SCOTUSblog PRELIMINARY Stats OT09 – 5.26.10

Decisions by Final Vote

9-0 (or Unanimous)	8-1	7-2	6-3 (or 5-3)	5-4
27 (51%)*	4 (8%)	11 (21%)	6 (11%)	5 (9%)**
Corcoran v. Levenhagen (PC)	*NRG v. Maine Public Utilities*	*Michigan v. Fisher* (PC)	*Hemi Group v. NYC* (5-3)	*Wellons v. Hall* (PC)
Bobby v. Van Hook (PC)	*Alvarez v. Smith*	*Bloate v. United States*	*Conkright v. Fromm.* (5-3)	*S. Carolina v. N. Carolina*
Wong v. Belmontes (PC)	*United States v. Stevens*	*Johnson v. United States*	*Stolt-Nielson* (5-3)	*Shady Grove Ortho. v.*
Porter v. McCollum (PC)	*United States v. Marcus* (7-1)	*Padilla v. Kentucky*	*Renico v. Lett*	*Perdue v. Kenny A.*
Beard v. Kindler (8-0)		*Wood v. Allen*	*Abbott v. Abbott*	*Salazar v. Buono*
Union Pacif. RR v. Loc. Enginrs		*Florida v. Powell*	*Graham v. Sullivan*	
Mohawk v. Carpenter		*Graham Cty v. U.S./Wilson*		
McDaniel v. Brown (PC)		*Presley v. Georgia* (PC)		
Smith v. Spisak		*Jerman v. Carlisle*		
Kucana v. Holder		*U.S. v. Comstock*		
Wilkins v. Gaddy (PC)		*Jefferson v. Upton*		
Thaler v. Haynes (PC)				
Hertz Corp. v. Friend				
Maryland v. Shatzer				
Kiyemba v. Obama (PC)				
Reed Elsevier v. Muchnick (8-0)				
Mac's Shell Service v. Shell				
Milavetz v. United States				
United Student Aid v. Espinosa				
Berghuis v. Smith				
Jones v. Harris Associates				
Merck & Co. v. Reynolds				
Hui v. Castaneda				
American Needle v. NFL				
Lewis v. Chicago				
United States v. O'Brien				
Hardt v. Standard Reliance				

*Excludes *Briscoe v. Virginia*, which was vacated in a one-sentence *per curiam* opinion after oral argument.

** *Citizens United* is included in the OT08 total.

Dismissed

Health Care Service v. Pollitt (before argument)
Pottawattamie County v. McGhee
Sullivan v. Florida
Robertson v. U.S. ex rel. Watson

Decisions OT08

	9-0 (unan.)	8-1	7-2	6-3	5-4
Final	26 (33%)	4 (5%)	13 (16%)	13 (16%)	24 (30%)
4/16/09	19 (48%)	1 (3%)	4 (10%)	8 (20%)	8 (20%)

Decisions OT07

Final	21 (30%)	6 (8%)	20 (28%)	10 (14%)	14 (20%)
4/16/09	10 (38%)	2 (8%)	8 (31%)	2 (8%)	4 (15%)

SCOTUSblog PRELIMINARY Stats OT09 – 5.26.10

Opinion Authors by Sitting

Roberts	1	2	0	1	0	1	**JR**	5
Stevens	1	0	1	1	0	0	**JS**	3
Scalia	2	1	0	0	1	0	**AS**	4
Kennedy	1 (plus *Citizens*)	1	0	1	1	0	**AK**	4
Thomas	2	0	1	0	0	0	**CT**	3
Ginsburg	1	2	1	1	0	0	**RG**	5
Breyer	2	1	1	1	1	0	**SB**	6
Alito	2	1	1	1	0	0	**SA**	5
Sotomayor	1	1	1	1	1	0	**SS**	5
JUSTICE	**OCTOBER**	**NOVEMBER**	**DECEMBER**	**JANUARY**	**FEBRUARY**	**MARCH**	**TOTAL**	

OCTOBER		NOVEMBER		DECEMBER		JANUARY		FEBRUARY		MARCH	
Shatzer	AS	*Jones*	SA	*Graham County*	JS	***AL v. NC***		***Astrue***		***Hamilton***	
Mohawk	SS	*Beard*	JR	*Merck*	SB	*Briscoe*	PC	*Lewis v. Chic.*	AS	***Levin***	
Stevens	JR	*Shady Grove*	AS	*Milavetz*	SS	*Comstock*	SB	***Holder v. HLP***		***New Process***	
Johnson	AS	*NRG*	RG	*Espinosa*	CT	*Abbott*	AK	*O'Brien*	AK	***Kawasaki***	
Bloate	CT	***Schwab***		***Stop the Beach***		*Amer. Needle*	JS	***Carr***		***Magwood***	
Salazar	AK	*Hemi*	JR	***Free Enterprise***		*Jerman*	SS	*Marcus*	SB	***Morrison***	
Reed Elsev.	CT	~~*Pottawatt.*~~	n/a	*FL v. Powell*	RG	*Mac's Shell*	SA	***Berghuis/Tho***		*Renico*	JR
Union Pac.	RG	*Wood*	SS	***Black***		***Granite Rock***		***Holland***		***Dillon***	
Padilla	JS	*Graham*	AK	***Weyhrauch***		*Berghuis/Smith*	RG	***Skilling***		***Barber***	
Spisak	SB	~~*Sullivan*~~	n/a	*Stolt-Nielson*	SA	*Conkright*	JR	***McDonald***		***Carachuri***	
SC v. NC	SA	***Bilski***						*Hui*	SS	~~*Robertson*~~	n/a
Alvarez	SB	*Kucana*	RG					***Samantar***			
Perdue	SA	*Hertz*	SB								

Frequency in the Majority

The charts below measure how frequently each Justice has voted with the majority in October Term 2009 cases decided on the merits thus far. They do not include dismissed cases (*Pottawattamie County v. McGhee, Health Care Service Corp. v. Pollitt*, *Sullivan v. Florida*, *Robertson v. United States ex rel. Watson*); *Briscoe v. Virginia*, which was vacated after oral argument in a one-sentence opinion; or *Citizens United v. Federal Election Commission*, which we classify as an October Term 2008 case. They do include eleven *per curiam* opinions: ten summary dispositions (*Corcoran*, *Bobby*, *Wong*, *Porter*, *Fisher*, *Presley*, *Wellons*, *Thaler*, *Wilkins*, and *Jefferson*); the reversal before oral argument in *McDaniel v. Brown*; and *Kiyemba v. Obama*, which was vacated before oral argument, with an opinion.

The first chart lists majority votes in all cases, the second only in divided cases with at least one dissenting vote.

Justice	Majority Votes	Total Votes	Percent in the Majority	OT08 Final	OT07 Final
Roberts	51	53	96%	81%	90%
Scalia	48	53	91%	84%	81%
Kennedy	49	53	92%	92%	86%
Thomas	44	53	83%	81%	75%
Sotomayor	42	48	88%	-----	-----
Ginsburg	47	53	87%	70%	75%
Alito	45	52	87%	81%	82%
Breyer	43	53	81%	75%	79%
Stevens	41	53	77%	65%	75%

Justice	Majority Votes	Total Votes	Percent in the Majority	OT08 Final	OT07 Final
Roberts	24	26	92%	72%	73%
Scalia	20	26	77%	76%	65%
Kennedy	22	26	85%	89%	79%
Thomas	17	26	65%	72%	85%
Sotomayor	16	22	73%	-----	-----
Alito	19	26	73%	72%	75%
Ginsburg	20	26	77%	55%	65%
Breyer	16	26	62%	62%	68%
Stevens	14	26	54%	47%	65%

Justice Agreement—All Cases

	Stevens	Scalia	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Total Cases
Roberts	30 57% 35 66% 38 72% 15 28%	41 77% 45 85% 47 89% 6 11%	43 81% 44 83% 47 89% 6 11%	39 74% 43 81% 46 87% 7 13%	42 79% 45 85% 47 89% 6 11%	36 68% 38 72% 40 75% 13 25%	41 79% 43 83% 45 87% 7 13%	38 79% 40 83% 42 88% 6 13%	53
Stevens	24 45% 32 60% 34 64% 19 36%	34 64% 38 72% 40 75% 13 25%	23 43% 30 57% 33 62% 20 38%	38 72% 41 77% 42 79% 11 21%	38 72% 43 81% 45 85% 8 15%	24 46% 28 54% 32 62% 20 38%	36 75% 40 83% 41 85% 7 15%	53
Scalia	38 72% 41 77% 43 81% 10 19%	43 81% 49 92% 50 94% 3 6%	34 64% 40 75% 41 77% 12 23%	31 58% 35 66% 36 68% 17 32%	35 67% 39 75% 42 81% 10 19%	30 63% 34 71% 35 73% 13 27%	53
Kennedy	33 62% 37 70% 40 75% 13 25%	43 81% 44 83% 45 85% 8 15%	40 75% 41 77% 42 79% 11 21%	41 79% 42 81% 45 87% 7 13%	38 79% 38 79% 39 81% 9 19%	53
Thomas	32 60% 38 72% 40 75% 13 25%	28 53% 33 62% 35 66% 18 34%	33 63% 38 73% 42 81% 10 19%	28 58% 33 69% 35 73% 13 27%	53
Ginsburg	45 85% 45 85% 46 87% 7 13%	36 69% 38 73% 41 79% 11 21%	44 92% 44 92% 44 92% 4 8%	53
Breyer	34 65% 35 67% 38 73% 14 27%	40 83% 41 85% 42 88% 6 13%	53
Alito	31 66% 31 66% 34 72% 13 28%	52
Sotomayor	48

KEY

Fully Agree
Agree in Full or Part
Agree in Full, Part, or Judgment only
Disagree in Judgment

Justice Agreement—Non-Unanimous Cases

	Stevens	Scalia	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Total Cases
Roberts	8 31%	17 65%	17 65%	18 69%	17 65%	11 42%	17 65%	13 59%	
	9 35%	19 73%	17 65%	18 69%	18 69%	11 42%	18 69%	14 64%	26
	11 42%	20 77%	20 77%	19 73%	20 77%	13 50%	19 73%	16 73%	
	15 58%	6 23%	6 23%	7 27%	6 23%	13 50%	7 27%	6 27%	
		4 15%	12 46%	5 19%	15 58%	15 58%	4 15%	14 64%	
Stevens		7 27%	12 46%	6 23%	15 58%	17 65%	4 15%	15 68%	26
		7 27%	13 50%	6 23%	15 58%	18 69%	6 23%	15 68%	
		19 73%	13 50%	20 77%	11 42%	8 31%	20 77%	7 32%	
			14 54%	20 77%	11 42%	8 31%	13 50%	7 32%	
Scalia			15 58%	23 88%	14 54%	9 35%	15 58%	9 41%	26
			16 62%	23 88%	14 54%	9 35%	16 62%	9 41%	
			10 38%	3 12%	12 46%	17 65%	10 38%	13 59%	
				12 46%	17 65%	14 54%	16 62%	12 55%	
Kennedy				12 46%	17 65%	14 54%	17 65%	12 55%	26
				13 50%	18 69%	15 58%	19 73%	13 59%	
				13 50%	8 31%	11 42%	7 27%	9 41%	
					12 46%	8 31%	14 54%	8 36%	
Thomas					13 50%	8 31%	15 58%	9 41%	26
					13 50%	8 31%	16 62%	9 41%	
					13 50%	18 69%	10 38%	13 59%	
						18 69%	12 46%	18 82%	
Ginsburg						18 69%	13 50%	18 82%	26
						19 73%	15 58%	18 82%	
						7 27%	11 42%	4 18%	
							10 38%	14 64%	
Breyer							10 38%	15 68%	26
							12 46%	16 73%	
							14 54%	6 27%	
								7 32%	
Alito								7 32%	26
								9 41%	
								13 59%	
								Sotomayor	22

KEY

Fully Agree
Agree in Full or Part
Agree in Full, Part, or Judgment only
Disagree in Judgment

Circuit Scorecard

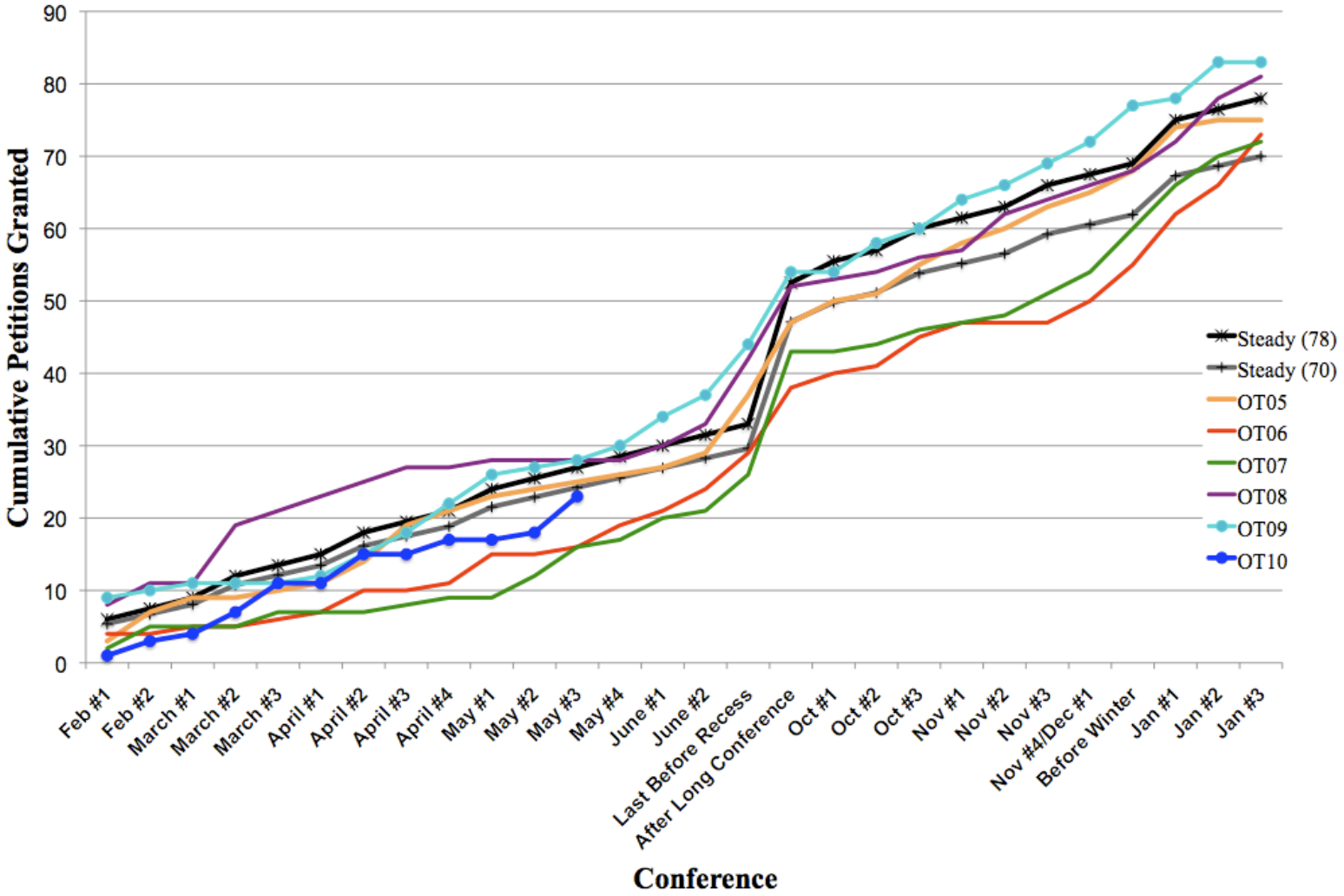
Court	Total	Decided	Outstanding	#Aff'd	%Aff'd	#Rev'd	%Rev'd	#Rev'd in Part	%Rev'd in Part
CA1	2	2	0	1	50%	0	0%	1	50%
CA2	7	6	1	0	0%	6	100%	0	0%
CA3	5	3	2	2	67%	1	33%	0	0%
CA4	5	4	1	0	0%	4	100%	0	0%
CA5	4	2	2	0	0%	2	100%	0	0%
CA6	7	5	2	0	0%	5	100%	0	0%
CA7	11*	7	4	1	14%	6	86%	0	0%
CA8	3*	2	1	0	0%	1	50%	1	50%
CA9	16	5	11	1	29%	4	71%	0	0%
CA10	2	0	2	0	0%	0	0%	0	0%
CA11	10	8	2	2	25%	6	75%	0	0%
CADC	3*	2	1	0	0%	1	50%	1	50%
CAFC	1	0	1	0	0%	0	0%	0	0%
State Courts	7*	6	1	0	0%	6	100%	0	0%
Original	2	1	1	N/A	N/A	N/A	N/A	N/A	N/A
Total	85	53	32	7	13%	42	81%	3	6%

Consolidated cases are counted together. Percentages are out of decided cases only; percentages of total cases exclude original cases from the count.

*These totals exclude *Pottawattamie County v. McGhee* (8th Circuit), *Health Care Service Corp. v. Pollitt* (7th Circuit), *Sullivan v. Florida* (state court), and *Robertson v. United States ex rel. Watson* (D.C. Circuit), which were dismissed; *Briscoe v. Virginia* (state court), which was vacated shortly after oral argument; and *Citizens United v. Federal Election Commission* (D.C. Circuit), which is an OT08 case.

Grants Per Conference

The chart below represents the gradual filling of the docket for each of the last five Terms, broken down by the number of cases granted after each conference. The two "steady" lines represent the grants the Court would need at a given conference, if on a steady pace, to docket the number of cases in parentheses by the end of the Term.



†The one grant depicted for OT10 at the first February conference was granted at the last conference in January 2010. There were no new grants that day.