

The Court's Workload in OT08

Cases Granted or Probable Jurisdiction Noted:		78
Dismissed Before Argument:	-	1
Original Cases Argued:	+	1
Number of Arguments:		78

Argued Merits Cases Disposed of:

Signed Opinions:		73
Dismissals After Argument:		2
Affirmed by Equally Divided Vote:		0
Remaining Merits Opinions:		3

Expected Merits Opinions in OT08 After Argument:		76
Summary Opinions from Non-Argued Cases:	+	4
Cases Affirmed by Equally Divided Vote:	+	0
Total Merits Decisions:		80

Opinion Authors by Sitting

OCT	Author	Count
Altria	JPS	JGR 2
Locke	SGB	JPS 2
Vaden	RBG	AS 1
Herring	JGR	AMK 1
Gant	JPS	DHS 2
Kennedy	DHS	CT 1
Winter	JGR	RBG 2
Crawford	DHS	SGB 1
Summers	AS	SAA 1
Bartlett	AMK	
Pearson	SAA	
Oregon	RBG	
Waddington	CT	
Hedgpeth	PC	

NOV	Author	Count
Wyeth	JPS	JGR 1
Ysursa	JGR	JPS 1
Carcieri	CT	AS 2
FCC	AS	AMK 1
Eurodif	DHS	DHS 1
Jimenez	CT	CT 2
Negusie	AMK	RBG 1
Van de Kamp	SGB	SGB 2
Chambers	SGB	SAA 1
Hayes	RGB	
Melendez-Diaz	AS	
Pleasant Grove	SAA	
Bell	dismiss	

DEC	Author	Count
Kansas	SAA	JGR 1
14 Penn	CT	JPS 2
Entergy	AS	AS 1
Fitzgerald	SAA	AMK 1
Philip Morris	dismiss	DHS 1
Haywood	JPS	CT 1
Shinseki	SGB	RBG 1
Pacific Bell	JGR	SGB 1
Johnson	RBG	SAA 2
Cone	JPS	
Iqbal	AMK	
AT&T	DHS	

JAN	Author	Count
Coeur Alaska	AMK	JGR 1
Iran	SGB	JPS 1
Harbison	JPS	AS 3
Montejo	AS	AMK 1
Vermont	RBG	DHS 1
Knowles	CT	CT 1
Puckett	AS	RBG 1
Boyle	SAA	SGB 1
Corley	DHS	SAA 1
Ventris	AS	
Nken	JGR	

JGR	8
JPS	9
AS	10
AMK	6
DHS	8
CT	9
RBG	7
SGB	8
SAA	7
Total	72

FEB	Author	Count
Navajo Nation	AS	JGR 2
Rivera	RBG	JPS 1
Burlington No.	JPS	AS 2
Carlsbad	CT	AMK 1
Hawaii	SAA	DHS 1
Flores-Figueroa	SGB	CT 2
Osborne	JGR	RBG 1
Atlantic Sounding	CT	SGB 1
Caperton	AMK	SAA 1
Arthur Andersen	AS	
Abuelhawa	DHS	
Dean	JGR	

MARCH	Author	Count
Yeager	JPS	JGR 0
Citizens		JPS 1
Denedo	AMK	AS 0
Travelers	DHS	AMK 1
Gross	CT	DHS 1
Polar Tankers	SGB	CT 1
		RBG 0
		SGB 1
		SAA 0

APR	Author	Count
Iraq	AS	JGR 1
Horne	SAA	JPS 1
Safford	DHS	AS 1
Eisenstein	CT	AMK 0
Ricci		DHS 1
Nijhawan	SGB	CT 1
Bobby	RBG	RBG 1
Forest Grove	JPS	SGB 1
Cuomo		SAA 1
NAMUDNO	JGR	

Circuit Scorecard—OT08

Court	Decided	Outstanding	# Aff'd	% Aff'd	# Rev'd	% Rev'd	# Aff'd in Part	% Aff'd in Part	% SCOTUS Cases
<i>CA 1</i>	4	0	2	50.0%	2	50.0%	0	0.0%	4.9%
<i>CA2</i>	7	2	2	28.6%	5	71.4%	0	0.0%	11.1%
<i>CA3</i>	2	0	1	50.0%	1	50.0%	0	0.0%	2.5%
<i>CA4*</i>	6	0	0	0.0%	6	100.0%	0	0.0%	7.4%
<i>CA5</i>	5	0	2	40.0%	3	60.0%	0	0.0%	6.2%
<i>CA6</i>	5	0	0	0.0%	5	100.0%	0	0.0%	6.2%
<i>CA7</i>	1	0	0	0.0%	1	100.0%	0	0.0%	1.2%
<i>CA8</i>	4	0	0	0.0%	4	100.0%	0	0.0%	4.9%
<i>CA9</i>	16	0	1	6.3%	13	81.3%	2	12.5%	19.8%
<i>CA10</i>	2	0	0	0.0%	2	100.0%	0	0.0%	2.5%
<i>CA11</i>	3	0	2	66.7%	1	33.3%	0	0.0%	3.7%
<i>CADC</i>	1	0	0	0.0%	1	100.0%	0	0.0%	1.2%
<i>CAFC</i>	4	0	0	0.0%	4	100.0%	0	0.0%	4.9%
<i>CAAF</i>	1	0	1	100.0%	0	0.0%	0	0.0%	1.2%
<i>Dist. Courts</i>	1	1	0	0.0%	1	100.0%	0	0.0%	2.5%
<i>State Courts</i>	15	0	4	26.7%	11	73.3%	0	0.0%	18.5%
<i>Original</i>	1	0	N/A	N/A	N/A	N/A	N/A	N/A	1.2%
Total[†]	78	3	15	19.2%	60	76.9%	2	2.6%	

Consolidated cases are counted together. Substantive summary reversals or affirmances are counted.

* *Al-Marri v. Spagone* was vacated and remanded by a summary disposition order before argument.

[†] This list does not include *Bell v. Kelly* or *Philip Morris*, which were dismissed.

Decisions by Final Vote–OT08

9-0 (or unan.)	8-1	7-2	6-3	5-4
26 (33.8%)	4 (5.2%)	13 (16.9%)	13 (16.9%)	21 (27.3%)
<i>Moore</i> (PC)	<i>Negusie</i>	<i>Hayes</i>	<i>Ysursa</i>	<i>Altria</i>
<i>Nelson</i> (PC)	<i>Burlington</i>	<i>Vermont v. Brillon</i>	<i>Winter</i>	<i>Spears</i> (PC)
<i>Locke</i>	NAMUDNO	<i>Puckett</i>	<i>Hedgpeth</i> (PC)	<i>Vaden</i>
<i>Kennedy</i>	<i>Safford</i>	<i>Harbison</i>	<i>Waddington</i>	<i>Herring</i>
<i>Crawford</i>		<i>Nken</i>	<i>Wyeth</i>	<i>Summers</i>
<i>Pearson</i>		<i>Cone</i>	<i>Carcieri</i>	<i>Bartlett</i>
<i>Jimenez</i>		<i>Dean</i>	<i>Entergy Corp.</i>	<i>Oregon</i>
<i>Eurodif</i>		<i>Ventris</i>	<i>Shinseki</i>	<i>14 Penn Plaza</i>
<i>Van de Kamp</i>		<i>AT&T</i>	<i>Iran</i>	<i>Corley</i>
<i>Chambers</i>		<i>CSX Transportation</i> (PC)	<i>Arthur Andersen</i>	<i>Arizona v. Gant</i>
<i>Pleasant Grove</i>		<i>Boyle</i>	<i>Yeager</i>	<i>FCC</i>
<i>Kansas v. Colorado</i>		<i>Polar Tankers</i>	<i>Coeur Alaska</i>	<i>Iqbal</i>
<i>Fitzgerald</i>		<i>Travelers Indemnity</i>	<i>Forest Grove</i>	<i>Haywood</i>
<i>Pacific Bell</i>				<i>Montejo</i>
<i>Arizona v. Johnson</i>				<i>Caperton</i>
<i>Knowles</i>		Dismissed <i>Bell v. Kelly</i> (07-1223) <i>Phillip Morris v. Mayola</i> (07-1216) <i>al-Marri v. Spagone</i> (08-368) (before argument)		<i>Denedo</i>
<i>Hawaii</i>				<i>Osborne</i>
<i>Rivera</i>				<i>Gross</i>
<i>Navajo Nation</i>				<i>Horne</i>
<i>Carlsbad</i>				<i>Atlantic Sounding</i>
<i>Flores-Figueroa</i>				<i>Melendez-Diaz</i>
<i>Abuelhawa</i>				
<i>Bobby</i>				
<i>Iraq</i>				
<i>Eisenstein</i>				
<i>Nijhawan</i>				

<i>Final OT07</i>				
21 (30%)	6 (8%)	20 (28%)	10 (14%)	14 (20%)

<i>Final OT06</i>				
28 (38%)	9 (12%)	9 (12%)	3 (4%)	24 (33%)

<i>Final OT05</i>				
45 (52%)	5 (6%)	12 (14%)	13 (15%)	11 (13%)

Frequency in the Majority

(Through June 25, 2009)

The charts below measure how frequently each Justice has voted with the majority in cases decided on the merits thus far. It does not include dismissed cases where the vote was not disclosed (*al-Marri*, *Bell v. Kelly* and *Phillip Morris*), but does include the four per curiam summary reversals (*Moore*, *Spears*, *Nelson*, and *CSX Transportation*).

The first chart examines the results for all cases, the second only for divided cases with at least one dissenting vote. In each, we list the number of times each Justice has voted with the majority, the number of times each Justice has voted overall, the frequency with which each Justice has voted with the majority in OT08 thus far, and the corresponding figure for the full OT07 term.

Justice	Majority votes	Total votes	% in majority	%in OT07
Kennedy	72	77	93.5%	85.5%
Scalia	64	77	83.1%	81.2%
Thomas	64	77	83.1%	75.4%
Alito	63	77	81.8%	82.4%
Roberts	63	77	81.8%	89.7%
Breyer	58	77	75.3%	78.5%
Ginsburg	54	77	70.1%	75.4%
Souter	53	77	68.8%	76.8%
Stevens	50	77	64.9%	75.4%

Justice	Majority votes	Total votes	% in majority	%in OT07
Kennedy	46	51	90.2%	79.2%
Scalia	38	51	74.5%	64.6%
Thomas	38	51	74.5%	85.1%
Alito	37	51	72.5%	74.5%
Roberts	37	51	72.5%	72.9%
Breyer	32	51	62.7%	68.2%
Ginsburg	28	51	54.9%	64.6%
Souter	27	51	52.9%	66.7%
Stevens	24	51	47.1%	64.6%

SCOTUSblog Agreement Stats for OT08 - PRELIMINARY (6/25/09)

	Stevens	Scalia	Ken	Sout	Thom	Gins	Breyer	Alito	Total Cases
CJ Rob	44%	81%	79%	49%	73%	44%	55%	83%	77
	44%	84%	82%	52%	77%	48%	60%	87%	
	52%	88%	84%	57%	81%	53%	65%	92%	
	48%	12%	16%	43%	19%	47%	35%	8%	
Stevens	38%	51%	78%	35%	79%	74%	36%	77	
	40%	52%	81%	38%	81%	75%	39%		
	48%	58%	84%	47%	83%	79%	49%		
	52%	42%	16%	53%	17%	21%	51%		
Scalia	71%	49%	79%	45%	48%	78%	77		
	77%	53%	86%	51%	55%	86%			
	79%	58%	88%	55%	58%	88%			
	21%	42%	12%	45%	42%	12%			
Ken	58%	65%	60%	65%	74%	77			
	62%	69%	65%	71%	81%				
	66%	77%	68%	74%	84%				
	34%	23%	32%	26%	16%				
Sout	43%	82%	66%	38%	77				
	48%	82%	69%	43%					
	57%	86%	75%	51%					
	43%	14%	25%	49%					
Thom	39%	44%	75%	77					
	45%	49%	81%						
	53%	57%	83%						
	47%	43%	17%						
Gins	70%	38%	77						
	74%	47%							
	78%	53%							
	22%	47%							
Breyer	52%	77							
	58%								
	65%								
	35%								
Alito								77	

Key

Full Agreement
Agree in Part OR All
In Part, All, OR Judgment
Disagree

SCOTUSblog Agreement Stats for OT08 - PRELIMINARY (6/25/09)

	Stevens	Scalia	Ken	Sout	Thom	Gins	Breyer	Alito	Total Cases
CJ Rob	34	62	61	38	56	34	42	64	77
	34	65	63	40	59	37	46	67	
	40	68	65	44	62	41	50	71	
	37	9	12	33	15	36	27	6	
Stevens	29	39	39	60	27	61	57	28	77
	31	40	40	62	29	62	58	30	
	37	45	45	65	36	64	61	38	
	40	32	12	41	13	16	39		
Scalia	55	37	37	61	35	37	60	77	
	59	40	40	66	39	42	66		
	61	44	44	68	42	45	68		
	16	32	9	35	32	9			
Ken	44	50	50	46	50	57	77		
	47	53	53	50	55	62			
	50	59	59	52	57	65			
	26	18	25	20	12				
Sout	33	63	63	51	29	77			
	37	63	63	53	33				
	44	66	66	58	39				
	33	11	19	38					
Thom	30	34	34	58	77				
	35	38	38	62					
	41	44	44	64					
	36	33	13						
Gins	53	29	29	77					
	56	36	36						
	59	41	41						
	17	36							
Breyer	40	77							
	45								
	50								
	27								
Alito								77	

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Non-Unanimous Agreement Stats for OT08 - PRELIMINARY (6/25/09)

	Stevens	Scalia	Ken	Sout	Thom	Gins	Breyer	Alito	Total Cases
CJ Rob	20%	75%	69%	31%	65%	20%	35%	82%	51
	20%	78%	73%	33%	69%	24%	41%	84%	
	27%	82%	76%	35%	71%	29%	47%	88%	
	73%	18%	24%	65%	29%	71%	53%	12%	
Stevens	14%	29%	71%	12%	73%	65%	16%	51	
	16%	31%	73%	14%	73%	65%	16%		
	22%	37%	76%	20%	75%	69%	24%		
	78%	63%	24%	80%	25%	31%	76%		
Scalia	61%	30%	75%	22%	29%	76%	51		
	67%	36%	80%	29%	35%	80%			
	69%	36%	82%	31%	37%	82%			
	31%	64%	18%	69%	63%	18%			
Ken	44%	53%	43%	51%	69%	51			
	48%	57%	49%	59%	75%				
	48%	65%	51%	61%	76%				
	52%	35%	49%	39%	24%				
Sout	27%	76%	57%	22%	51				
	31%	76%	57%	24%					
	35%	78%	63%	25%					
	65%	22%	37%	75%					
Thom	18%	25%	67%	51					
	24%	29%	71%						
	29%	35%	75%						
	71%	65%	25%						
Gins	58%	18%	51						
	60%	25%							
	66%	29%							
	34%	71%							
Breyer	35%	51							
	43%								
	47%								
	53%								
Alito								51	

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Non-Unanimous Agreement Stats for OT08 - PRELIMINARY (6/25/09)

	Stevens	Scalia	Ken	Sout	Thom	Gins	Breyer	Alito	Total Cases
CJ Rob	10	38	35	16	33	10	18	42	51
	10	40	37	17	35	12	21	43	
	14	42	39	18	36	15	24	45	
	37	9	12	33	15	36	27	6	
Stevens	7	15	36	6	37	33	8	51	
	8	16	37	7	37	33	8		
	11	19	39	10	38	35	12		
	40	32	12	41	13	16	39		
Scalia	31	15	38	11	15	39	51		
	34	18	41	15	18	41			
	35	18	42	16	19	42			
	16	32	9	35	32	9			
Ken	22	27	22	26	35	51			
	24	29	25	30	38				
	24	33	26	31	39				
	26	18	25	20	12				
Sout	14	39	29	11	51				
	16	39	29	12					
	18	40	32	13					
	33	11	19	38					
Thom	9	13	34	51					
	12	15	36						
	15	18	38						
	36	33	13						
Gins	29	9	51						
	30	13							
	33	15							
	17	36							
Breyer	18	51							
	22								
	24								
	27								
Alito								51	

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