	18	Cases dismissed after oral argument	- 1
Oral Argument – Justices	19	Cases consolidated after oral argument	- 1
Oral Argument – Advocates	20-21		,
Pace of Grants	22	Total merits opinions expected	61
Grants per Conference	23		
Pace of Opinions	24	Cases set for argument during OT20	27
Opinions per week	25		
Voting Alignment – All Cases	26-32		
Voting Alignment – 5-4 Cases	33-34		

\* You can find past Stat Packs here: <<u>https://www.scotusblog.com/reference/stat-pack/</u>>. 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 court. Cases that are dismissed as improvidently granted are not included in our tally of merits cases.

#### **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.

1						<i>v</i> 1			0 0			0			•		0	1		5		5		1			
October			-			-		_	November			-		-	_	-		December			-			_	-	-	
Kahler	EK	6-3	168d	Α		JGR	0	-	Barton	BMK	5-4	171d	А	CA11	JGR	1	219d	N.Y. Rifle		PC	6-3	147d	R	CA2	JGR	2	1430
NantKwest	SMS	9-0	65d			CT	1	55d	Glover	CT	8-1	154d	R	ST		1	154d	Public.Resource	2	JGR	5-4	147d	Α	CA11		0	-
Ramos	NMG	6-3	196d	R	ST	RBG	0	-	CITGO	SMS	7-2	146d	А	CA3	RBG	1	62d	Rodriguez		NMG	9-0	84d	R	CA10	RBG	2	1050
Bostock	NMG	6-3	251d	R	CA11	SGB	1	230d	Allen	EK	9-0	139d	Α	CA4	SGB	1	169d	Atlantic		JGR	7-2	139d	R	ST	SGB	2	92d
Aurelius	SGB	9-0	230d	R	CA1	SAA	1	139d	Maui	SGB	6-3	169d	R	CA9	SAA	1	105d	Intel		SAA	9-0	84d	Α	CA9	SAA	1	84d
Garcia	SAA	5-4	139d	R	ST	SMS	1	65d	IBM	PC	9-0	69d	R	CA2	SMS	1	146d	Banister		EK	7-2	180d	R	CA5	SMS	1	1396
Rotkiske	CT	8-1	55d	Α	CA3	EK	1	168d	Regents	JGR	5-4	219d	R	CA9	EK	1	139d	Guerrero-Laspri	illa	SGB	7-2	105d	R	CA5	EK	1	180d
Malvo					CA4	NMG	2	224d	Hernandez	SAA	5-4	105d	А	CA5	NMG	1	131d	Thryv		RBG	7-2	133d	R	CAFC	NMG	1	84d
						BMK	0	-	Comcast	NMG	9-0	131d	R	CA9	BMK	1	171d	Maine Commun	nity	SMS	8-1	139d	R	CAFC	BMK	1	76d
						Tot.	7		Ritzen	RBG	9-0	62d	А	CA6	PC	1	69d	Holguin-Hernar	ndez	SGB	9-0	78d	R	CA5	PC	1	147d
						Expect	7									10		Monasky		RBG	9-0	76d	Α	CA6	Tot.	12	
						Avg.		158d							Expect	10		McKinney		BMK	5-4	76d	А	ST	Expect	12	
						U									Avg.		137d	,							Avg.		116d
January									February						<u> </u>			May							<u> </u>		
Lucky	SMS	9-0	122d	R	CA2	JGR	1	160d	Cowpasture	CT	7-2	112d	R	CA4	JGR	1	118d	Booking.com		RBG	8-1	57d	А	CA4	JGR		
Thole	BMK	5-4	140d	Α	CA8	CT	1	132d	Opati	NMG	8-0	84d	R	CADC	CT	1		Open Society		BMK		55d	R	CA2	CT		
Kelly	EK	9-0	114d		CA3	RBG	1	36d	Sineneng-Smith	RBG			R	CA9		1		Little Sisters						CA3	RBG	1	57d
Romag	NMG	9-0	100d	R	CAFC	SGB	0	-	Lomax	EK	9-0	103d	А	CA10	SGB	1	117d	Consultants						CA4	SGB		
Babb	SAA	8-1			CA11	SAA	1	82d	Nasrallah	BMK			R	CA11		1	115d	McGirt						ST	SAA		
Shular		9-0		А	CA11	SMS	1	122d	Thuraissigiam	SAA	7-2	115d	R	CA9		1	111d	Guadalupe						CA9	SMS		
GE Energy	CT	9-0	132d		CA11	EK	1	114d	Seila Law			118d	R	CA9		1		Mazars						CADC			
Espinoza				R		NMG	1	100d	Liu			111d	R	CA9		1	84d	Vance						CA2	NMG		
						BMK	1	140d	June Medical			117d	R	CA5	BMK	1	91d	Chiafalo						ST	BMK	1	55d
						Tot.	8								Tot.	9		Baca						CA10	Tot.	2	
						Expect	8								Expect	9									Expect	10	
						Avg.		111d							Avg.		103d								Avg.		56d
						_			Summary Revers	al								Total							_		
									Thompson	PC	9-0	n/a	R	CA9				JGR	5			Dismis	sed a	fter arg	ıment	1	
									Archdiocese	PC	9-0	n/a	R	ST				СТ	4			Dismis	sed b	efore ar	gument	1	
									Davis	PC		n/a	R	CA5				RBG	6						ument		
									RNC	PC	5-4	n/a	R	CA7				SGB	5			Consol	idate	d after a	rgument	1	
									Andrus	PC	6-3	n/a	R	ST				SAA	5			Resche	duled	l for nex	t term	11	
																		SMS	5								
																		EK	5								
																		NMG	6								
																		BMK	5								
																		PC	7								
																		Op. Issued	53								
																		Op. Expected	61								
																		Op. Expected Pct. Decided	61 87%								

#### **Opinions By Sitting**

loberts	0		1		2		1		1		-		J
nomas	1		1		0		1		1		-		(
nsburg	0		1		2		1		1		1		
reyer	1		1		2		0		1		-		1
ito	1		1		1		1		1		-		
tomayor	1		1		1		1		1		-		
gan	1		1		1		1		1		-		
such	2		1		1		1		1		-		
vanaugh	0		1		1		1		1		1		
Curiam	0		1		1		0		0		-		
	October		Novemb		December Argued: 12   Decid	1 10	Januar		February		May	.1.1.0	
	-		Argued: 10   De		_		Argued: 8   D		Argued: 9   Dec		Argued: 10   Dec		
	Kahler	EK	Barton	BMK	N.Y. Rifle	PC	Lucky	SMS	Cowpasture	СТ	Booking.com	RBG	
	NantKwest	SMS	Glover	$\mathbf{CT}$	Public.Resource	JGR	Thole	BMK	Opati	NMG	Open Society	BMK	
	Ramos	NMG	CITGO	SMS	Rodriguez	NMG	Kelly	EK	Sineneng-Smith	RBG	Little Sisters		
	Bostock	NMG	Allen	EK	Atlantic	JGR	Romag	NMG	Lomax	EK	Consultants		
	Harris *		Maui	SGB	Intel	SAA	Babb	SAA	Nasrallah	BMK	McGirt		l
	Aurelius	SBG	IBM	PC	Banister	EK	Shular	RBG	Thuraissigiam	SAA	Guadalupe		
	Garcia	SAA	Regents	JGR	Guerrero-Lasprilla	SGB	GE Energy	СТ	Seila Law	JGR	Mazars		
	Rotkiske	$\mathbf{CT}$	Hernandez	SAA	Thryv	RBG	Espinoza	JGR	Liu	SMS	Vance		
	Malvo **		Comcast	NMG	Maine Community	SMS			June Medical	SGB	Chiafalo		
			Ritzen	RBG	Holguin-Hernandez	SGB					Baca		
					Monasky	RBG							
					McKinney	BMK							

\*After oral argument in *Harris* on October 8, 2019, the Supreme Court consolidated the case with its decision in *Bostock* on June 15, 2020. \*\*After oral argument in *Malvo* on October 16, 2019, the Supreme Court dismissed the case pursuant to Rule 46 on February 26, 2020.

## Merits Cases By Vote Split

9-0 21 (40%)	8-1 6 (11%)			7-2 8 (15%	5)		
Nantkwest	Rotkiske	$G_{i}$	uerrero-l	Lasprilla			Kahler
Aurelius	Glover	Bc	anister				Ramos
Lucky	Maine Community	T	hryv				Bostock
Kelly	Babb	At	tlantic				Maui
Sineneng-Smith	Liu	C c	owpastu	re			N.Y. Rifl
Romag	Booking.com		asrallah				Andrus (.
Ritzen			ITGO				
Lomax		T	huraissi	giam			
GE Energy							
IBM (PC)							
Monasky							
Rodriguez				Past '	Ferms		
Shular			9-0	8-1	7-2	6-3	5-4
Holguin-Hernandez							-
Intel		OT10	46%	12%	15%	5%	20%
Allen		OT11	45%	11%	8%	17%	20%
Comcast		OT12	49%	5%	9%	8%	29%
Opati (8-0)							2370
Thompson (PC)		OT13	66%	3%	10%	8%	14%
Davis (PC)		OT14	41%	7%	12%	15%	26%
Archdiocese (PC)				11%			
					20%	11%	5%
		OT15	48%	11/0			
		OT15 OT16	48% 59%	9%	17%	4%	10%
						4% 10%	10% 26%

\* 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.

13%

10%

20%

\*\* 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.

8%

48%

Avg.

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

#### **Circuit Scorecard**

				<u> </u>	MIC NO			
October 1	Ferm 2019							
	Number	Percent	Decided	Aff'd	Rev'd	Aff'd %	Rev'd %	
CA1	5	6%	5	0	5	0%	100%	
CA2	7	9%	5	1	4	20%	80%	
CA3	5	6%	3	2	1	67%	33%	
CA4	5	6%	4	2	2	50%	50%	
CA5	8	10%	7	1	6	17%	83%	
CA6	4	5%	3	3	0	100%	0%	
CA7	1	1%	1	0	1	0%	100%	
CA8	1	1%	1	1	0	100%	0%	
CA9	11	14%	9	1	8	11%	89%	
CA10	4	5%	2	1	1	50%	50%	
CA11	7	9%	7	3	4	43%	57%	
CA DC	3	4%	2	1	1	50%	50%	
CA Fed	6	8%	6	1	5	17%	83%	
CA AF	0	0%	0	0	0	0%	0%	
State	11	14%	9	2	7	25%	75%	
Dist. Court	0	0%	0	0	0	0%	0%	
Original	0	0%	0	0	0	0%	0%	
	78	100%	64	19	45	30%	70%	

October 7	Ferm 2020			
	Number	Percent		
CA1	0	0%		
CA2	1	3%		
CA3	2	6%		
CA4	1	3%		
CA5	5	16%		
CA6	4	13%		
CA7	1	6%		
CA8	2	6%		
CA9	3	10%		
CA10	1	3%		
CA11	1	3%		
CA DC	3	10%		
CA Fed	1	3%		
CA AF	2	6%		
State	3	10%		
Dist. Court	0	0%		
Original	1	3%		
	31	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, 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, 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 Scorecards, we include as "affirmances" merits opinions that let stand the lower-court opinion, and as "reversals" opinions that only vacate the lower-court decision and remand for further consideration.

\*\*\* The circuit scorecard does not include Walker v. United States, which was dismissed before argument, Mathena v. Malvo, which was dismissed after argument, Sharp v. Murphy, which was restored to the calendar after OT18 but never scheduled for argument during OT19, or NYSRPA v. New York, which was argued on December 2, 2019, and dismissed as moot on April 27, 2020, via a 6-3 per curiam opinion.

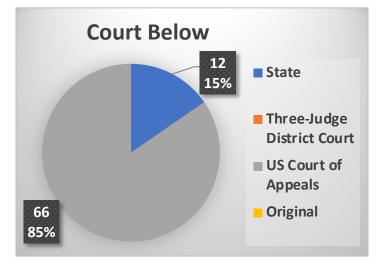
## **Circuit Scorecard**

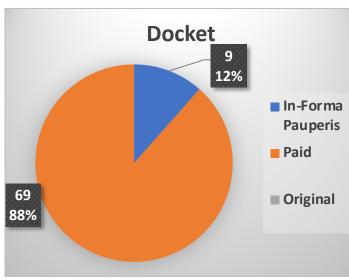
This chart features affirmance and reversal rates for each circuit and each justice. The first number is the number of times a particular justice voted to affirm a decision of the court below, and the second number is the number of times that justice voted to vacate or reverse the decision below.

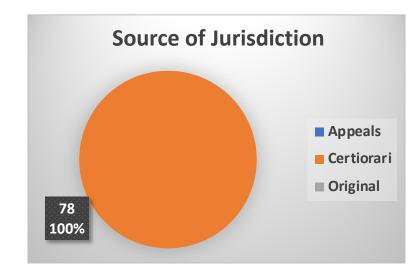
	Roberts	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Total Votes	Overall Decisions
CA1	0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-5	0-45	0-5
CA2	2-4	1-5	3-3	3-3	1-5	3-3	2-3	2-4	2-4	19-34	1-4
CA3	2-1	1-2	1-2	2-1	1-2	2-1	2-1	2-1	2-1	15-12	2-1
CA4	2-2	2-2	2-2	1-3	2-2	4-0	4-0	2-2	2-2	21-15	2-2
CA5	1-7	6-2	0-8	0-8	6-2	0-8	0-8	3-5	3-5	19-53	1-6
CA6	3-0	2-1	3-0	3-0	2-1	3-0	3-0	3-0	2-1	24-3	3-0
CA7	0-1	0-1	1-0	1-0	0-1	1-0	1-0	0-1	0-1	4-5	0-1
CA8	1-0	1-0	0-1	0-1	1-0	0-1	0-1	1-0	1-0	5-4	1-0
CA9	1-8	4-5	2-7	2-7	3-6	3-6	3-6	3-6	2-7	23-58	1-8
CA10	1-1	1-1	1-1	1-1	1-1	1-1	1-1	1-1	1-1	9-9	1-1
CA11	3-4	5-2	1-6	1-6	4-3	2-5	2-5	3-4	4-3	25-38	3-4
CA DC	1-1	0-2	1-1	1-1	0-2	1-1	1-1	0-2	0-1	5-12	1-1
CA Fed	1-5	1-5	1-5	1-5	4-2	2-4	1-5	2-4	1-5	14-40	1-5
State	3-6	4-5	2-7	2-7	4-5	3-6	4-5	4-5	2-7	28-53	2-7
Dist. Court	0-0	0-0	0-0	0-0	0-0	0-0	0-0	0-0	0-0	0-0	0-0
Totals	21-45	28-38	18-48	18-48	29-37	25-41	24-41	26-40	22-43	211-381	19-45

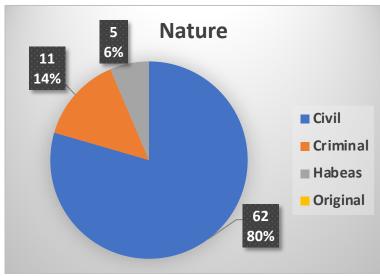
## Makeup of the Merits Docket

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.









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). The charts here do not include the court's decision in *RNC v. DNC* on April 6, 2020, which was never filed as a petition for certiorari at the court.

#### **Opinions Authored by Each Justice**

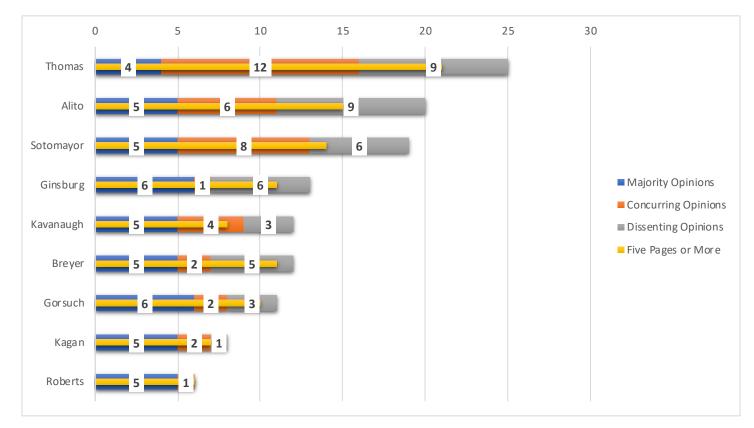
		Roberts	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	PC	
	1	Atlantic	Rotkiske	Ritzen	Holguin-Hernandez	Garcia	NantKwest	Kahler	Comcast	McKinney	IBM	
Majority	2	Public.Resource	Glover	Thryv	Maui	Babb	Maine Community	Banister	Ramos	Barton	N.Y. Rifle	
Opinions	3	Regents	GE Energy	Shular	Aurelius	Hernandez	Lucky	Kelly	Bostock	Thole	Davis	
	4	Espinoza	Cowpasture	Sineneng-Smith	Guerrero-Lasprilla	Intel	CITGO	Lomax	Opati	Nasrallah	RNC	
	5	Seila Law		Monasky	June Medical	Thuraissigiam	Liu	Allen	Romag	Open Society	Archdiocese	
	6			Booking.com					Rodriguez	1	Thompson	
	7										Andrus	
	8											
	9											53
	10											
	11											
	12											
	13											
	14											
	15											
	16											
~ · ·	1	June Medical	Garcia	Comcast	Allen	Holguin- $Hernandez$	GE Energy	IBM	IBM	N.Y. Rifle		
Concurring Opinions	2		Ramos		Thuraissigiam	Romag	Babb	Glover	Espinoza	Shular		
Opinions	3		Thole			Atlantic	Romag			Maui		
	4		Aurelius			Monasky	Aurelius			Ramos		
	5		Sineneng-Smith			Archdiocese	Ramos					
	6		Hernandez			Espinoza	Rotkiske					
	7		Allen				Regents					38
	8		Monasky				Booking.com					38
	9		Thuraissigiam									
	10		Espinoza									
	11		Seila Law									
	12		<b>Open Society</b>									
	13											
	14											
	1		Guerrero-Lasprilla	Rotkiske	Garcia	N.Y. Rifle	Glover	Seila Law	Atlantic	Bostock		
Dissenting	2		CITGO	Hernandez	Kahler	Ramos	Barton		Thryv	Regents		
Opinions	3		Maui	McKinney	Booking.com	Bostock	Thole		June Medical	June Medical		
	4		Public.Resource	RNC	<b>Open Society</b>	Maine Community	Cowpasture					
	5		Babb	Public.Resource	Espinoza	Banister	Thuraissigiam					
	6		Nasrallah	Espinoza		Andrus	Espinoza					
	7		Regents			Maui						42
	8		Liu			Regents						
	9		June Medical			June Medical						
	10											
	11											
	12											
	13	_						_			_	
Total		6	25	13	12	20	19	8	11	12	7	133

\*Plurality opinions are treated as majority opinions throughout the Stat Pack.

#### **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	<b>Concurring Opinions</b>	Dissenting Opinions
Roberts	6 (6)	5(5)	1 (1)	
Thomas	25 (21)	4 (4)	12 (8)	9 (9)
Ginsburg	13 (11)	6 (6)	1 (0)	6 (5)
Breyer	12 (11)	5(5)	2 (1)	5(5)
Alito	20 (15)	5(5)	6 (2)	9 (8)
Sotomayor	19 (14)	5(5)	8 (3)	6 (6)
Kagan	8 (7)	5(5)	2 (1)	1 (1)
Gorsuch	11 (10)	6 (6)	2 (1)	3 (3)
Kavanaugh	12 (8)	5 (5)	4 (1)	3 (2)
Per Curiam	7 (3)	7 (3)		
	133 (106)	53 (49)	38 (18)	42 (39)



#### **Workload – Opinions Released Each Week**

February Mav June October November **December** <u>January</u> March April #1 #2 #3 #1 #2 #3 #2 #3 #1 #2 #3 #1 #2 #3 #1 #2 #3 #1 #2 #3 #1 #2 #3 #1 #2 #3 #1 #4 Total Majority 1 1 1 2  $\mathbf{5}$ Concurring JGR Dissenting 0 Total 6 Majority 12Concurring CT Dissenting 9 25Total 1 2 1 2 2 4 Majority Concurring RBG Dissenting 6 Total 2 13 4 1 Majority Concurring SGB Dissenting 1 3  $\mathbf{5}$ Total 123 Majority Concurring SAA Dissenting 9 Total 20 5 2 1 2 Majority Concurring SMS Dissenting 6 19 Total 2 3 Majority Concurring EK Dissenting 1 Total 2 8 Majority Concurring 2 NMG Dissenting 2 3 Total 11 1 9 Majority Concurring BMK Dissenting 3

2

3

1

2

2

2

12

Total

#### Workload – Slip Pages Released Each Week

	[		ctobe			vem			cemb		Ja	anua	ry		brua	ıry		Marc			Apri			May			Ju			
		#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	Total
	Majority																			22	18						29		59	128
JGR	Concurring																												16	16
0010	Dissenting																													0
	Total																												75	144
	Majority								7										10						12		18			47
СТ	Concurring													10	3		3			9		9			14			10	35	93
	Dissenting							_							_		12	11	8	8	17			_	8	_	26	11	20	121
	Total								7					10	3		15	11	18	17	17	9			34		44	21	55	261
	Majority										12			28						16		11							14	81
DDC	a																4													4
RBG	Dissenting								7					21					6		4								6	44
	Total								7		12			49			4		6	16	4	11							20	129
	Majority													C			19			0					11				40	78
	Concurring													6			13			8					11			Q	40	18
SGB	Dissenting														7		23											0	56	86
	Total													6	7		38			8					11			9	96	175
								_																						
	Majority													32	20				14									36		102
SAA	Concurring													7						10									13	30
~	Dissenting Total													39	20				14	44 54	39 39			-	16 16		63 63	36	34 47	196 328
	Total													- 29	20				14	04	- 29				10		60	90	47	320
	Majority								10									16			31	12						20		89
SMS	Concurring								2										1	7					26		4		2	42
	Dissenting							_										_	8	15				_	25	_	21	40	11	130
	Total								12									16	9	22	31	12			51		25	60	13	251
	Majority																41					13			16	7				77
ЕК	Concurring										2								5											7
En	Dissenting																												39	39
	Total										2						41		5			13			16	7			39	123
	Majority													6			13			33			12				33			97
	a 1										3			0			10			00			14				00		8	11
NMG	Dissenting																			34									21	55
	Total										3			6			13			67			12				33		29	163
	Majority													7						17					21				9	54
BMK	Concurring Dissenting													3						21	1						36		2	25 38
	Total													10						38	1				21		36 36		2 11	38 117
	101a1													10						- 20	1				21		90		11	117

#### **Majority Opinion Authorship**

	Total	9-0	8-1	7-2	6-3	5-4	Average Majority
Roberts	5	-	-	1	-	4	5.4
Thomas	4	1	2	1	-	-	8.0
Ginsburg	6	4	1	1	-	-	8.5
Breyer	5	2	-	1	1	1	7.2
Alito	5	1	1	1	-	2	6.8
Sotomayor	5	2	2	1	-	-	8.2
Kagan	5	3	-	1	1	-	8.0
Gorsuch	6	4	-	-	2	-	8.0
Kavanaugh	5	-	-	1	-	4	5.4
	46	17	6	8	4	11	6.4

#### **Majority Opinions Authored**

#### Authorship as a Percentage of Similar Opinions

	9-0	8-1	7-2	6-3	5-4
Roberts	-	-	13%	-	36%
Thomas	6%	33%	13%	-	-
Ginsburg	24%	17%	13%	-	-
Breyer	12%	-	13%	25%	9%
Alito	6%	17%	13%	-	18%
Sotomayor	12%	33%	13%	-	-
Kagan	18%	-	13%	25%	-
Gorsuch	24%	-	-	50%	-
Kavanaugh	-	-	13%	-	36%

Percentage of Majority Opinions Decided with Unanimous Judgment								
Ginsburg	67%							
Breyer	40%							
Thomas	25%							
Sotomayor	40%							
Kavanaugh	0%							
Kagan	60%							
Gorsuch	67%							
Roberts	0%							
Alito	20%							

Average Days Between Argument and Opinion								
Alito	105.0							
Kagan	140.8							
Gorsuch	141.0							
Roberts	156.6							
Kavanaugh	106.6							
Sotomayor	116.6							
Breyer	139.8							
Thomas	113.3							
Ginsburg	72.7							

#### **Frequency in the Majority**

The following charts measure how frequently each justice has voted with the majority during October Term 2019. The charts include summary reversals but do not include cases that were dismissed.

	All Cases										
Justice	Votes	Frequency in Majority		OT18	OT17	OT16	OT15	<b>OT14</b>	OT13	OT12	
Roberts	53	52	98%	85%	93%	93%	92%	80%	92%	86%	
Thomas	53	39	74%	75%	81%	82%	72%	61%	88%	79%	
Ginsburg	53	41	77%	75%	73%	85%	88%	86%	85%	79%	
Breyer	53	41	77%	76%	73%	90%	94%	92%	88%	83%	
Alito	53	40	75%	82%	79%	86%	84%	72%	88%	79%	
Sotomayor	53	39	74%	75%	68%	90%	83%	89%	82%	79%	
Kagan	52	41	79%	82%	74%	93%	95%	85%	92%	81%	
Gorsuch	53	46	87%	75%	85%	82%		-	-	-	
Kavanaugh	52	49	94%	91%	-	-	-	-	-	-	

	Divided Cases										
Justice	Votes	Frequency in Majority		OT18	<b>OT17</b>	OT16	<b>OT15</b>	<b>OT</b> 14	OT13	OT12	
Roberts	32	31	97%	75%	89%	83%	84%	66%	76%	73%	
Thomas	32	18	56%	59%	69%	57%	49%	34%	64%	60%	
Ginsburg	32	20	63%	59%	56%	63%	78%	77%	56%	60%	
Breyer	32	20	63%	61%	56%	77%	89%	86%	64%	67%	
Alito	32	19	59%	70%	67%	67%	70%	52%	63%	59%	
Sotomayor	32	18	56%	59%	49%	76%	68%	82%	46%	59%	
Kagan	31	20	65%	70%	59%	83%	91%	75%	75%	63%	
Gorsuch	32	25	78%	59%	75%	63%	-	-	-	-	
Kavanaugh	32	29	91%	85%	-	-	-	-	-	-	

## **Strength of the Majority**

Cases Affirmed by an Equally Divided Court							
Term	Total						
ОТ05	0						
ОТ06	0						
ОТ07	2						
ОТ08	0						
ОТ09	0						
OT10	2						
OT11	0						
<b>OT12</b>	0						
<b>OT13</b>	0						
<b>OT14</b>	0						
OT15	4						
OT16	0						
OT17	1						
OT18	0						
OT19	0						
Average (OT05- OT19)	.6						

Argument Sitting	Decided	9-0	8-1	7-2	6-3	5-4	Average Majority
October	7	2	1	-	3	1	7.0
November	10	4	1	1	1	3	7.2
December	12	4	1	4	1	2	7.3
January	8	5	1	-	-	2	7.9
February	9	3	1	3	-	2	7.3
May	2	-	1	-	-	1	6.5
Summary Reversal	5	3	-	-	1	1	7.6

Number of Opinions Per Case
2.9
2.8
2.2
2.8
2.6
3.0
1.6

Term Recusals								
Justice	Total							
Kavanaugh	1							
Kagan	1							
Sotomayor	1							
Gorsuch	1							

Solo Dissents							
Justice	Total (OT19)	Average* (OT05-OT18)					
Breyer	1	.40					
Thomas	2	2.1					
Gorsuch	-	.67					
Alito	1	.58					
Sotomayor	1	.80					
Kagan	-	0					
Roberts	-	0					
Kavanaugh	-	0					
Ginsburg	1	.86					

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

#### **5-4 Cases**

Alignment of the Majority									
Majority Cases									
Roberts, Thomas, Alito, Gorsuch, Kavanaugh	9	Hernandez, Barton, Thole, McKinney, Garcia, RNC, Espinoza, Selia Law, Open Society							
Roberts, Ginsburg, Breyer, Sotomayor, Kagan	2	Regents, June Medical							
Roberts, Sotomayor, Kagan, Gorsuch, Kavanaugh	1	Public.Resource							

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
ОТ07	12	17%	67%	50%	33%	6
ОТ08	23	29%	70%	69%	48%	7
ОТ09	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
<b>OT14</b>	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	20	28%	80%	50%	40%	10
Average	16	21%	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	-	ency in ority	<b>OT18</b>	<b>OT17</b>	OT16	OT15	<b>OT</b> 14	<b>OT13</b>	<b>OT12</b>	<b>OT</b> 11		
Roberts	12	12	100%	55%	89%	29%	25%	53%	70%	61%	67%		
Thomas	12	9	75%	65%	79%	43%	25%	37%	50%	65%	67%		
Ginsburg	12	2	17%	50%	26%	71%	75%	63%	40%	43%	33%		
Breyer	12	2	17%	50%	21%	71%	75%	74%	50%	48%	47%		
Alito	12	9	75%	60%	79%	29%	25%	47%	60%	57%	60%		
Sotomayor	12	3	25%	45%	21%	71%	75%	68%	30%	39%	47%		
Kagan	12	3	25%	45%	17%	71%	50%	53%	50%	43%	40%		
Gorsuch	12	10	83%	70%	84%	67%	-	-	-	-	-		
Kavanaugh	12	10	83%	67%	-	-	-	-	-	-	-		

	5-4 Majority Opinion Authorship											
Justice	Cases Decided	Frequency in the Majority	Opinions	Frequency as Author	OT18	OT17	<b>OT16</b>	OT15	<b>OT</b> 14	OT13	OT12	OT11
Roberts	12	12	4	33%	20%	12%	0%	0%	20%	14%	14%	10%
Thomas	12	9	0	0%	20%	20%	33%	0%	0%	20%	13%	0%
Ginsburg	12	2	0	0%	5%	20%	20%	0%	25%	0%	10%	0%
Breyer	12	2	1	8%	5%	25%	20%	33%	21%	0%	18%	43%
Alito	12	9	2	17%	10%	27%	0%	100%	33%	33%	46%	33%
Sotomayor	12	3	0	0%	5%	0%	0%	0%	15%	0%	22%	29%
Kagan	12	3	0	0%	10%	33%	20%	0%	10%	60%	10%	17%
Gorsuch	12	10	0	0%	15%	31%	0%	-	-	-	-	-
Kavanaugh	12	10	4	33%	11%	-	-	-	-	-	-	-

# **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 OT19 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 a unanimous majority.

	Unanimous Cases									
	Roberts	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	
Roberts (17)	0	1	4	2	1	2	3	4	0	

(		5-4 Cases									
	Roberts	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh		
Roberts (11)	4	0	0	1	2	0	0	0	4		
	Thomas (0)	-	-	-	-	-	-	-	-		
	Ginsk		-	-	-	-	-	-	-		
			Breyer (0)	-	-	-	-	-	-		
				Alito (0)	-	-	-	-	-		

### **Justice Agreement**

	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Total
	23 43%	32 60%	36 68%	34 64%	30 57%	37 71%	37 70%	46 88%	
Roberts	37 70%	37 70%	37 70%	41 77%	35 66%	41 79%	45 85%	48 92%	
	38 72%	40 75%	40 75%	41 77%	38 72%	42 81%	45 85%	48 92%	53
	15 28%	13 25%	13 25%	12 23%	15 28%	10 19%	8 15%	4 8%	
		14 26%	17 32%	29 55%	13 25%	16 31%	30 57%	21 40%	
	Thomas	24 45%	25 47%	47 89%	22 42%	26 50%	42 79%	38 73%	
		29 55%	29 55%	48 91%	25 47%	27 52%	44 83%	41 79%	53
		24 45%	24 45%	5 9%	28 53%	25 48%	9 17%	11 21%	
			44 83%	16 30%	37 70%	41 79%	25 47%	27 52%	
		Ginsburg	50 94%	27 51%	43 81%	45 87%	32 60%	35 67%	
		U U	51 96%	30 57%	47 89%	46 88%	34 64%	37 71%	53
			2 4%	23 43%	6 11%	6 12%	19 36%	15 29%	
				22 42%	38 72%	42 81%	28 53%	31 60%	
			Breyer	28 53%	43 81%	45 87%	32 60%	35 67%	
				30 57%	47 89%	46 88%	34 64%	37 71%	53
				23 43%	6 11%	6 12%	19 36%	15 29%	
					16 30%	22 42%	31 58%	31 60%	
				Alito	24 45%	30 58%	43 81%	42 81%	53
					26 49%	30 58%	43 81%	42 81%	
					27 51%	22 42%	10 19%	10 19%	
						39 75%	23 43%	26 50%	
	Key				Sotomayor	45 87%	32 60%	33 63%	
	Fully Agree				<sup>o</sup>	48 92%	34 64%	35 67%	53
	Agree in Full or Pa	rt				4 8%	19 36%	17 33%	
Agree	in Full, Part, or Judg	ment Only					29 56%	32 63%	
<u> </u>	Disagree in Judgme	ent				Kagan	34 65%	37 73%	l
							34 65%	37 73%	52
							19 35%	15 27%	
								34 65%	
							Gorsuch	45 87%	
								46 88%	53
								0 100/	

Kavanaugh

 $\mathbf{52}$ 

6 12%

#### **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			y as the Top Ques a Top 3 Question	Cases W	Cases With Most Total Justice Questions		
	Average		Freq. Top 1	Freq. Top 3		Questions	
Kavanaugh	16.7	Kavanaugh	24%	50%	Glover	217	
Sotomayor	21.2	Sotomayor	15%	70%	Regents	195	
Breyer	19.7	Breyer	26%	57%	Comcas	t 183	
Alito	13.8	Alito	6%	30%	Aurelius	s 176	
Ginsburg	9.4	Ginsburg	2%	11%	Russo	154	
Gorsuch	14.2	Gorsuch	19%	38%	Thole	153	
Roberts	12.6	Roberts	2%	19%	Bostock		
Kagan	15.4	Kagan	11%	43%	Espinoz		
Thomas	0	Thomas	-	-	Cowpastu	145 145	

Most Active Arguments							
	Argument	Number of Questions (% of all questions)					
Kavanaugh	Thole	48 (31%)					
Sotomayor	Atlantic Richfield	50 (40%)					
Breyer	Romag	50 (40%)					
Alito	Kahler	34 (27%)					
Ginsburg	Bostock	36 (24%)					
Gorsuch	Glover	43 (20%)					
Roberts	Glover	39 (18%)					
Kagan	Kelly	30 (23%)					
Thomas		-					

Freque	ncy as the Firs	t Questioner					
	Frequency						
Ginsburg	21/47	45%					
Roberts	8/47	17%					
Sotomayor	7/47	15%					
Alito	6/47	13%					
Kavanaugh	4/46	9%					
Gorsuch	1/47	2%					
Breyer	0/47						
Kagan	0/47						
Thomas	0/47						

The figures on this page omit the telephonic arguments conducted in May 2020 due to the COVID-19 pandemic.

#### **Oral Argument - Advocates**

Overview												
		ОТ	12	OT	13	OT1	4 0	<b>T</b> 15	5 OT16	6 OT17	OT18	<b>OT19</b>
Number of Different Advocates		12	20	121 112		: 1	17	100	113	122	103	
Number of Tota Appearances	l	19	)3	18	5	178	3 ]	.86	158	163	178	155
Appearances by Advocates Who	07	Г12	0	T13	<b>O</b> ′	Т14	OT1	5	OT16	OT17	OT18	OT19
Are from the Office of the Solicitor General	64 (	33%)	61	(33%)	56 (	(31%)	59 (32	%)	48 (30%)	48 (29%)	50 (28%)	42 (27%)
Have experience in the Office of the Solicitor General		lot ilable	85	(47%)	78 (	(46%)	84 (71	%)	73 (48%)	71 (65%)	86 (48%)	80 (52%)
Have argued at least twice during the Term	104	(54%)	96	(52%)	104	(58%)	109 (59	%)	94 (59%)	77 (47%)	87 (49%)	82 (53%)
Are "expert" Supreme Court litigators*	137	(71%)	131	(71%)	116	(66%)	136 (74	%)	115 (74%)	89 (56%)	123 (69%)	114 (74%)
Are based in Washington, D.C.**	125	(65%)	119	(64%)	101	(57%)	122 (66	%)	97 (61%)	97 (60%)	109 (61%)	103 (66%)
Are female	33 (	17%)	28	(15%)	34 (	(19%)	32 (18	%)	33 (21%)	19 (12%)	30 (17%)	20 (13%)
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%)	13 (8%)

Most Popular A	dvocate Origins
State	Total
Washington, D.C.	103
California	8
New York	7
Texas	5
Virginia	5

Most Popular Supreme Court Clerkships								
Clerkship	Appearances	Advocates						
Antonin Scalia	25	10						
John G. Roberts	17	8						
Ruth Bader Ginsburg	7	6						
Stephen Breyer	7	4						
Elena Kagan	6	4						
David Souter	5	4						

Most Popular Law Schools								
Law School	Appearances	Advocates						
Harvard	41	33						
Yale	32	20						
Chicago	12	2						
Stanford	10	6						
Virginia	9	6						

\* 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).

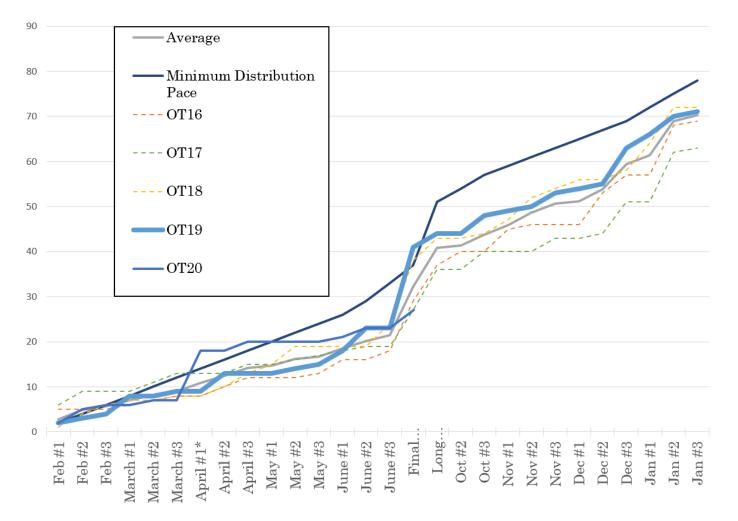
\*\* An advocate's "origin" is simply the state of origin listed for that lawyer on the court's monthly hearing lists. If attorneys from the Office of the Solicitor General are omitted, lawyers based in Washington, D.C., appeared 59 times during OT18. \*\*\* The percentage figures for this category omit 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 A	rgued Two or More Ca	ses During OT19		
Name	App	earances	Position	Law School	Supreme Court Clerkship	U.S. Solicitor General Experience	Gender
Naille	OT19	All Time	1 05111011	Law School	Supreme Court Clerkship		Genuer
Noel Francisco	7	19	Solicitor General	Chicago	Antonin Scalia	Yes	Male
Paul Clement	6	102	Kirkland & Ellis	Harvard	Antonin Scalia	Yes	Male
Jeffrey Wall	5	26	Principal Deputy Solicitor General	Chicago	Clarence Thomas	Yes	Male
Malcolm Stewart	4	87	Deputy Solicitor General	Yale	Harry Blackmun	Yes	Male
Lisa Blatt	3	40	Williams & Connolly	Texas	None	Yes	Female
Jonathan Ellis	3	6	Assistant to the Solicitor General	Pennsylvania	John Roberts	Yes	Male
Eric Feigin	3	24	Assistant to the Solicitor General	Stanford	Stephen Breyer	Yes	Male
Paul Hughes	3	8	McDermott Will & Emery	Yale	None	None	Male
Edwin Kneedler	3	145	Deputy Solicitor General	Virginia	None	Yes	Male
Christopher Michel	3	6	Assistant to the Solicitor General	Yale	John G. Roberts	Yes	Male
Morgan Ratner	3	6	Assistant to the Solicitor General	Harvard	John G. Roberts	Yes	Female
Erica Ross	3	6	Assistant to the Solicitor General	Stanford	Elena Kagan	Yes	Female
Jonathan Bond	2	6	Assistant to the Solicitor General	George Washington	Antonin Scalia	Yes	Male
Brian Burgess	2	2	Goodwin Procter	NYU	Sonia Sotomayor	Yes	Male
Toby Crouse	2	2	Kansas Solicitor General	Kansas	None	None	Male
Shay Dvoretzky	2	12	Jones Day	Yale	Antonin Scalia	None	Male
Jeffrey Fisher	2	40	Stanford Supreme Court Clinic	Michigan	John Paul Stevens	None	Male
Matthew Guarnieri	2	3	Assistant to the Solicitor General	Columbia	None	Yes	Male
Michael Huston	2	5	Assistant to the Solicitor General	Michigan	John G. Roberts	Yes	Male
Sopan Joshi	2	3	Assistant to the Solicitor General	Northwestern	Antonin Scalia, Samuel Alito	Yes	Male
Neal Katyal	2	41	Hogan Lovells	Yale	Stephen Breyer	Yes	Male
Douglas Letter	2	3	U.S. House of Representatives	Berkeley	None	None	Male
Frederick Liu	2	6	Assistant to the Solicitor General	Yale	John G. Roberts	Yes	Male
Roman Martinez	2	9	Latham & Watkins	Yale	John G. Roberts	Yes	Male
Elizabeth Murrill	2	3	Louisiana Solicitor General	Louisiana State	None	None	Female
Theodore Olson	2	64	Gibson Dunn	Berkeley	None	Yes	Male
Joseph Palmore	2	12	Morrison & Foerster	Virginia	Ruth Bader Ginsburg	Yes	Male
Adam Unikowsky	2	9	Jenner & Block	Harvard	Antonin Scalia	None	Male
Donald B. Verrilli, Jr.	2	52	Munger, Tolles & Olson	Columbia	William Brennan	Yes	Male
Anthony Yang	2	31	Assistant to the Solicitor General	Yale	None	Yes	Male

#### **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 #1 is the first February conference, which, during OT19, took place on February 21, 2020. 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.

\*The jump in OT20 grants in the April #1 conference signifies the court's decision on April 13, 2020, to reschedule 10 cases from OT19 to OT20 due to the COVID-19 pandemic.

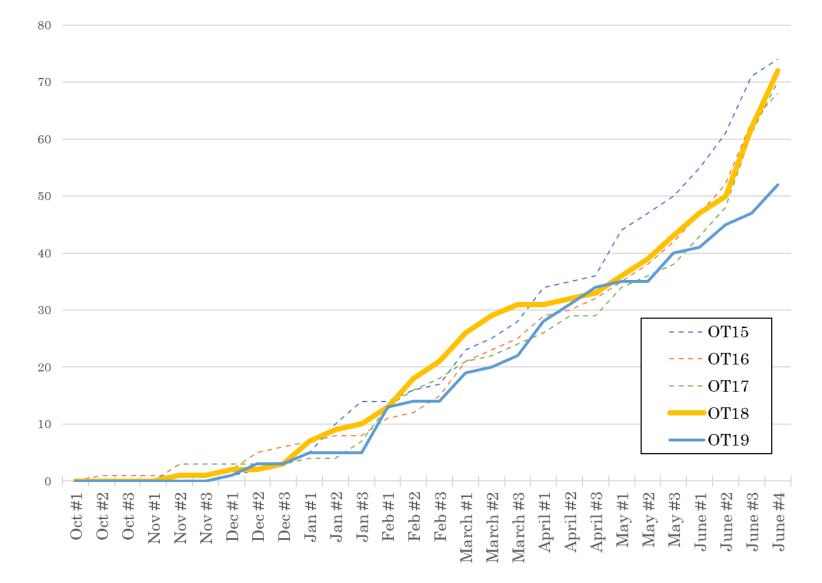
#### **Grants Per Conference**

						0	ctol	oer	Te	rm										
	'06	<b>'</b> 07	<b>'0</b> 8	'09	'10	'11	'12	'13	<b>'</b> 14	'15	'16	'17	'18	'19	'20	Ave: (OT 06		Range (OT06-OT19)	Calendar Weeks Covered	Grants Per Weeks Covered (OT06-OT19)
Feb #1	4	2	8	9	3	7	6	4	0	1	<b>5</b>	6	1	2	2	4.1		0-9	4	1.0
<b>Feb #2</b>	0	3	3	1	1	0	0	2	<b>5</b>	2	0	3	3	1	3	1.7	6.7	0-5	1	1.7
Feb #3	1	0	0	1	3	1	0	1	1	1	0	0	2	1	1	0.9		0-3	1	0.9
Mar #1	0	0	8	0	4	2	2	3	1	2	1	0	1	4	0	2.0		0-8	2	1.0
Mar #2	1	2	2	1	0	1	1	2	1	3	1	2	0	0	1	1.2	4.3	0-3	1	1.2
Mar #3	1	0	2	1	0	2	2	1	1	0	1	2	1	1	0	1.1		0-2	1	1.1
April #1	3	0	2	3	4	1	1	2	3	0	0	0	0	0	11*	1.4		0-4	2	0.7
April #2	0	1	2	3	2	0	0	1	2	2	2	0	2	4	0	1.5	4.3	0-4	1	1.5
April #3	1	1	0	4	0	2	1	1	2	1	2	2	3	0	2	1.4		0-4	1	1.4
May #1	4	0	1	4	1	1	0	1	1	1	0	0	2	0	0	1.1		0-4	2	0.6
May #2	0	3	0	1	<b>5</b>	1	1	<b>5</b>	1	3	0	1	4	1	0	1.9	4.1	0-5	1	1.9
May #3	1	4	0	1	1	1	1	2	1	0	1	1	0	1	0	1.1		0-4	1	1.1
June #1	4	1	0	2	0	2	1	2	0	3	3	1	0	3	1	1.6		0-4	1	1.6
June #2	1	3	3	4	4	4	2	1	2	2	0	1	0	<b>5</b>	2	2.3	16.2	0-5	1	2.3
June #3	2	1	3	3	3	4	1	4	3	1	2	0	<b>5</b>	0	0	2.3	10.2	0-5	1	2.3
June #4	5	<b>5</b>	9	7	7	13	10	12	13	9	11	8	14	18	4	10.1		5-18	1	10.1
<b>Oct #1</b>	9	17	10	11	13	7	9	8	12	13	8	9	<b>5</b>	3		9.6		3-17	13	0.7
<b>Oct #2</b>	2	0	1	5	7	2	$\overline{7}$	2	0	0	3	0	0	0		2.1	13.7	0-7	2	1.0
<b>Oct #3</b>	1	2	1	2	1	4	1	2	3	3	0	4	1	4		2.1		0-4	1	2.1
Nov #1	4	2	2	3	<b>5</b>	1	4	1	0	1	<b>5</b>	0	3	1		2.3		0-5	2	1.2
Nov #2	2	1	1	0	0	<b>5</b>	1	0	4	7	1	0	<b>5</b>	1		2.0	6.4	0-7	1	2.0
Nov #3	0	1	5	1	2	3	4	2	2	2	0	3	2	3		2.1		0-5	1	2.1
Dec #1	0	3	2	3	3	4	3	4	2	0	0	0	2	1		1.9		0-4	1	1.0
<b>Dec #2</b>	3	3	2	2	2	1	2	1	3	4	7	1	0	1		2.3	8.6	1-7	2	1.2
<b>Dec #3</b>	5	6	2	3	3	<b>5</b>	5	2	3	7	4	7	2	8		4.4		2-8	1	4.4
Jan #1	7	6	4	1	5	1	3	8	0	1	0	0	6	3		3.2		0-8	4	0.8
Jan #2	4	4	6	5	0	0	6	3	6	4	11	11	8	4		5.1	9.7	0-11	1	5.1
Jan #3	7	2	0	0	0	1	2	0	1	3	1	1	0	1		1.4		0-7	1	1.4
Total	72	73	79	81	79	76	76	77	73	76	69	63	72	71	23			63-81	52	1.4

\*The jump in OT20 grants in the April #1 conference signifies the court's decision on April 13, 2020, to reschedule 10 cases from OT19 to OT20 due to the COVID-19 pandemic.

#### **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 week of release within a given sitting, rather than by calendar month. For example, the opinions for Feb #1 of OT19 were actually released between February 24-26, 2020.



## **Opinions Per Week**

						Oct	ober T	erm							Avera		Range
	<b>'</b> 06	'07	<b>'08</b>	<b>'</b> 09	'10	'11	'12	'13	<b>'</b> 14	'15	'16	'17	'18	'19	<b>(OT06-</b> 0	T18)	(OT06-OT18)
Oct #1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0.0		0-0
<b>Oct #2</b>	0	0	1	0	0	0	0	0	0	0	1	0	0	0	0.2	0.3	0-1
Oct #3	1	0	0	1	0	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	0.2		0-2
Nov #2	0	1	1	1	1	3	1	0	2	0	0	3	1	0	1.1	1.7	0-3
Nov #3	1	0	0	1	1	0	1	0	1	0	0	0	0	0	0.4		0-1
Dec #1	0	0	1	1	1	0	1	3	0	1	1	0	1	1	0.8		0-3
Dec #2	1	2	0	5	0	0	1	2	2	1	3	0	0	2	1.3	3.3	0-5
Dec #3	2	3	1	0	1	2	1	1	2	1	1	0	1	0	1.2		0-3
Jan #1	4	3	4	4	2	7	4	3	4	2	1	1	4	2	3.3		1-7
Jan #2	1	3	5	5	3	4	1	1	6	<b>5</b>	1	0	2	0	2.8	8.6	1-6
Jan #3	3	1	6	1	4	4	1	3	1	4	0	3	1	0	2.5		0-6
Feb #1	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	4	7	9	6	3	0	3	6	3	8	4.7		0-9
Feb #2	1	2	3	3	6	1	4	<b>5</b>	2	2	1	3	5	1	2.9	9.6	1-6
Feb #3	2	1	4	2	3	1	1	1	2	1	3	2	3	1	2		1-4
March #1	1	2	2	1	3	7	4	3	4	6	6	3	5	5	3.6		1-7
March #2	2	2	<b>5</b>	<b>5</b>	2	<b>5</b>	3	2	3	2	2	1	3	1	2.8	7.9	1-5
March #3	2	1	2	0	2	2	1	0	0	3	2	2	2	2	1.5		0-3
April #1	5	5	4	4	2	4	4	4	3	6	4	2	0	6	3.6		0-6
April #2	3	1	4	3	2	2	1	3	2	1	1	3	1	3	2.1	7.5	1-4
April #3	5	1	4	2	2	0	1	3	1	1	2	0	1	3	1.8		0-5
May #1	1	1	2	3	3	1	3	1	6	8	3	5	3	1	3.1		1-8
May #2	5	4	3	6	6	5	4	5	3	3	3	2	3	0	4	10	2-6
May #3	1	3	2	5	2	2	2	3	5	3	4	2	4	5	2.9		1-5
June #1	4	3	5	4	8	2	3	5	1	5	5	5	4	1	4.2		1-8
June #2	8	9	6	9	9	2	7	6	9	6	5	5	3	4	6.5	25.8	2-9
June #3	6	7	7	10	10	8	8	8	8	10	11	13	12	2	9.1	20.8	6-13
June #4	8	10	2	5	5	5	12	3	3	3	5	9	10	5	6.2		2-12
Total	72	70	79	86	82	75	78	73	73	74	68	70	72	53	74.8	74.8	68-86

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
Thompson v. Hebdon	Nov. 25, 2019	9-0	Per Curiam					<b>E</b>	Fit	E	(F3)	
Rotkiske v. Klemm	Dec. 10, 2019	8-1	Thomas						(B)	E		
Peter v. NantKwest, Inc.	Dec. 11, 2019	9-0	Sotomayor		<b>S</b>	1	See .		B	E		
Ritzen Group, Inc. v. Jackson Masonry, LLC	Jan. 14, 2020	9-0	Ginsburg			0		9	E.	T		
Retirement Plans Committee of IBM v. Jander	Jan. 14, 2020	9-0	Per Curiam			0				E		
Roman Catholic Archdiocese of San Juan, Puerto Rico v. Feliciano	Feb. 24, 2020	9-0	Per Curiam			0				E		
Monasky v. Taglieri	Feb. 25, 2020	9-0	Ginsburg				Carlo and a state	ø	E	E		
Hernandez v. Mesa	Feb. 25, 2020	5-4	Alito						E	æ		

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
Rodriguez v. Federal Deposit Insurance Corp.	Feb. 25, 2020	9-0	Gorsuch			1	-	<b>B</b>	(B)	R.		
McKinney v. Arizona	Feb. 25, 2020	5-4	Kavanaugh			0	- Contraction of the second se	Ş	E.	E		
Shular v. United States	Feb. 26, 2020	9-0	Ginsburg			1	- CONT	Ş	T	A.		
Holguin-Hernandez v. United States	Feb. 26, 2020	9-0	Breyer			1		ø	B	R.		
Intel Corp. Investment Policy Committee v. Sulyma	Feb. 26, 2020	9-0	Alito			1		<b>B</b>	H	E		
Kansas v. Garcia	Mar. 3, 2020	5-4	Alito				- Contraction	S	E	E		
Guerrero-Lasprilla v. Barr	Mar. 23, 2020	7-2	Breyer			1		ø	E	E		
Allen v. Cooper	Mar. 23, 2020	9-0	Kagan					9	E.	E		

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
Kahler v. Kansas	Mar. 23, 2020	6-3	Kagan				16	<b>B</b>		E		
Comcast Corp. v. National Association of African American-Owned Media	Mar. 23, 2020	9-0	Gorsuch		<b>S</b>	1		ø	-	T		
Davis v. United States	Mar. 23, 2020	9-0	Per Curiam						Fib	E	(FO)	
CITGO Asphalt Refining Co. v. Frescati Shipping Co., Ltd.	Mar. 30, 2020	7-2	Sotomayor			1	- Contraction of the second se	<b>B</b>	(H)	E		
Kansas v. Glover	Apr. 6, 2020	8-1	Thomas		<b>S</b>	1	- CE	<b>B</b>	(File)	E		
Babb v. Wilkie	Apr. 6, 2020	8-1	Alito				- Contraction of the second se	<b>B</b>	(File)	E		
Republican National Committee v. Democratic National Committee	Apr. 6, 2020	5-4	Per Curiam		Ś		<b>S</b>		<b>B</b>			
Atlantic Richfield Co. v. Christian	Apr. 20, 2020	7-2	Roberts			1		<b>E</b>	R	25		

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
Thryv, Inc. v. Click-To-Call Technologies, LP	Apr. 20, 2020	7-2	Ginsburg			<b>E</b>	(a)		(File)	E		
Ramos v. Louisiana	Apr. 20, 2020	6-3	Gorsuch			E-th				E		
County of Maui, Hawaii v. Hawaii Wildlife Fund	Apr. 23, 2020	6-3	Breyer						E	- All		
Romag Fasteners Inc. v. Fossil Inc.	Apr. 23, 2020	9-0	Gorsuch			1	-	9	E	R.		
Barton v. Barr	Apr. 23, 2020	5-4	Kavanaugh		Ś		-	9	B	E		
Georgia v. Public.Resource.Org Inc.	Apr. 27, 2020	5-4	Roberts		<b>S</b>	<b>E</b>	<b>L</b>	<b>E</b>	(Fa)	E		
Maine Community Health Options v. United States	Apr. 27, 2020	8-1	Sotomayor			<b>E</b>	- Contraction of the contraction		(internet in the second	E		
New York State Rifle & Pistol Association Inc. v. City of New York, New York	Apr. 27, 2020	6-3	Per Curiam			<b>E</b>				E		

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
United States v. Sineneng-Smith	May 7, 2020	9-0	Ginsburg			1		<b>B</b>	B	F		
Kelly v. United States	May 7, 2020	9-0	Kagan		<b>S</b>		See .	<b>S</b>	B	F		
Lucky Brand Dungarees Inc. v. Marcel Fashion Group Inc.	May 14, 2020	9-0	Sotomayor		<b>S</b>	1	- Contraction of the second se		R	R.		
Opati v. Republic of Sudan	May 18, 2020	8-0	Gorsuch		<b>S</b>							
GE Energy Power Conversion France SAS v. Outokumpu Stainless USA LLC	June 1, 2020	9-0	Thomas		Ż	1	- Contraction of the contraction	Ø	B	R.		
Financial Oversight and Management Board for Puerto Rico v. Aurelius Investment, LLC	June 1, 2020	9-0	Breyer		Ż	1		Ø	B	R.		
Banister v. Davis	June 1, 2020	7-2	Kagan		Ż				(Participation)	E		
Thole v. U.S. Bank, N.A.	June 1, 2020	5-4	Kavanaugh	۵				9	<b>B</b>	E		

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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
Nasrallah v. Barr	June 1, 2020	7-2	Kavanaugh								
Lomax v. Ortiz-Marquez	June 8, 2020	9-0	Kagan			-	9	(B)	2		
U.S. Forest Service v. Cowpasture River Preservation Association	June 15, 2020	7-2	Thomas		Carlo Carlo	-		(B)	E		
Bostock v. Clayton County, Georgia	June 15, 2020	6-3	Gorsuch						25		
Andrus v. Texas	June 15, 2020	6-3	Per Curiam			- Contraction of the second se		-	E		
Department of Homeland Security v. Regents of the University of California	June 18, 2020	5-4	Roberts						E		
Liu v. Securities and Exchange Commission	June 22, 2020	8-1	Sotomayor			-	<b>B</b>	<b>B</b>	E		
Department of Homeland Security v. Thuraissigiam	June 25, 2020	7-2	Alito		and the second s			<b>B</b>	E		

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
Seila Law LLC v. Consumer Financial Protection Bureau	June 29, 2020	5-4	Roberts				- Tel		E.	æ		
June Medical Services v. Russo	June 29, 2020	5-4	Breyer			<b>E</b>				2.		
United States Agency for International Development v. Alliance for Open Society International, Inc.	June 29, 2020	5-3	Kavanaugh		<b>S</b>		- Ales					
Espinoza v. Montana Department of Revenue	June 30, 2020	5-4	Roberts	•			-Tell		-	e		
U.S. Patent and Trademark Office v. Booking.com BV	June 30, 2020	8-1	Ginsburg							E		

#### 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
Hernandez v. Mesa	Feb. 25, 2020	5-4	Alito				- Contraction of the second se		1	t		
McKinney v. Arizona	Feb. 25, 2020	5-4	Kavanaugh		Ś		- Contraction	<b>B</b>		T		
Kansas v. Garcia	Mar. 3, 2020	5-4	Alito		Ś		- Contraction of the second se	<b>B</b>	B	t		
Republican National Committee v. Democratic National Committee	Apr. 6, 2020	5-4	Per Curiam		×.		<b>A</b>		-	E		
Barton v. Barr	Apr. 23, 2020	5-4	Kavanaugh		<b>S</b>		- Contraction of the second se		B	t		
Georgia v. Public.Resource.Org Inc.	Apr. 27, 2020	5-4	Roberts				1. E		(File)	E	(F3)	
Thole v. U.S. Bank, N.A.	June 1, 2020	5-4	Kavanaugh	9	Ś		-	Ø		E		
Department of Homeland Security v. Regents of the University of California	June 18, 2020	5-4	Roberts			6			(File)	E		

#### 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
Seila Law LLC v. Consumer Financial Protection Bureau	June 29, 2020	5-4	Roberts				(B)	Ø	E.	E		
June Medical Services v. Russo	June 29, 2020	5-4	Breyer							E		
United States Agency for International Development v. Alliance for Open Society International, Inc.	June 29, 2020	5-3	Kavanaugh		Ś		100			E		
Espinoza v. Montana Department of Revenue	June 30, 2020	5-4	Roberts		S.		166	<b>B</b>	3	æ		