Summary of the Court's Workload, October Term 2009

Total cases granted or probable jurisdiction noted: 90:

- Cases decided summarily (without scheduled argument): 10*;
- Cases dismissed before oral argument: 1 (*Pollitt*);
- Cases decided before oral argument: 2 (*McDaniel*, *Kiyemba*)*;
- Original cases: 2;
- Petitions for certiorari granted and ultimately argued: 75.

Total cases heard for oral argument: 77:

- Cases decided on the merits: 62*;
- Cases dismissed as improvidently granted: 2 (*Robertson*, *Sullivan*);
- Cases otherwise dismissed or vacated: 2 (*Pottawattamie*, *Briscoe*);
- Cases undecided: 11*.

Total merits opinions to date: 74:

Signed merits opinions: 62;

Unsigned merits opinions: 12.

Total expected merits opinions (in all cases marked *): 85.

†Notes: We count the unsigned opinions in *McDaniel v. Brown* and *Kiyemba v. Obama* as merits decisions. We do not regard the following opinions, which are published on the Court's website, as decisions on the merits: *Briscoe v. Virginia*, *Robertson v. United States ex rel. Watson*, and *Sullivan v. Florida.*

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Decisions by Final Vote

9-0 (or Unanimous)	8-1 (or 7-1)	7-2	6-3	5-4
34 (46%)*	7 (9%)	13 (18%)	9 (12%)	11 (15%)*
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*	*Renico v. Lett*	*S. Carolina v. N. Carolina*
Wong v. Belmontes (PC)	*United States v. Stevens*	*Johnson v. United States*	*Abbott v. Abbott*	*Shady Grove Ortho.*
Porter v. McCollum (PC)	*United States v. Marcus* (7-1)	*Padilla v. Kentucky*	*Graham v. Sullivan*	*Conkright v. Fromm.* (5-3)
Beard v. Kindler (8-0)	*Hamilton v. Lanning*	*Wood v. Allen*	*Carr v. United States*	*Perdue v. Kenny A.*
Union Pacif. RR v. Loc. Enginrs	*Dillon v. United States* (7-1)	*Florida v. Powell*	*Barber v. Thomas*	*Stolt-Nielson* (5-3)
Mohawk v. Carpenter	*Monsanto v. Geertson* (7-1)	*Graham Cty v. U.S./Wilson*	*Schwab v. Reilly*	*Salazar v. Buono*
McDaniel v. Brown (PC)		*Presley v. Georgia* (PC)	*Kawasaki v. Regal Beloit*	*Berghuis v. Thompkins*
Smith v. Spisak		*Jerman v. Carlisle*	*Humanitarian Law Project*	*Dolan v. United States*
Kucana v. Holder		*U.S. v. Comstock*		*New Process Steel v. NLRB*
Wilkins v. Gaddy (PC)		*Jefferson v. Upton* (PC)		*Rent-A-Center v. Jackson*
Thaler v. Haynes (PC)		*Alabama v. N. Carolina*		
Hertz Corp. v. Friend		*Holland v. Florida*		
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				
Samantar v. Yousuf				
Levin v. Commerce Energy				
Krupski v. Costa Crociere				
Astrue v. Ratliff				
Carachuri-Rosendo v. Holder				
Stop the Beach v. FL Dept. (8-0)				
City of Ontario v. Quon				

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

Vacated After Argument
Briscoe v. Virginia

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

Past Terms

	9-0 (unan.)	8-1	7-2	6-3	5-4
Final OT08	26 (33%)	4 (5%)	13 (16%)	13 (16%)	24 (30%)
Final OT07	21 (30%)	6 (8%)	20 (28%)	10 (14%)	14 (20%)
Final OT06	28 (38%)	9 (12%)	9 (12%)	3 (4%)	24 (33%)

†*Conkright v. Frommert* and *Stolt-Nielson S.A. v. AnimalFeeds International* are both classified as 5-4 because it seems very likely that, had all nine Justices participated, the vote would have split that way.

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Opinion Authors by Sitting

Roberts	1		2		0		1		1		1		0		**JR**	6
Stevens	1		0		1		1		1		2		0		**JS**	6
Scalia	2		1		1		1		1		0		1		**AS**	7
Kennedy	1 (plus *Citizens*)		1		0		1		2		1		1		**AK**	7
Thomas	2		1		1		0		1		0		1		**CT**	6
Ginsburg	1		2		1		1		0		1		0		**RG**	6
Breyer	2		1		1		1		2		1		1		**SB**	9
Alito	2		1		1		1		0		1		1		**SA**	7
Sotomayor	1		1		1		1		2		1		1		**SS**	8
JUSTICE	**OCTOBER**		**NOVEMBER**		**DECEMBER**		**JANUARY**		**FEBRUARY**		**MARCH**		**APRIL**		**TOTAL**	
	Shatzer	AS	*Jones*	SA	*Graham Cty*	JS	*AL v. NC*	AS	*Astrue*	CT	*Hamilton*	SA	***CLS***			
	Mohawk	SS	*Beard*	JR	*Merck*	SB	*Briscoe*	PC	*Lewis*	AS	*Levin*	RG	*Quon*	AK		
	Stevens	JR	*Shady Grov*	AS	*Milavetz*	SS	*Comstock*	SB	*HLP*	JR	*NLRB*	JS	*Dolan*	SB		
	Johnson	AS	*NRG*	RG	*Espinosa*	CT	*Abbott*	AK	*O'Brien*	AK	*Kawasaki*	AK	*Krupski*	SS		
	Bloate	CT	*Schwab*	CT	*Stop/Beach*	AS	*Amer. Needle*	JS	*Carr*	SS	***Magwood***		*Hardt*	CT		
	Salazar	AK	*Hemi*	JR	***Free Enterp.***		*Jerman*	SS	*Marcus*	SB	***Morrison***		*Rent-A-Ctr*	AS		
	Reed	CT	~~*Pottawatt.*~~	n/a	*FL v. Powell*	RG	*Mac's Shell*	SA	*Berghuis/Th*	AK	*Renico*	JR	*Monsanto*	SA		
	UnionPac.	RG	*Wood*	SS	***Black***		***Granite***		*Holland*	SB	*Dillon*	SS	***Doe v. Reed***			
	Padilla	JS	*Graham*	AK	***Weyhrauch***		*Berghuis/Sm*	RG	***Skilling***		*Barber*	SB				
	Spisak	SB	~~*Sullivan*~~	n/a	*Stolt-Nielson*	SA	*Conkright*	JR	***McDonald***		*Carachuri*	JS				
	SC v. NC	SA	***Bilski***						*Hui*	SS	~~*Robertson*~~	n/a				
	Alvarez	SB	*Kucana*	RG					*Samantar*	JS						
	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 twelve *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	69	74	93%	81%	90%
Kennedy	67	74	91%	92%	86%
Alito	64	72	89%	81%	82%
Scalia	65	74	88%	84%	81%
Thomas	62	74	84%	81%	75%
Sotomayor	58	69	84%	-----	-----
Ginsburg	60	74	81%	70%	75%
Breyer	56	73	77%	75%	79%
Stevens	53	73	73%	65%	75%

Justice	Majority Votes	Total Votes	Percent in the Majority	OT08 Final	OT07 Final
Roberts	35	40	88%	72%	73%
Kennedy	33	40	83%	89%	79%
Alito	31	39	79%	72%	75%
Scalia	31	40	78%	76%	65%
Thomas	28	40	70%	72%	85%
Sotomayor	25	36	69%	-----	-----
Ginsburg	26	40	65%	55%	65%
Breyer	22	39	56%	62%	68%
Stevens	20	40	50%	47%	65%

†Chief Justice Roberts and Justice Breyer each wrote a concurrence in part and dissent in part in *Alabama v. North Carolina*; Justice Thomas joined the Chief Justice's opinion. For these charts, all three of their votes are counted as dissents. For this chart and all others in this document, the case's vote is listed as 7-2, as all substantive parts of the opinion had 7 votes.

Opinion Author Versus Vote Split

The chart below displays the number of majority opinions each Justice has written during this Term, excluding *Citizens United* (which Justice Kennedy authored), according to the size of the majority he or she captured. The unsigned, or *per curiam*, opinions are listed at the bottom, excluding *Briscoe v. Virginia* and the opinions dismissing a case as improvidently granted (*Sullivan v. Florida* and *Robertson v. United States ex rel. Watson*).

Opinion Author	5-4	6-3 (or 5-3)	7-2	8-1 (or 7-1)	9-0 (or unan.)	Total
Roberts	1	3	0	1	1	6
Stevens	1	0	2	0	3	6
Scalia	2	0	2	0	3	7
Kennedy	2	3	0	0	2	7
Thomas	0	1	1	0	4	6
Ginsburg	0	0	1	1	4	6
Breyer	1	1	2	2	3	9
Alito	3	0	0	2	2	7
Sotomayor	0	1	2	1	4	8
Per Curiam	1	0	3	0	8	12

Separate Opinion Authorship

This chart shows each Justice's concurring opinions, concurring votes, dissenting opinions, and dissenting votes. Dissents and concurrences to all *per curiam* opinions are included, except when the main opinion dismissed the case as improvidently granted (so far, only *Robertson v. United States ex rel. Watson*). Chief Justice Roberts and Justice Breyer each wrote a concurrence in part and dissent in part in *Alabama v. North Carolina*; these are counted as dissents only in the chart below.

Opinion Author	Concurrences Authored	Total Concurring Votes	Dissents Authored	Total Dissenting Votes
Roberts	2	3	3	5
Stevens	9	11	12	20
Scalia	10	13	5	9
Kennedy	6	6	3	7
Thomas	12	15	3	12
Ginsburg	3	6	3	14
Breyer	1	2	6	17
Alito	8	8	6	8
Sotomayor	1	4	3	11

Justice Agreement—All Cases

	Stevens		Scalia		Kennedy		Thomas		Ginsburg		Breyer		Alito		Sotomayor		Total Cases
Roberts	42	58%	52	70%	59	80%	51	69%	53	72%	49	67%	55	76%	50	72%	
	48	66%	60	81%	62	84%	58	78%	58	78%	53	73%	59	82%	54	78%	74
	51	70%	65	88%	65	88%	63	85%	60	81%	55	75%	62	86%	56	81%	
	22	30%	9	12%	9	12%	11	15%	14	19%	18	25%	10	14%	13	19%	
			30	41%	47	64%	30	41%	51	70%	49	68%	34	48%	49	72%	
Stevens			41	56%	52	71%	39	53%	54	74%	55	76%	39	55%	54	79%	73
			46	63%	54	74%	44	60%	55	75%	57	79%	44	62%	55	81%	
			27	37%	19	26%	29	40%	18	25%	15	21%	27	38%	13	19%	
					47	64%	55	74%	38	51%	35	48%	46	64%	35	51%	
Scalia					55	74%	65	88%	47	64%	44	60%	52	72%	44	64%	74
					60	81%	68	92%	51	69%	48	66%	58	81%	48	70%	
					14	19%	6	8%	23	31%	25	34%	14	19%	21	30%	
							44	59%	55	74%	52	71%	53	74%	53	77%	
Kennedy							51	69%	58	78%	55	75%	57	79%	53	77%	74
							56	76%	59	80%	56	77%	61	85%	54	78%	
							18	24%	15	20%	17	23%	11	15%	15	22%	
									40	54%	36	49%	48	67%	37	54%	
Thomas									49	66%	44	60%	55	76%	45	65%	74
									53	72%	48	66%	61	85%	49	71%	
									21	28%	25	34%	11	15%	20	29%	
											61	84%	46	64%	60	87%	
Ginsburg											62	85%	50	69%	62	90%	74
											63	86%	54	75%	62	90%	
											10	14%	18	25%	7	10%	
													43	61%	56	82%	
Breyer													47	66%	59	87%	73
													51	72%	60	88%	
													20	28%	8	12%	
															41	61%	
Alito															44	66%	72
															48	72%	
															19	28%	
															Sotomayor		69

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	14 35%	26 65%	27 68%	27 68%	22 55%	18 46%	25 64%	19 53%	40
	16 40%	30 75%	28 70%	28 70%	24 60%	19 49%	28 72%	21 58%	
	18 45%	31 78%	31 78%	29 73%	26 65%	21 54%	29 74%	23 64%	
	22 55%	9 23%	9 23%	11 28%	14 35%	18 46%	10 26%	13 36%	
Stevens		9 23%	19 48%	9 23%	22 55%	20 51%	9 23%	21 58%	40
		13 33%	20 50%	11 28%	22 55%	23 59%	10 26%	23 64%	
		13 33%	21 53%	11 28%	22 55%	24 62%	12 31%	23 64%	
		27 68%	19 48%	29 73%	18 45%	15 38%	27 69%	13 36%	
Scalia			22 55%	29 73%	14 35%	11 28%	22 56%	11 31%	40
			25 63%	34 85%	17 43%	14 36%	24 62%	15 42%	
			26 65%	34 85%	17 43%	14 36%	25 64%	15 42%	
			14 35%	6 15%	23 58%	25 64%	14 36%	21 58%	
Kennedy				20 50%	23 58%	20 51%	23 59%	20 56%	40
				21 53%	24 60%	21 54%	26 67%	20 56%	
				22 55%	25 63%	22 56%	28 72%	21 58%	
				18 45%	15 38%	17 44%	11 28%	15 42%	
Thomas					17 43%	13 33%	25 64%	14 39%	40
					19 48%	14 36%	27 69%	16 44%	
					19 48%	14 36%	28 72%	16 44%	
					21 53%	25 64%	11 28%	20 56%	
Ginsburg						27 69%	17 44%	28 78%	40
						28 72%	19 49%	29 81%	
						29 74%	21 54%	29 81%	
						10 26%	18 46%	7 19%	
Breyer							14 37%	24 69%	39
							16 42%	26 74%	
							18 47%	27 77%	
							20 53%	8 23%	
Alito								12 34%	39
								14 40%	
								16 46%	
								19 54%	
Sotomayor									36

KEY

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

Circuit Scorecard

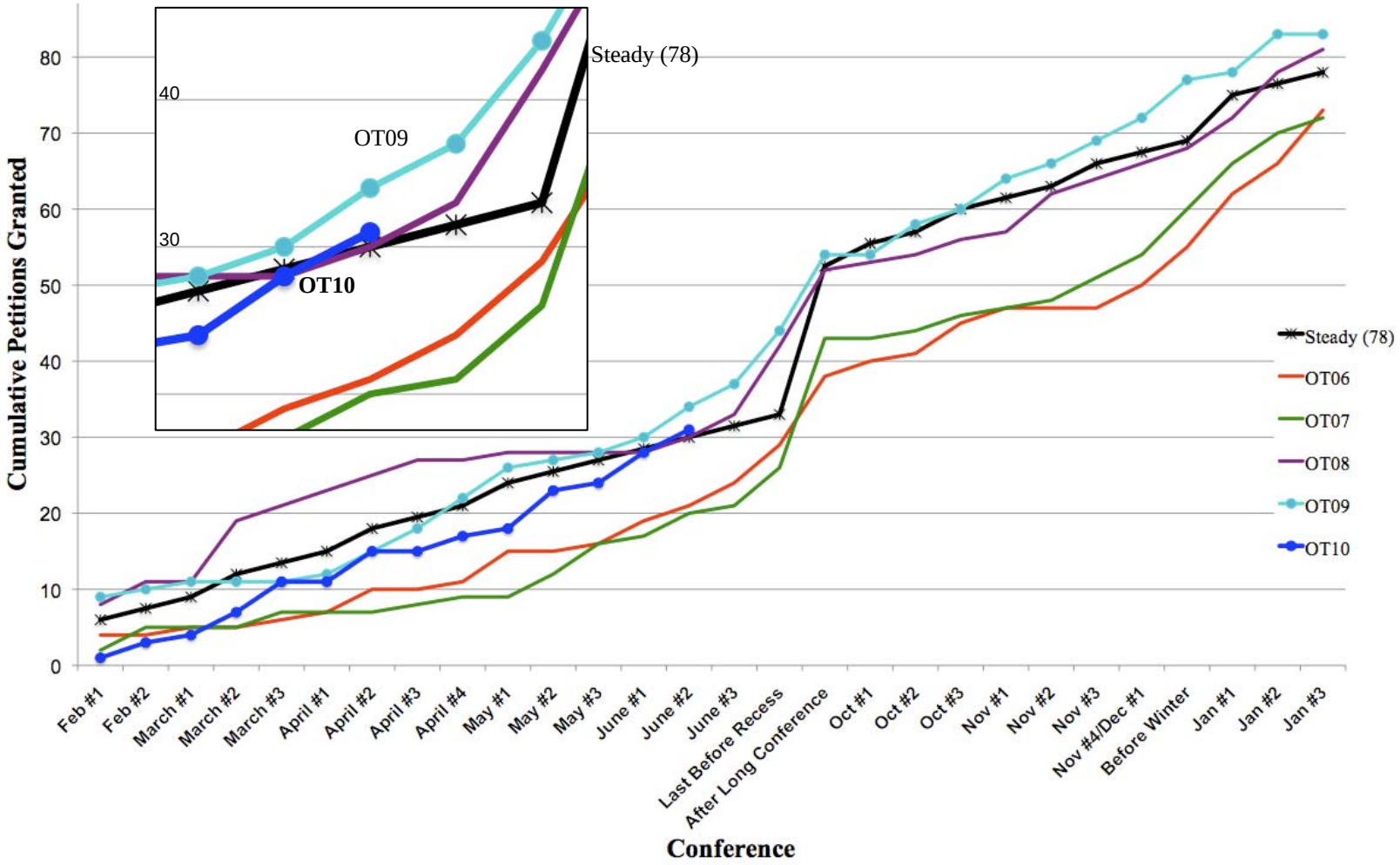
Court	Total	Decided	Outstanding	#Aff'd	%Aff'd	#Rev'd	%Rev'd	#Rev'd in Part	%Rev'd in Part
CA1	2	2	0	1	50%	0	0%	1	50%
CA2	7	6	1	0	0%	6	100%	0	0%
CA3	5	5	0	3	60%	2	40%	0	0%
CA4	5	5	0	1	20%	4	80%	0	0%
CA5	4	3	1	0	0%	3	100%	0	0%
CA6	7	7	0	0	0%	7	100%	0	0%
CA7	11*	9	2	1	11%	8	89%	0	0%
CA8	3*	3	0	0	0%	2	67%	1	33%
CA9	16	12	4	2	17%	9	75%	1	8%
CA10	2	2	0	2	100%	0	0%	0	0%
CA11	10	9	1	2	22%	7	78%	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*	7	0	1	14%	6	86%	0	0%
Original	2	2	0	N/A	N/A	N/A	N/A	N/A	N/A
Total	**85**	**74**	**11**	**13**	**18%**	**55**	**76%**	**4**	**6%**

Summary reversals with substantive opinions are counted (10 total—for the full list, see the Frequency in the Majority chart). Orders to vacate the lower court's decision are counted as reversals. Consolidated cases are counted together. Percentages are out of decided cases only; percentages of total cases exclude original cases.

*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 to have granted by a given conference, if on a steady pace, to docket the number of cases in parentheses by the end of the Term. As of June 21, the Court has granted **31*** cases for October Term 2010.



*For this Term, the jurisdictional statement *Schwarzenegger v. Plata* (09-1233), which the Court agreed to hear after the second June conference, is counted above even though it was not a petition for certiorari. † "June #1" denotes grants for the OT07 and OT08 Terms that were announced after final May conferences in OT06 and OT07, because these two Terms had four conferences in May and only three in June.