

SCOTUS**blog** StatPack – OT07, Edition 10

Included in this StatPack:

1. Justice Agreement
2. Decisions by Final Vote
3. Frequency in the Majority
4. Grant Rates by Conference
5. Circuit Scorecard
6. Opinion Authors by Sitting
7. The Court's Workload

Key Upcoming Dates:

With no more oral arguments to hear, the Court is scheduled to sit on the following days between now and the Summer Recess. At all public sessions listed below (which begin at 10 am eastern), Orders will be released, and opinions may be issued.

- June 2
- June 9
- June 16
- June 23

Based on past practice, additional opinion days are likely to be added in June. The exact dates have not yet been announced.

SCOTUSblog Agreement Stats for OT07 - PRELIMINARY (5/12/08)

	Stevens	Scalia	Ken	Sout	Thom	Gins	Breyer	Alito	Total Cases
CJ Rob	60%	60%	85%	65%	58%	63%	68%	78%	40
	75%	80%	90%	73%	70%	73%	79%	83%	
	78%	90%	90%	73%	78%	73%	82%	85%	
	23%	10%	10%	28%	23%	28%	18%	15%	
Stevens		40%	60%	75%	35%	70%	74%	55%	40
		58%	75%	88%	50%	90%	84%	68%	
		70%	78%	88%	60%	90%	84%	73%	
		30%	23%	13%	40%	10%	16%	28%	
Scalia			58%	48%	73%	40%	55%	60%	40
			73%	60%	83%	58%	63%	73%	
			83%	65%	85%	65%	71%	80%	
			18%	35%	15%	35%	29%	20%	
Ken				65%	50%	55%	71%	73%	40
				70%	60%	65%	82%	83%	
				70%	65%	65%	84%	85%	
				30%	35%	35%	16%	15%	
Sout					50%	78%	82%	68%	40
					55%	85%	84%	73%	
					60%	85%	84%	73%	
					40%	15%	16%	28%	
Thom						40%	50%	63%	40
						50%	55%	73%	
						55%	61%	83%	
						45%	39%	18%	
Gins							68%	58%	40
							79%	68%	
							79%	68%	
							21%	33%	
Breyer								68%	38
								74%	
								76%	
								24%	
Alito									40

Key

Full
Part + All
Judg + Part + All
Disagree

SCOTUSblog Agreement Stats for OT07 - PRELIMINARY (5/28/08)

	Stevens	Scalia	Ken	Sout	Thom	Gins	Breyer	Alito	Total Cases
CJ Rob	24	24	34	26	23	25	26	31	40
	30	32	36	29	28	29	30	33	
	31	36	36	29	31	29	31	34	
	9	4	4	11	9	11	7	6	
Stevens		16	24	30	14	28	28	22	40
		23	30	35	20	36	32	27	
		28	31	35	24	36	32	29	
		12	9	5	16	4	6	11	
Scalia			23	19	29	16	21	24	40
			29	24	33	23	24	29	
			33	26	34	26	27	32	
			7	14	6	14	11	8	
Ken				26	20	22	27	29	40
				28	24	26	31	33	
				28	26	26	32	34	
				12	14	14	6	6	
Sout					20	31	31	27	40
					22	34	32	29	
					24	34	32	29	
					16	6	6	11	
Thom						16	19	25	40
						20	21	29	
						22	23	33	
						18	15	7	
Gins							26	23	40
							30	27	
							30	27	
							8	13	
Breyer								26	38
								28	
								29	
								9	
								Alito	40

Key

Full
Part + All
Judg + Part + All
Disagree

OT07 - Decisions by Final Vote

9-0 (or unan.) 14 (33%)	8-1 (or 7-1) 4 (10%)	7-2 (or 6-2) 14 (33%)	6-3 6 (14%)	5-4 4 (10%)
<i>Sprint/United</i>	<i>Riegel</i>	<i>Danforth</i>	<i>Medellin</i>	<i>Ali v. BoP</i>
<i>Rowe</i>	<i>Preston</i>	<i>Siebert (PC)</i>	<i>Hall Street</i>	<i>Tom F. (4-4)</i>
<i>LaRue</i>	<i>Gonzalez</i>	<i>Gall</i>	<i>Begay</i>	<i>Stoneridge (5-3)</i>
<i>CSX v. Ga. Bd.</i>	<i>Ressam</i>	<i>Kimbrough</i>	<i>Crawford</i>	<i>W.-Lambert (4-4)</i>
<i>Logan</i>		<i>John Sand</i>	<i>Rodriquez</i>	
<i>Watson</i>		<i>FedEx</i>	<i>Gomez-Perez</i>	
<i>Wright v. VP (PC)</i>		<i>Snyder</i>		
<i>NY Bd. Of Elections</i>		<i>Wash. Grange</i>		
<i>Knight v. CIR</i>		<i>NJ v. Delaware</i>		
<i>Boulware</i>		<i>Baze</i>		
<i>Clintwood Elkhorn</i>		<i>Williams</i>		
<i>MeadWestvaco</i>		<i>Davis</i>		
<i>Burgess</i>		<i>Riley</i>		
<i>Moore</i>		<i>CBOCS West</i>		

Dismissed

Arave v. Hoffman (not argued)
Ali v. Achim (not argued)
Huber v. Wal-Mart (not argued)
Klein & Co. v. Bd. Of Trade

Final OT05

45 (52%)	5 (6%)	12 (14%)	13 (15%)	11 (13%)
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Final OT06

28 (38%)	9 (12%)	9 (12%)	3 (4%)	24 (33%)
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Frequency in the Majority

(Through May 27, 2008)

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 opinions where the vote was not disclosed (*Board of Ed. of City School Dist. of New York v. Tom F.*) or where the case was dismissed as moot (*Arave v. Hoffman*).

The first chart examines the results for all cases, the second only for divided cases. 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 OT07, and the corresponding figure for OT06.

All cases

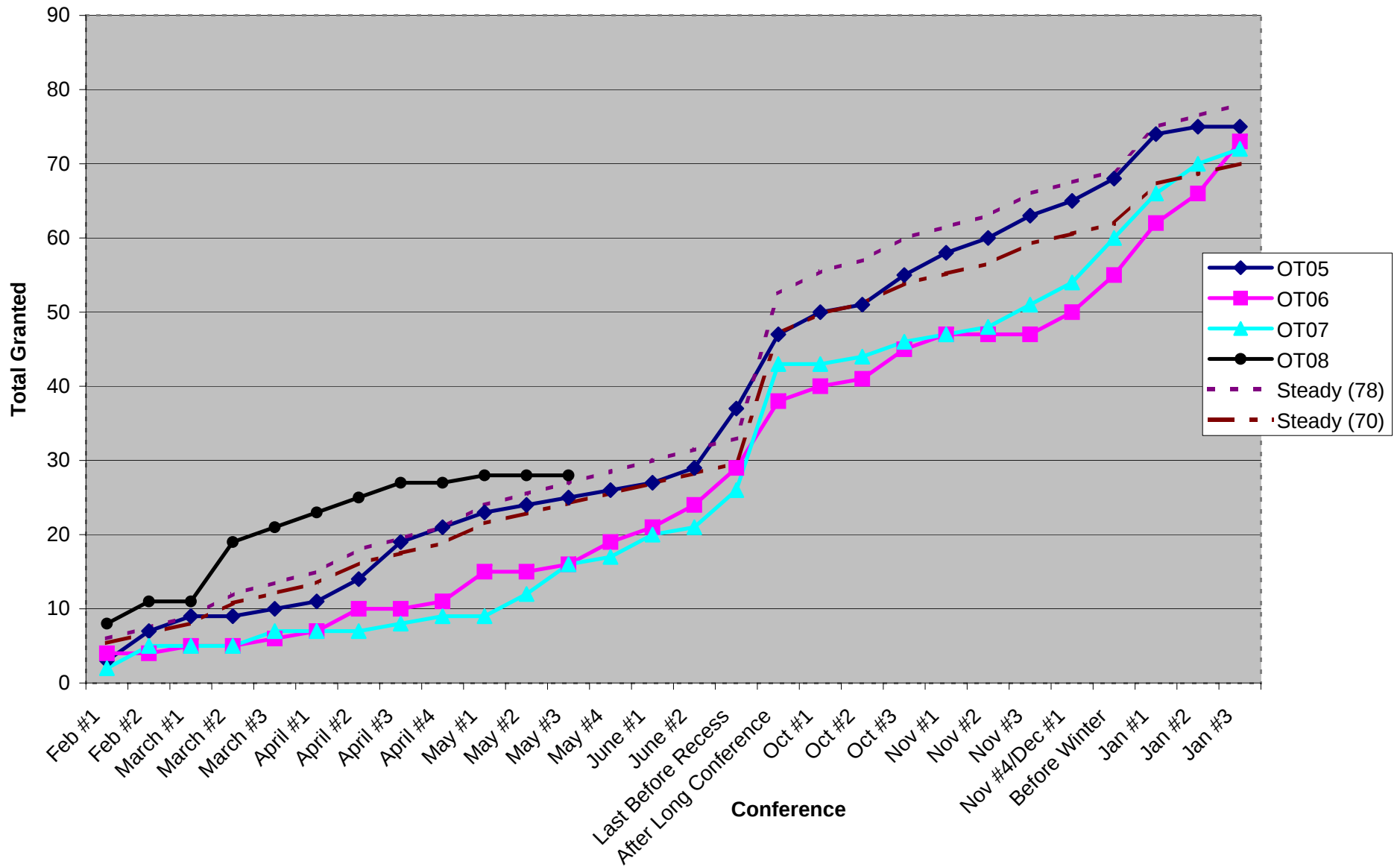
Justice	Majority votes	Total votes	% in majority	% in OT06
Roberts	38	40	95.0%	88.4%
Alito	35	40	87.5%	86.1%
Kennedy	35	40	87.5%	97.2%
Breyer	33	38	86.8%	75.7%
Scalia	34	40	85.0%	79.2%
Stevens	33	40	82.5%	63.9%
Thomas	31	40	77.5%	77.5%
Souter	31	40	77.5%	76.4%
Ginsburg	31	40	77.5%	72.2%

Divided cases only*

Justice	Majority votes	Total votes	% in majority	% in OT06
Roberts	24	26	92.3%	82.2%
Alito	21	26	80.8%	77.3%
Kennedy	21	26	80.8%	95.3%
Breyer	19	24	79.2%	61.4%
Scalia	20	26	76.9%	65.9%
Stevens	19	26	73.1%	36.6%
Thomas	17	26	65.4%	62.8%
Souter	17	26	65.4%	61.4%
Ginsburg	17	26	65.4%	54.5%

* This category consists of cases that attract at least one dissenting vote.

Granted Cases by Conference



Notes: In OT04, the Court added an additional Conference at the end of June, on the last Monday of the Term, to consider relists. Thus, the jump of 8 cases reflects the grant of 5 cases in Conference on June 23, 2005 and an additional 3 on June 27, 2005.

Circuit Scorecard - OT07

Court	Decided	Outstanding	# Aff'd	% Aff'd	# Rev'd	% Rev'd	# Aff'd in Part	% Aff'd in Part	% of SCOTUS Caseload
CA1	2	0	1	50.0%	1	50.0%	0	0.0%	2.8%
CA2*	6	1	5	83.3%	1	16.7%	0	0.0%	9.7%
CA3	0	0	0	0.0%	0	0.0%	0	0.0%	0.0%
CA4	3	0	1	33.3%	2	66.7%	0	0.0%	4.2%
CA5	2	3	1	50.0%	1	50.0%	0	0.0%	6.9%
CA6	0	3	0	0.0%	0	0.0%	0	0.0%	4.2%
CA7	4	2	3	75.0%	1	25.0%	0	0.0%	8.3%
CA8	2	2	1	50.0%	1	50.0%	0	0.0%	5.6%
CA9	5	5	0	0.0%	5	100.0%	0	0.0%	13.9%
CA10	2	0	0	0.0%	2	100.0%	0	0.0%	2.8%
CA11	4	3	1	25.0%	3	75.0%	0	0.0%	9.7%
CADC	0	5	0	0.0%	0	0.0%	0	0.0%	6.9%
CAFC	2	2	1	50.0%	1	50.0%	0	0.0%	5.6%
Dist. Courts	1	1	0	0.0%	1	100.0%	0	0.0%	2.8%
State Courts	8	3	2	25.0%	6	75.0%	0	0.0%	15.3%
Original	1	0	N/A	N/A	N/A	N/A	N/A	N/A	1.4%
Total[†]	42	30	16	38.1%	25	59.5%	0	0.0%	

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

* The Court affirmed the Second Circuit in both *Tom F.* and *Warner-Lambert* by a vote of 4-4 and wrote no opinion.

[†] This list does not include *Arave*, *Wal-Mart*, *Achim*, or *Klein & Co.*, which were dismissed.

Opinion Authors by Sitting

OCT	<i>Author</i>	<u>Count</u>	
Wash Grange	CT	JGR	1
Tom F.	PC	JPS	1
Gall	JPS	AS	1
Kimbrough	RBG	AMK	1
Lopez-Torres	AS	DHS	1
Santos		CT	1
Watson	DHS	RBG	1
Stonerige	AMK	SB	0
Medellin	JGR	SAA	0

DEC	<i>Author</i>	<u>Count</u>	
LaRue	JPS	JGR	1
NJ v. Del.	RBG	JPS	1
Knight v. CIR	JGR	AS	1
Rowe	SB	AMK	0
Sprint/United	CT	DHS	0
Riegel	AS	CT	1
Snyder	SAA	RBG	1
Boumediene		SB	1
		SAA	1

FEB	<i>Author</i>	<u>Count</u>	
Gomez-Perez	SAA	JGR	0
Morgan-Stanley		JPS	0
CBOCS	SB	AS	0
Cuellar		AMK	0
Warner-Lambert	PC	DHS	0
Allison Engine		CT	0
Exxon		RBG	0
		SB	1
		SAA	1

APR	<i>Author</i>	<u>Count</u>	
Plains Commerce		JGR	0
Phoenix Bond		JPS	0
Greenlaw		AS	0
Irizarry		AMK	0
Kennedy v. La		DHS	0
Sturgell		CT	0
APCC Svcs.		RBG	0
Enquist		SB	0
Davis v. FEC		SAA	0
Giles			
MetLife			
Meacham			

NOV	<i>Author</i>	<u>Count</u>	
Klein & Co.	dismiss	JGR	1
Ali v. BoP	CT	JPS	1
US v. Williams	AS	AS	1
Logan	RBG	AMK	1
Danforth	JPS	DHS	2
CSX v. Ga. Bd.	JGR	CT	1
Ky. v. Davis	DHS	RBG	1
John R. Sand	SB	SB	1
Holowiecki	AMK	SAA	0
Hall Street	DHS		

JAN	<i>Author</i>	<u>Count</u>	
Baze	JGR	JGR	1
Dada		JPS	1
Gonzalez	AMK	AS	1
Boulware	DHS	AMK	1
Crawford	JPS	DHS	1
Ky. Retire		CT	0
Moore	AS	RBG	1
Preston	RBG	SB	1
Rodriquez	SAA	SAA	2
Begay	SB		
Quanta			
Meadwestvaco	SAA		

MAR	<i>Author</i>	<u>Count</u>	
Phillippines		JGR	1
Rothgery		JPS	1
Heller (Guns)		AS	0
Richlin		AMK	0
Cham. Of Comm.		DHS	0
Burgess	RBG	CT	0
Clintwood	JGR	RBG	2
Riley	RBG	SB	0
Munaf		SAA	0
Ressam	JPS		
Edwards			
Piccadilly			

Cases in **red** are highest profile
outstanding cases

The Court's Workload in OT07

Cases Granted or Probable Jurisdiction Noted:		72*
Dismissed Before Argument:	-	3
Original Cases Argued:	+	1
Number of Arguments:		70

Argued Merits Cases Disposed of:		41
Signed Opinions:		38
Dismissals After Argument:		1
Affirmed by Equally Divided Vote:		2
Projected Remaining Merits Opinions:		29

Expected Merits Opinions in OT07 After Argument:		67
Summary Opinions from Non-Argued Cases:	+	2
Total Merits Decisions:		69

* Does not include the four (out of six) cases granted on 1/22/08 that will be argued in OT08.