STATISTICAL RECAP OF SUPREME COURT'S WORKLOAD DURING LAST THREE TERMS

	2003-2004		2002-2003		2001-2002	
PAID CASES						
1 Cases from prior term		336		321		324
2 Cases docketed during term		1,722		1,869		1,886
3 Cases on docket		2,058		2,190		2,210
4 Cases granted review and carried over		46		43		42
5 Cases denied, dismissed or withdrawn		1,641		1,727		1,751
6 Cases summarily decided		37 **		46		57
7 Cases granted review this term	(63.5 hours)	74	(72 hours)	83	(71 hours)	82
8 Cases acted upon		1,798		1,899		1,932
9 Cases not acted upon		260		291		278
IN FORMA PAUPERIS CASES						
10 Cases from prior term		726		823		921
11 Cases docketed during term		6,092		6,386		6,037
12 Cases on docket		6,818		7,209		6,958
13 Cases granted review and carried over		5		4		6
14 Cases denied, dismissed or withdrawn		6,005		6,459		6,114
15 Cases summarily decided		13		17		13
16 Cases granted review this term	(12 hours)	13	(7 hours)	8	(6 hours)	6
17 Cases acted upon		6,036		6,488		6,139
18 Cases not acted upon		782		721		819
ORIGINAL CASES						
19 Cases from prior term		6		7		7
20 Cases docketed during term		0		0		1
21 Cases on docket		6		7		8
22 Cases disposed of during term		2		1		1
23 Cases remaining		4		6		7
24 Total cases on docket		8,883		9,406		9,176
ARGUMENT CALENDAR						
25 Cases available at beginning of term		51		47		49
26 Cases made available during term		87		91		88
27 Cases reset for argument		0		0		0
28 Original cases set for argument		2		1		0
29 Total cases available for argument		140		139		137
30 Cases argued		91 *		84		88
31 Dismissed or remanded without argument		2		3		2
32 Total cases disposed of		93		87		90
33 Total cases available	(39 hours)	47	(42 hours)	52	(41 hours)	47
34 Cases granted this term to be argued next term	(39 hours)	47	(38 hours)	40	(41 hours)	47
DECISION CALENDAR						
35 Cases argued and submitted		91		84		88
36 Disposed of by signed opinion		89		79		85
37 Disposed of by per curiam opinion		2		5		3
38 Set for reargument		0		0		0
39 Total cases decided		91		84		88
40 Cases awaiting decision		0		0		0
41 Number of signed opinions		73		71		76
42 Number of opinions to be filed		0		0		0
43 Admissions to the bar		4,908		4,574		3,762
— On written motions		3,060		2,849		2,461
— In court		1,848		1,725		1,301

* This number incluses the Bipartisan Campaign Reform Act Cases

** Includes per curiam opinions in 02-1597, 02-1369, 03-374, 03-1028 and 03-1200

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STATISTICS FOR THE SUPREME COURT'S OCTOBER TERM 2003

Prepared by Thomas C. Goldstein
Attorney - Washington, D.C.

INTRODUCTION

1. The justices decided 74 cases after argument this term. The numbers of decisions after argument for previous terms are 73 (OT02), 76 (OT01), 79 (OT00), 74 (OT99), 78 (OT98), 92 (OT97), 81 (OT96), 77 (OT95), 84 (OT94), 84 (OT93), 107 (OT92), 107 (OT91), and 102 (OT90).

The justices decided 79 cases in total this term, including five summary reversals without argument. The numbers for previous terms are 80 (OT02), 81 (OT01), 85 (OT00), and 77 (OT99).

2. This term the court returned to its previous level of 5-4 decisions, 21 of 79 (27%), up from 13 of 80 (16%) in OT02. The numbers for previous terms are 21 of 81–26% (OT01), 26 of 85–30% (OT00), and 21 of 77–27% (OT99).

The number of unanimous opinions dropped this term, to 25 of 79 (32%), from 31 of 80 (39%) in OT02. The numbers from previous years are 26 of 81–32% (OT01), and 25 of 85–29% (OT00).

3. In this term's 5-4 decisions, Justice O'Connor was in the majority in 16 of the 21 decisions, but authored none of the majority opinions. Justice Kennedy was in the majority 15 times, followed by Justices Thomas (14) and Scalia (11).

The court's conservative majority (WHR, SOC, AS, AMK, CT) held together in nearly half (10 of 21) of the 5-4 cases this term. This figure is comparable to last term (6 of 13–46%) and the term before (10 of 21–48%) The numbers for previous terms are 14 of 26–54% (OT00), 14 of 21–66% (OT99), 10 of 19–53% (OT98), 6 of 16–38% (OT97), 8 of 17–47% (OT96), and 7 of 16–44% (OT95).

Among the other 5-4 cases this term, four were decided by a majority composed of the remaining four justices (JPS, DHS, RBG, and SGB) plus Justice O'Connor, two were decided by the remaining four justices plus Justice Kennedy, and one case was decided by those justices plus Justice Thomas. In OT02, Justice O'Connor "defected" from the conservative majority to join the remaining four justices in a 5-4 majority four times, and Justice Scalia did so once. In OT01, Justice O'Connor defected four times and Chief Justice Rehnquist and Justice Thomas defected once each. In OT00, seven 5-4 cases were decided by these four justices and a defector, with Justice O'Connor providing the fifth vote four times and Justice Kennedy three times.

4. Although Justices Souter and Ginsburg continued to show a high degree of affinity, Justices Scalia and Thomas–who historically have been the justices with the greatest degree of affinity–this year disagreed more often than in the last eight years. Justices Scalia and Thomas also agreed less often than did six other pairs of justices: Souter-Ginsburg (85% in full/92% in full or in part/94% in full, in part, or in the judgment), Rehnquist-O'Connor (79/90/91), Ginsburg-Breyer (77/91/94), Stevens-Souter (77/90/91), Stevens-Ginsburg (75/90/92), and Rehnquist-Kennedy (77/86/91).

Justices Souter and Ginsburg: Their percentages of agreement were: 85% (in full), 92% (in full or in part), 94% (in full, in part, or in the judgment). Their numbers for previous terms are 88/91/91 (OT02), 86/90/94 (OT01), 79/94/94 (OT00), 81/88/91 (OT99), 82/91/91 (OT98), 82/87/88 (OT97), 75/87/91 (OT96), and 78/unavail./90 (OT95).

Justices Scalia and Thomas: Their percentages of agreement this term were: 73% (in full), 79% (in full or part), 91% (in full, in part, or in the judgment). The two justices disagreed completely 9% of the time, up from only 5% last term. Their percentages in previous terms were 89/92/95 (OT02), 82/87/92 (OT01), 76/92/99 (OT00), 81/91/93 (OT99), 76/92/95 (OT98), 82/88/93 (OT97), 88/98/99 (OT96), and 83/unavail./93 (OT95).

Chief Justice Rehnquist and Justice Kennedy agreed less frequently this term than last term: 77% (in full), 86% (in full or part), 91% (in full, in part, or in the judgment). In OT02 the numbers were 86/91/93.

The Chief Justice and Justice O'Connor remained stable: 79% (in full), 90% (in full or part), 91% (in full, in part, or in the judgment), similar to 82/87/87 from last term. Their numbers for previous terms were 71/75/79 (OT01), 73/86/86 (OT00), 87/94/95 (OT99), 79/86/87 (OT98), 80/86/88 (OT97), 73/82/84 (OT96), and 78/unavail./87 (OT95).

Measured by agreement in full or in part, the pairing with the lowest affinity this term was Justices Stevens and Scalia. Their percentages of agreement were: 38% (in full), 51% (in full or part), 60% (in full, in part, or in the judgment). This is a drop from their affinity last year, 53/57/66 (OT02), and a return to their affinity from previous years: 36/46/53 (OT01), and 36/52/60 (OT00). Excluding the 25 unanimous cases from this term, Justices Stevens and Scalia agreed in full only 5 times, and disagreed completely 31 times (40%).

The pairing last term with the lowest affinity was Justices Thomas and Breyer, with 50/53/66 (OT02). Their affinity declined slightly this year at 45% (in full), 56% in full or part, 64% (in full, in part, or in the judgment).

5. As usual, Justice O'Connor was in the dissent the least often. She dissented in just five of the court's 79 cases, significantly fewer than the next-least-dissenting justice, Justice Kennedy, with 10 dissenting votes. Last term, Justice O'Connor dissented five times, as compared with 10 (OT01), eight (OT00), four (OT99), seven (OT98), 11 (OT97), 10 (OT96), and eight (OT95).

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SUMMARY INFORMATION REGARDING THE TERM

Status of Cases					
Granted but not argued		Argued but not decided		Decided	79

Decided Cases: Method of Disposition					
After argument and by signed opinion	72	After argument and without signed opinion	2	On the briefs	5

Splits in Decided							
Unanimous	25	9-0	12	8-1 or 7-1	7	7-2 or 6-2	8
6-3 or 5-3	8	5-4	19	4-4	0	Other	0

Treatment of the Lower Court							
Lower court reversed or vacated	59	Lower court affirmed	18	Lower court reversed or vacated in part and affirmed in part	2	Other	0

OPINION AUTHORSHIP

Opinion Authorship: Total Number of Opinions									
Rehnquist	12	Stevens	28	O'Connor	13	Scalia	29	Kennedy	22
Souter	18	Thomas	26	Ginsburg	17	Breyer	21		
Opinion Authorship: Majority Opinions									
Per Curiam	7	Rehnquist	7	Stevens	6	O'Connor	7	Scalia	8
Kennedy	8	Souter	9	Thomas	9	Ginsburg	9	Breyer	6
Opinion Authorship: Plurality or Plurality-Like Opinions									
Per Curiam	0	Rehnquist	1	Stevens	1	O'Connor	0	Scalia	1
Kennedy	0	Souter	0	Thomas	0	Ginsburg	0	Breyer	0
Opinion Authorship: Concurring Opinions									
Rehnquist	2	Stevens	11	O'Connor	4	Scalia	11	Kennedy	7
Souter	4	Thomas	7	Ginsburg	4	Breyer	5		
Opinion Authorship: Dissenting Opinions									
Rehnquist	2	Stevens	10	O'Connor	2	Scalia	9	Kennedy	7
Souter	5	Thomas	10	Ginsburg	4	Breyer	10		
Opinion Authorship: Unanimous Majority Opinions									
Per Curiam	5	Rehnquist	2	Stevens	1	O'Connor	3	Scalia	2
Kennedy	3	Souter	2	Thomas	5	Ginsburg	2	Breyer	0

DISSENTING VOTES

Dissenting Votes: Total Number									
Rehnquist	11	Stevens	15	O'Connor	5	Scalia	17	Kennedy	10
Souter	15	Thomas	15	Ginsburg	13	Breyer	13		
Dissenting Votes: Number of Times the only Dissenter in a Case									
Rehnquist	0	Stevens	2	O'Connor	0	Scalia	1	Kennedy	0
Souter	1	Thomas	2	Ginsburg	0	Breyer	1		

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FIVE-TO-FOUR CASES

Number of cases (either entirely 5-4 or 5-4 on a major issue)	21
Five-to-Four Cases: Alignments	
WHR, SOC, AS, AMK, CT	10
JPS, SOC, DHS, RBG, SGB	4
JPS, AMK, DHS, RBG, SGB	2
WHR, JPS, AMK, SOC, SGB	1
WHR, SOC, AMK, CT, SGB	1
JPS, AMK, DHS, CT, RBG	1
JPS, DHS, CT, RBG, SGB	1
JPS, AS, DHS, RBG, CT	1

Five-to-Four Cases: Authorship of the Opinion									
Rehnquist	3	Stevens	4	O'Connor	0	Scalia	4	Kennedy	4
Souter	1	Thomas	3	Ginsburg	2	Breyer	0		
Five-to-Four Cases: Membership in the Majority									
Rehnquist	12	Stevens	10	O'Connor	16	Scalia	11	Kennedy	15
Souter	9	Thomas	14	Ginsburg	9	Breyer	9		

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FULL VOTING RELATIONSHIPS BY SENIORITY

	Stevens	O'Connor	Scalia	Kennedy	Souter	Thomas	Ginsburg	Breyer
Rehnquist	79	78	78	79	78	79	79	77
	40 - 51%	62 - 79%	49 - 63%	61 - 77%	41 - 53%	54 - 68%	48 - 61%	50 - 65%
	8 - 61%	8 - 90%	11 - 77%	7 - 86%	7 - 62%	10 - 81%	4 - 66%	4 - 70%
	5 - 67%	1 - 91%	10 - 90%	4 - 91%	5 - 68%	6 - 89%	4 - 71%	3 - 74%
	26 - 33%	7 - 9%	8 - 10%	7 - 9%	25 - 32%	9 - 11%	23 - 29%	20 - 26%
Stevens		78	78	79	78	79	79	77
		46 - 59%	30 - 38%	45 - 57%	60 - 77%	34 - 43%	59 - 75%	51 - 66%
		6 - 67%	10 - 51%	10 - 70%	10 - 90%	9 - 54%	12 - 90%	15 - 86%
		5 - 73%	7 - 60%	4 - 75%	1 - 91%	6 - 62%	2 - 92%	2 - 88%
		21 - 27%	31 - 40%	20 - 25%	7 - 9%	30 - 38%	6 - 8%	9 - 12%
O'Connor			77	78	77	78	78	76
			42 - 55%	55 - 71%	45 - 58%	43 - 55%	52 - 67%	53 - 70%
			14 - 73%	9 - 82%	7 - 68%	11 - 69%	4 - 72%	6 - 78%
			9 - 84%	4 - 87%	5 - 74%	7 - 78%	4 - 77%	3 - 82%
			12 - 16%	10 - 13%	20 - 26%	17 - 22%	18 - 23%	14 - 18%
Scalia				78	77	78	78	76
				44 - 56%	30 - 39%	57 - 73%	34 - 44%	32 - 42%
				11 - 71%	11 - 53%	5 - 79%	10 - 56%	10 - 55%
				11 - 85%	8 - 64%	9 - 91%	6 - 64%	8 - 66%
				12 - 15%	28 - 36%	7 - 9%	28 - 36%	26 - 34%
Kennedy					78	79	79	77
					45 - 58%	49 - 62%	45 - 57%	45 - 58%
					9 - 69%	10 - 75%	10 - 70%	10 - 71%
					4 - 74%	8 - 85%	3 - 73%	2 - 74%
					20 - 26%	12 - 15%	21 - 27%	20 - 26%
Souter						78	78	77
						37 - 47%	66 - 85%	54 - 70%
						7 - 56%	6 - 92%	11 - 84%
						5 - 63%	1 - 94%	2 - 87%
						29 - 37%	5 - 6%	10 - 13%
Thomas							79	77
							38 - 48%	35 - 45%
							7 - 57%	8 - 56%
							7 - 66%	6 - 64%
							27 - 34%	28 - 36%
Ginsburg								77
								59 - 77%
								11 - 91%
								2 - 94%
								5 - 6%

KEY

Total No. of Cases Together
No. and % of Times Agreed in Full
No. of Times Agreed in Part & % of Times Agreed in Full or in Part
No. of Times Agreed in the Judgment & % of Times Agreed in Full, in Part, or in the Judgment
No. and % of Times Disagreed Completely

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