

## Stat Pack for October Term 2010

Unless otherwise noted, the following charts cover OT2010, which began on October 4, 2010 and extends through October 2011.

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## Summary of the Term

<b>Total Merits Opinions Released</b>	<b>82</b>
.....Signed opinions after oral argument	75
.....Summary reversals	5
.....Affirmed 4-4	2

<b>Total Merits Opinions Expected</b>	<b>82</b>
.....Scheduled for oral argument	79
.....Summary reversals	5
.....(Dismissed)	(2)

<b>Cases Granted for OT 11</b>	<b>41</b>
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\* You can find out more about our statistics features here: <<http://www.scotusblog.com/2010/11/scotusblog-4-0-and-statistics/>>.

You can find past Stat Packs here: <<http://www.scotusblog.com/reference/stat-pack/>>.

## Opinions by Sitting

Roberts	1	1	1	2	1	1	1	JGR	8						
Scalia	1	3	2	1	1	1	1	AS	10						
Kennedy	2	2	1	2	2	1	1	AMK	11						
Thomas	1	2	1	1	1	2	1	CT	9						
Ginsburg	2	1	1	2	1	1	1	RBG	9						
Breyer	2	1	1	-	1	2	-	SGB	7						
Alito	1	-	2	1	1	1	1	SAA	7						
Sotomayor	1	-	2	1	1	1	1	SMS	7						
Kagan	1	1	1	1	1	1	1	EK	7						
Justice	October	November	December	January	February	March	April	Total	75						
	Total: 12   Remain: 0	Total: 13   Remain: 0	Total: 12   Remain: 0	Total: 11   Remain: 0	Total: 10   Remain: 0	Total: 12   Remain: 0	Total: 8   Remain: 0	Exp.	75						
	Abbott	RBG	Tohono O’odham	AMK	Wall	SAA	Matrixx	SMS	Tinklenberg	SGB	Davis	SAA	Microsoft	SMS	
	Ransom	EK	Ortiz	RBG	Walker	RBG	Montana	CT	Bond	AMK	Tolentino	PC	Tapia	EK	
	LA County	SGB	Staub	AS	Plata	AMK	Goodyear	RBG	Freeman	AMK	Duryea	AMK	Am. Electrical	RBG	
	Bryant	SMS	Ent. Merch. Ass’n	AS	CIGNA	SGB	McIntyre	AMK	Global-Tech	SAA	Fox	EK	Apache Nation	SAA	
	NASA	SAA	Sossamon	CT	VOPA	AS	King	SAA	DePierre	SMS	J.D.B.	SMS	John Fund	JGR	
	Snyder	JGR	Winn	AMK	Milner	EK	Sykes	AMK	Stanford	JGR	Turner	SGB	McNeill	CT	
	Connick	CT	Williamson	SGB	Henderson	SAA	Gen. Dynamics	AS	Schindler	CT	McBride	RBG	Sorrell	AMK	
	Harrington	AMK	Costco	PC	Pepper	SMS	Bayer	EK	Camreta	EK	AZ Free Ent.	JGR	Nevada	AS	
	Bruesewitz	AS	Mayo	JGR	Janus	CT	Stern	JGR	Bullcoming	RBG	Fowler	SGB			
	Premo	AMK	Concepcion	AS	Thompson	AS	Astra	RBG	al-Kidd	AS	Wal-Mart	AS			
	Kasten	SGB	Cullen	CT	Chase	SMS	AT&T	JGR			PLIVA	CT			
	Skinner	RBG	Flores-Villar	PC	Whiting	JGR					Talk America	CT			
			CSX Trans.	EK											

\* *Costco v. Omega* and *Flores-Villar v. US* were aff'd 4-4. *Tolentino v. New York* was dismissed as improvidently granted. *Madison v. Oneida* was dismissed prior to oral arguments and is therefore not represented on this chart. The Court scheduled 79 cases for oral argument and, after two dismissals and two 4-4 decisions, the Court is now expected to release 75 signed opinions for the current Term.

## Cases by Vote Split

The following chart shows the merits opinions that have been released by the Court, arranged by the strength of the majority, sorted by release date.

9-0 38 (48%)	8-1 10 (13%)	7-2 12 (15%)	6-3 4 (5%)	5-4 16 (20%)
Wilson v. Corcoran (PC)	Ransom v. FIA Card Services	Bruesewitz v. Wyeth (6-2)	Skinner v. Switzer	Connick v. Thompson
Abbott v. U.S. (8-0)	Snyder v. Phelps	CSX Transport. v. Alabama	Sykes v. U.S.	AZ Christian v. Winn
LA County v. Humphries (8-0)	Pepper v. U.S. (7-1)	Michigan v. Bryant (6-2)	Sorrell v. IMS Health	AT&T v. Concepcion
Mayo v. U.S. (8-0)	Milner v. Navy	Kasten v. Saint-Gobain (6-2)	McIntyre v. Nicastro	Schindler v. Kirk (5-3)
Harrington v. Richter (8-0)	U.S. v. Tohono O'odham (7-1)	Cullen v. Pinholster		Brown v. Plata
Premo v. Moore (8-0)	Montana v. Wyoming (7-1)	VOPA v. Reinhard (6-2)		Chamber of Comm. v. Whiting (5-3)
NASA v. Nelson (8-0)	Kentucky v. King	Sossamon v. Texas (6-2)		Janus v. First Derivative Traders
Thompson v. N.A. Stainless (8-0)	Global-Tech v. SEB S.A.	Fowler v. U.S.		J.D.B. v. North Carolina
Ortiz v. Jordan	U.S. v. Apache Nation (7-1)	Camreta v. Greene		Turner v. Rogers
Chase v. McCoy	Duryea v. Guarnieri	Stanford v. Roche		Stern v. Marshall
Swarthout v. Cooke (PC)		Davis v. U.S.		Freeman v. U.S.
Walker v. Martin		Brown v. EMA		PLIVA v. Mensing
Williamson v. Mazda (8-0)				Bullcoming v. New Mexico
FCC v. AT&T (8-0)				CSX v. McBride
Staub v. Proctor Hospital (8-0)				AZ Free Ent. v. Bennett
Henderson v. Shinseki (8-0)				US v. Juvenile Male (PC) (5-3)
Wall v. Kholi				
Felkner v. Jackson (PC)				
Matrixx v. Siracusano				
Astra v. Santa Clara (8-0)				
Bobby v. Mitts (PC)				
CIGNA v. Amara (8-0)				
General Dynamics v. U.S.				
U.S. v. Tinklenberg (8-0)				
Ashcroft v. al-Kidd (8-0)				
John Fund v. Halliburton				
McNeill v. U.S.				
Fox v. Vice				
Talk America v. AT&T (8-0)				
DePierre v. U.S.				
Microsoft v. i4i LP (8-0)				
Nevada v. Carrigan				
Bond v. U.S.				
Smith v. Bayer				
Tapia v. U.S.				
Wal-Mart v. Dukes				
Am. Elec. v. Connecticut (8-0)				
Goodyear v. Brown				

	Not Included Above
<i>Madison v. Oneida</i>	Vacated and remanded prior to oral arguments
<i>Costco v. Omega</i>	Affirmed by an equally divided court (4-4)
<i>Tolentino v. New York</i>	Dismissed as improvidently granted
<i>Flores-Villar v. U.S.</i>	Affirmed by an equally divided court (4-4)

	Past Terms				
	9-0	8-1	7-2	6-3	5-4
<b>OT09</b>	46%	10%	15%	11%	18%
<b>OT08</b>	33%	5%	16%	16%	29%
<b>OT07</b>	30%	9%	29%	14%	17%
<b>OT06</b>	39%	13%	11%	4%	33%
<b>OT05</b>	56%	5%	11%	16%	12%
<b>Avg.</b>	41%	8%	17%	12%	22%

\* This chart includes both signed merits opinions and summary reversals.

## Circuit Scorecard

## October Term 2010

	Number	Percent	Decided	Aff'd	Rev'd	Aff'd %	Rev'd %	Aff'd (4-4)
CA1	2	2%	2	2	0	100%	0%	
CA2	4	5%	4	1	3	25%	75%	
CA3	5	6%	5	2	3	40%	60%	
CA4	4	5%	4	2	2	50%	50%	
CA5	5	6%	5	1	4	20%	80%	
CA6	6	7%	6	1	5	17%	83%	
CA7	5	6%	5	2	3	40%	60%	
CA8	4	5%	4	1	3	25%	75%	
CA9	26	32%	26	5	19	21%	79%	2
CA10	-	-	-	-	-	-	-	
CA11	3	4%	3	1	2	33%	67%	
CA DC	-	-	-	-	-	-	-	
CA Fed	7	9%	7	3	4	43%	57%	
State	9	11%	9	0	9	0%	100%	
Dist. Court.	1	1%	1	1	0	100%	0%	
Original	1	1%	1	N/A	N/A	N/A	N/A	
	82	100%	82	22	57	28%	72%	2

## October Term 2011

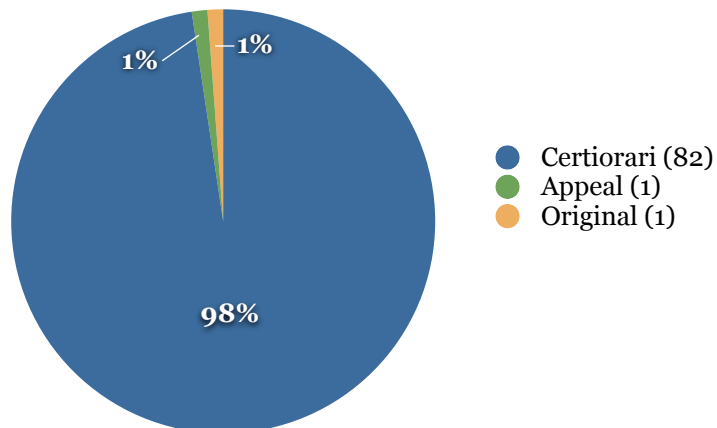
	Number	Percent
CA1		
CA2	1	2%
CA3	3	7%
CA4	2	5%
CA5	2	5%
CA6	3	7%
CA7		
CA8		
CA9	16	39%
CA10	1	2%
CA11	3	7%
CA DC	2	5%
CA Fed	3	7%
State	5	12%
Dist. Court.		
Original		
	41	100%

\* The number of cases granted from a given circuit does not include cases that were later dismissed.

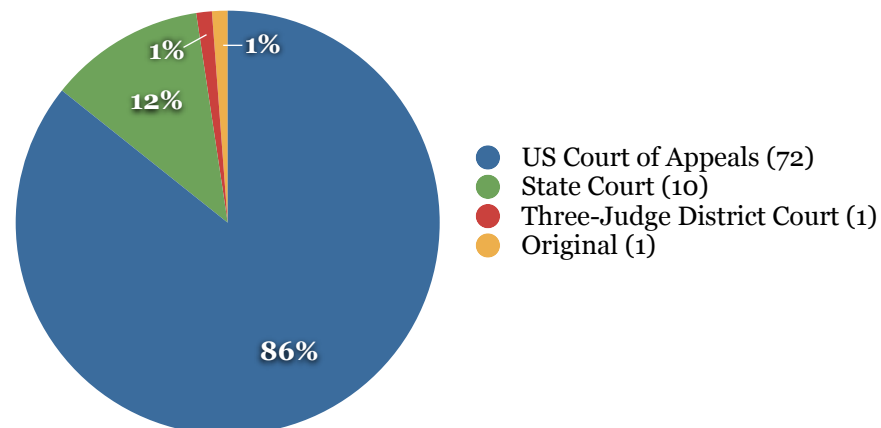
## Make-up of the Merits Docket

The following charts depict different characteristics of the cases that were released with merits opinions - cases disposed of with signed opinions, summary reversals, or those that were affirmed by an equally divided Court.

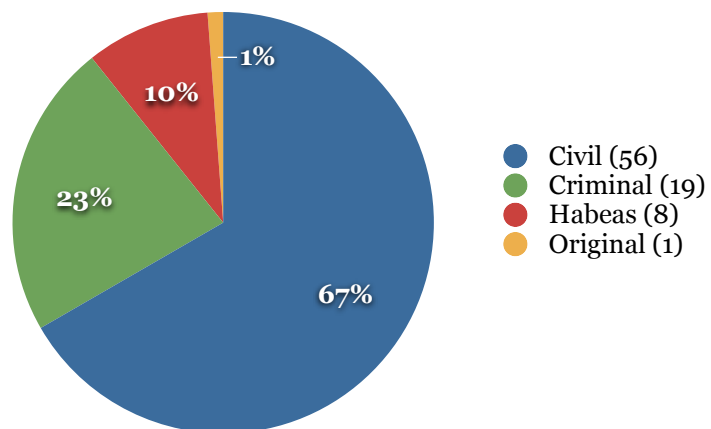
### Source of Jurisdiction



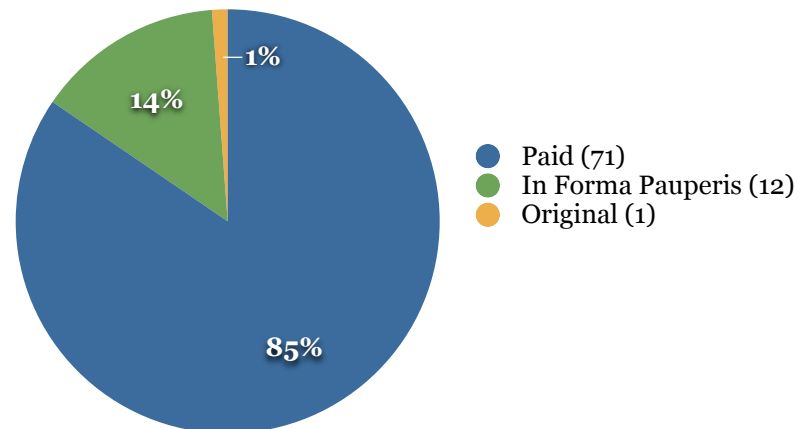
### Court Below



### Nature of the Case

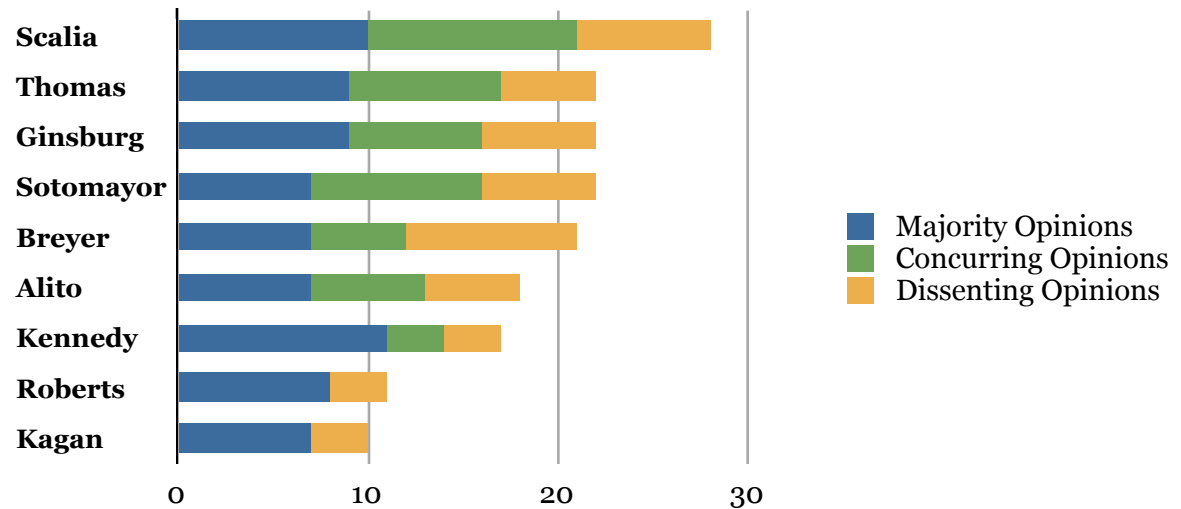


### Docket



## Overall Opinion Authorship

	Total Opinions	Majority Opinions	Concurring Opinions	Dissenting Opinions
Roberts	11	8	-	3
Scalia	28	10	11	7
Kennedy	17	11	3	3
Thomas	22	9	8	5
Ginsburg	22	9	7	6
Breyer	21	7	5	9
Alito	18	7	6	5
Sotomayor	22	7	9	6
Kagan	10	7	-	3
	171	75	49	47



## Majority Opinion Authorship

### Majority Opinions Authored

	Total	9-0	8-1	7-2	6-3	5-4	Average Strength of the Majority*	Unanimous Judgment	Divided Judgment
<b>Roberts</b>	8	3	1	1	-	3	7.3	38%	63%
<b>Scalia</b>	10	6	-	3	-	1	8.0	60%	40%
<b>Kennedy</b>	11	3	2	-	3	3	6.9	27%	73%
<b>Thomas</b>	9	2	1	2	-	4	6.8	22%	78%
<b>Ginsburg</b>	9	6	-	-	1	2	7.8	67%	33%
<b>Breyer</b>	7	4	-	2	-	1	7.9	57%	43%
<b>Alito</b>	7	3	3	1	-	-	8.3	43%	57%
<b>Sotomayor</b>	7	4	1	1	-	1	8.0	57%	43%
<b>Kagan</b>	7	3	2	2	-	-	8.1	43%	57%
	<b>75</b>	<b>34</b>	<b>10</b>	<b>12</b>	<b>4</b>	<b>15</b>	<b>7.6</b>	<b>45%</b>	<b>55%</b>

### Authorship as a Percentage of Similar Opinions

	9-0	8-1	7-2	6-3	5-4
<b>Roberts</b>	9%	10%	8%	-	20%
<b>Scalia</b>	18%	-	25%	-	7%
<b>Kennedy</b>	9%	20%	-	75%	20%
<b>Thomas</b>	6%	10%	17%	-	27%
<b>Ginsburg</b>	18%	-	-	25%	13%
<b>Breyer</b>	12%	-	17%	-	7%
<b>Alito</b>	9%	30%	8%	-	-
<b>Sotomayor</b>	12%	10%	8%	-	7%
<b>Kagan</b>	9%	20%	17%	-	-
	<b>100% (34)</b>	<b>100% (10)</b>	<b>100% (12)</b>	<b>100% (4)</b>	<b>100% (15)</b>

### Days Between Argument and Opinion

Majority Opinion Author	Days
<b>Sotomayor</b>	84d
<b>Alito</b>	93d
<b>Ginsburg</b>	95d
<b>Kagan</b>	96d
<b>Roberts</b>	101d
<b>Breyer</b>	105d
<b>Thomas</b>	118d
<b>Scalia</b>	119d
<b>Kennedy</b>	127d
<b>Overall</b>	<b>106d</b>

\* "Average Strength of the Majority" is simply the average number of Justices in the majority. The average assumes that nine Justices vote in each case.

## Opinion Authorship

### Strength of the Majority

Sitting	Decided	9-0	8-1	7-2	6-3	5-4	Average Strength of the Majority	Number of Opinions Per Case
October	(12/12)	5	2	3	1	1	7.8	2.3
November	(11/11)	4	1	4	-	2	7.5	2.6
December	(12/12)	6	2	1	-	3	7.8	2.3
January	(11/11)	6	2	-	2	1	7.9	1.8
February	(10/10)	4	1	2	-	3	7.4	2.7
March	(12/12)	3	1	2	-	5	6.7	2.1
April	(8/8)	6	1	-	1	-	8.5	2.1
	(76/76)	34	10	12	4	15	7.6	2.3

### Cases Affirmed by an Equally Divided Court

Term	Total
2000	-
2001	-
2002	2
2003	-
2004	-
2005	-
2006	-
2007	2
2008	-
2009	-
2010	2
Average	0.55

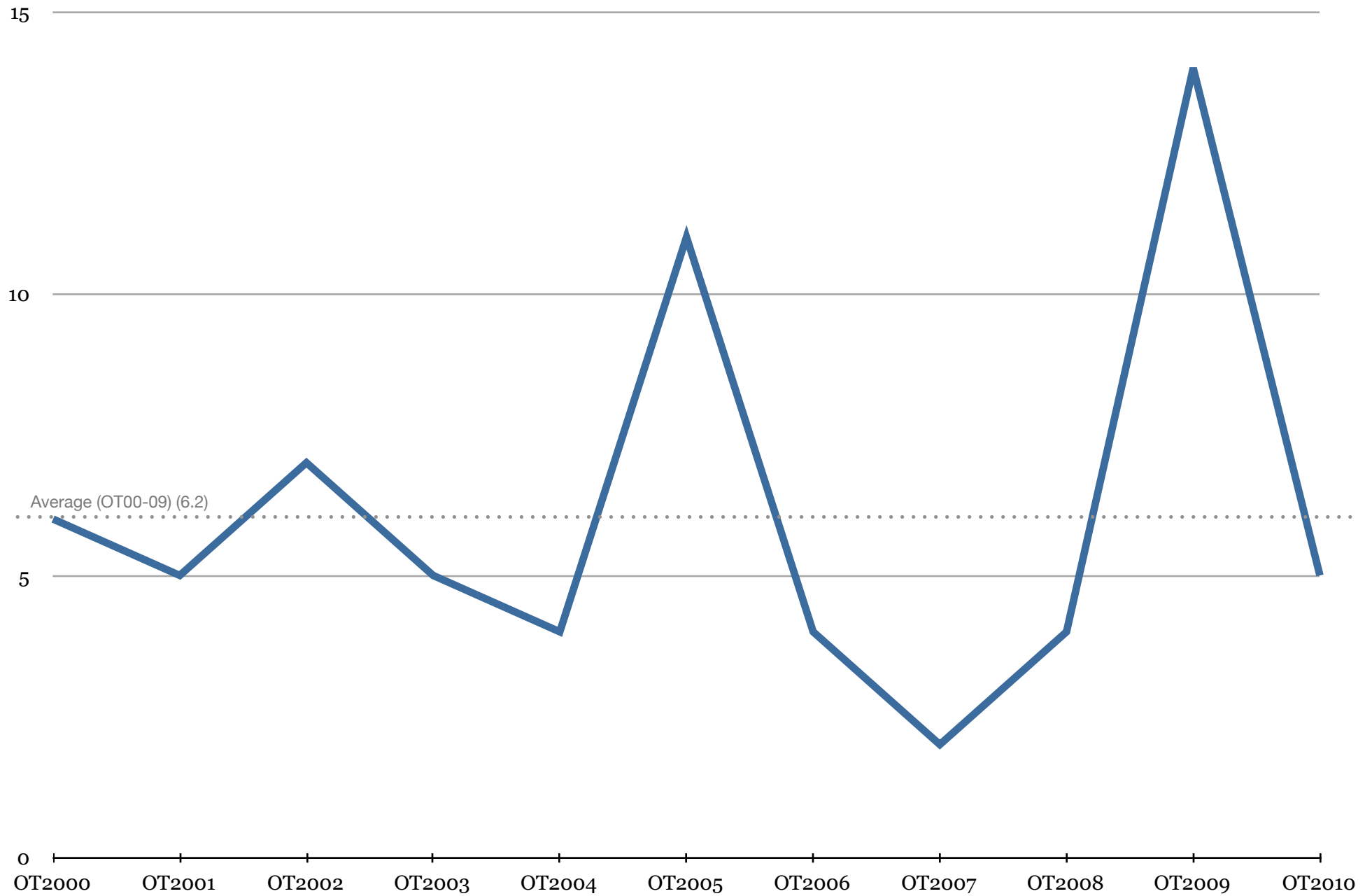
### Solo Dissents

	Total (OT10)	Average* (OT00-OT09)
Scalia	3	0.6
Ginsburg	2	0.3
Kennedy	1	0.1
Thomas	1	1.9
Breyer	1	0.4
Alito	1	0.2
Sotomayor	1	0.0
Roberts	0	0.0
Kagan	0	-
Rehnquist	N/A	0.2
O'Connor	N/A	0.0
Souter	N/A	0.2
Stevens	N/A	2.3

\* We considered only the years during which a Justice served on the Court.



## Summary Reversals



## Frequency in the Majority

The following charts measure how frequently each Justice has voted with the majority during OT 2010. The charts include summary reversals but do not include cases that were dismissed.

### All Cases

Justice	Votes	Frequency in Majority	OT09	OT08	OT07
Kennedy	80	94%	91%	92%	86%
Roberts	79	91%	91%	81%	90%
Thomas	80	88%	83%	81%	75%
Scalia	80	86%	87%	84%	81%
Alito	80	86%	87%	81%	82%
Kagan	53	81%	-	-	-
Sotomayor	78	81%	84%	-	-
Breyer	80	79%	78%	75%	79%
Ginsburg	80	74%	80%	70%	75%

### Divided Cases

Justice	Votes	Frequency in Majority	OT09	OT08	OT07
Kennedy	42	88%	83%	89%	79%
Roberts	42	83%	83%	72%	73%
Thomas	42	76%	67%	72%	85%
Scalia	42	74%	76%	76%	65%
Alito	42	74%	76%	72%	75%
Kagan	30	67%	-	-	-
Sotomayor	42	64%	69%	-	-
Breyer	42	60%	58%	62%	68%
Ginsburg	42	50%	63%	55%	65%

## Five-to-Four Cases

### Alignment of the Majority

Majority*	Total (16)	Cases
Roberts, Scalia, Kennedy, Thomas, Alito	10	<i>Connick, Winn, Concepcion, Whiting, Schindler, Janus, Stern, PLIVA, AZ Free Ent., Juvenile Male (PC)</i>
Kennedy, Ginsburg, Breyer, Sotomayor, Kagan	4	<i>Plata, J.D.B., Turner, Freeman</i>
Scalia, Thomas, Ginsburg, Sotomayor, Kagan	1	<i>Bullcoming</i>
Thomas, Ginsburg, Breyer, Sotomayor, Kagan	1	<i>McBride</i>

Term	Number of 5-4 Opinions	Percentage of Total Opinions	Percentage of 5-4 Split Ideological	Conservative Victory (Percentage of Ideological)	Conservative Victory (Percentage of All 5-4)	Number of Different Alignments	Alignments Divided by 5-4 Opinions
2000	26	31%	85%	64%	54%	7	0.27
2001	21	26%	57%	67%	38%	8	0.38
2002	15	16%	67%	60%	40%	7	0.47
2003	21	24%	76%	63%	48%	8	0.38
2004	24	20%	50%	42%	21%	14	0.58
2005	11	12%	73%	63%	45%	7	0.64
2006	24	33%	79%	68%	54%	6	0.25
2007	12	17%	67%	50%	33%	6	0.50
2008	23	29%	70%	69%	48%	7	0.30
2009	16	18%	69%	73%	50%	7	0.44
2010	16	20%	88%	71%	63%	4	0.25
Average	19	22%	71%	63%	45%	7	0.41

\* Justice Kagan has recused this Term in three 5-3 cases, *Schindler*, *Whiting*, and *Juvenile Male*.

\*\* For the purposes of this chart, a "Conservative Win" occurs whenever the majority consists of WHR/JGR, SOC/SAA, AS, CT, and AMK.

## Five-to-Four Cases

(continued)

### Membership in a Five-to-Four Majority

Justice	Frequency in Majority		OT09	OT08	OT07	OT06
Kennedy	14	88%	69%	78%	67%	100%
Thomas	12	75%	69%	65%	67%	61%
Scalia	11	69%	69%	70%	58%	58%
Roberts	10	63%	56%	48%	58%	67%
Alito	10	63%	63%	52%	50%	71%
Ginsburg	6	38%	25%	52%	50%	33%
Sotomayor	6	38%	43%	-	-	-
Kagan*	6	38%	-	-	-	-
Breyer	5	31%	38%	39%	45%	46%

### Five-to-Four Majority Opinion Authorship

These percentages consider how often a Justice authors the majority opinion *when that Justice is in the majority*.\*

Justice	Opinions	Frequency as Author	OT09	OT08	OT07	OT06
Thomas	4	33%	9%	13%	13%	29%
Ginsburg	2	33%	50%	27%	0%	13%
Roberts	3	30%	22%	18%	14%	19%
Kennedy	3	21%	22%	28%	50%	25%
Breyer	1	20%	25%	0%	40%	18%
Sotomayor	1	17%	0%	-	-	-
Scalia	1	9%	18%	33%	29%	0%
Alito	0	0%	40%	8%	17%	24%
Kagan	0	0%	-	-	-	-

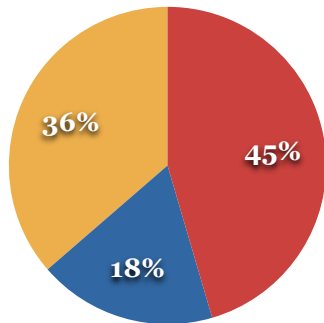
\* Justice Kagan has recused this Term in three 5-3 cases, *Schindler*, *Whiting*, and *Juvenile Male*.

\*\* Percentages represent the number of majority opinions authored divided by the number of times a Justice was in the majority for a *signed* opinion. As such, 5-4 *per curiam* opinions are omitted entirely.

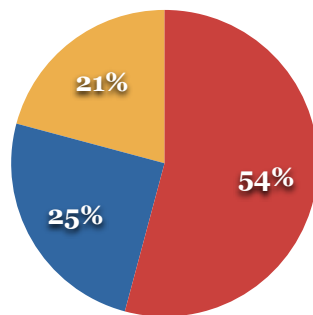
## Composition of 5-4 Majorities (OT2005-2010)

- Conservative bloc + Kennedy
- Liberal bloc + Kennedy
- Other

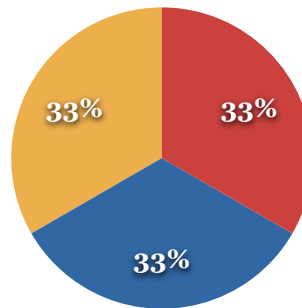
October Term 2005



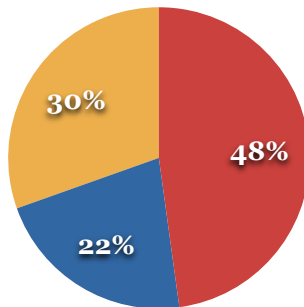
October Term 2006



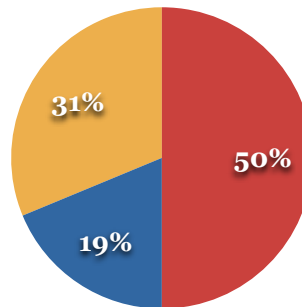
October Term 2007



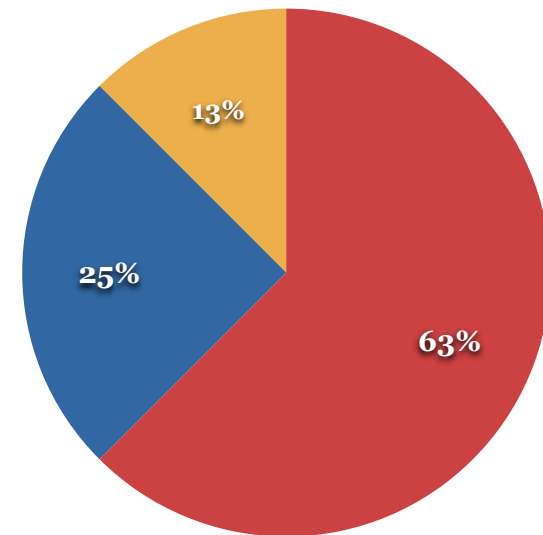
October Term 2008



October Term 2009

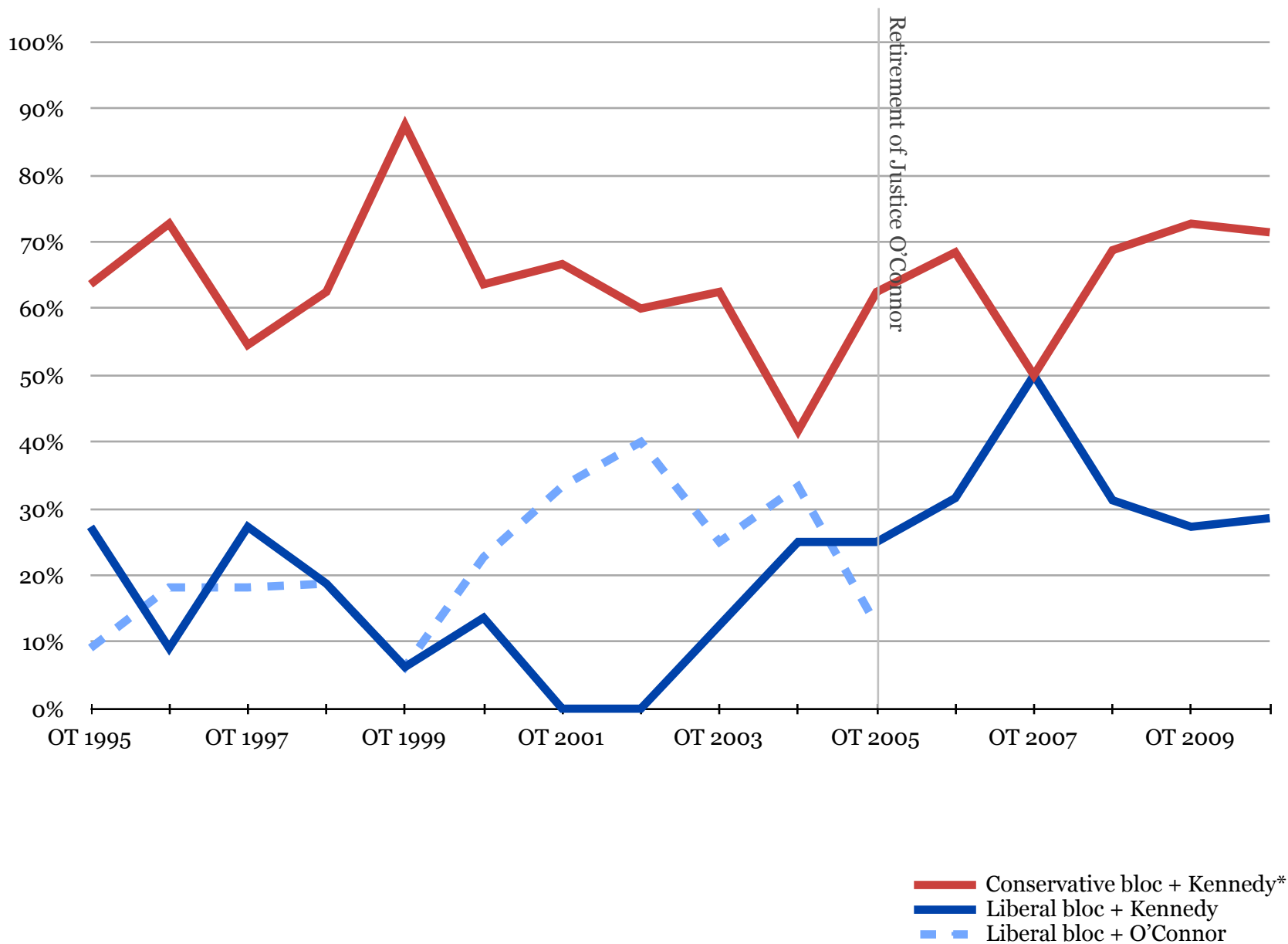


October Term 2010



\*Conservative bloc = Roberts, O'Connor/Alito, Scalia and Thomas;  
Liberal bloc = Stevens/Kagan, Souter/Sotomayor, Ginsburg, Breyer.

## 5-4 Majority Membership in Cases That Split Along Common Ideological Lines (1995-2010)



\*Conservative bloc = Rehnquist/Roberts, O'Connor/Alito, Scalia and Thomas;  
 Liberal bloc = Stevens, Souter/Sotomayor, Ginsburg, Breyer.

## Oral Argument

The number of “questions” per argument is simply the number of times a given Justice’s name appears in the argument transcript in capital letters. Chief Justice Roberts’ total is adjusted to discount his routine administrative comments.

### Average Number of Questions

	Average
Scalia	25.8
Breyer	20.3
Sotomayor	19.2
Roberts	18.2
Ginsburg	14.0
Alito	12.1
Kennedy	11.0
Kagan	10.6
Thomas	0.0

### Frequency as a Top or Top 3 Questioner

	Freq. Top 1	Freq. Top 3
Scalia	50%	78%
Sotomayor	21%	60%
Breyer	22%	56%
Roberts	8%	44%
Ginsburg	5%	31%
Alito	1%	24%
Kennedy	1%	15%
Kagan	0%	8%
Thomas	0%	0%

### Average Number of Questions

Arranged by Vote Split

	9-0	8-1	7-2	6-3	5-4
Roberts	15	20	21	31	17
Scalia	24	26	25	32	30
Kennedy	9	12	12	13	15
Thomas	0	0	0	0	0
Ginsburg	14	15	14	11	14
Breyer	17	21	20	28	24
Alito	11	12	11	12	17
Sotomayor	19	17	21	20	22
Kagan	11	9	10	15	10
Overall	114	129	130	160	148

### Frequency as the First Questioner

	Frequency	
Ginsburg	21 /78	27%
Scalia	20 /78	26%
Roberts	12 /77	16%
Sotomayor	10 /75	13%
Alito	7 /78	9%
Kennedy	6 /78	8%
Kagan	2 /50	4%
Thomas	0 /78	0%
Breyer	0 /78	0%

## Oral Argument - Advocates

### Overview

Number of total appearances	196
Number of advocates	143
Appearances by the Office of the Solicitor General	57 (29%)
Appearances by advocates who argued more than once	81 (41%)
Appearances by advocates from Washington, DC	106 (54%)

### Most Popular Advocate Origins

State*	Total
Washington, DC**	106
California	17
New York	15
Texas	7
Washington	5
Kentucky	4
Pennsylvania	4
Arizona	3
Michigan	3
North Carolina	3
Oregon	3
Virginia	3

### Advocates Who Appeared More than Once

Name	Appearances	Position	
Neal K. Katyal	6	Acting Solicitor General	1
David C. Frederick	5	Private Practice	2
Carter G. Phillips	5	Private Practice	
Edwin S. Kneedler	4	Deputy Solicitor General	3
Leondra R. Kruger	4	Acting Principal Deputy Solicitor General	
Malcolm L. Stewart	4	Deputy Solicitor General	
Curtis E. Gannon	3	Assistant to the Solicitor General	9
William M. Jay	3	Assistant to the Solicitor General	
Eric D. Miller	3	Assistant to the Solicitor General	
Andrew J. Pincus	3	Private Practice / Supreme Court Clinic	
Matthew D. Roberts	3	Assistant to the Solicitor General	
Nicole A. Saharsky	3	Assistant to the Solicitor General	
Pratik A. Shah	3	Assistant to the Solicitor General	
Seth P. Waxman	3	Private Practice	
Anthony A. Yang	3	Assistant to the Solicitor General	
Ginger D. Anders	2	Assistant to the Solicitor General	13
Lisa S. Blatt	2	Private Practice	
Michael R. Dreeben	2	Deputy Solicitor General	
Roy T. Englert, Jr.	2	Private Practice	
Jeffrey L. Fisher	2	Supreme Court Clinic	
Sarah E. Harrington	2	Assistant to the Solicitor General	
Benjamin J. Horwich	2	Assistant to the Solicitor General	
Roy W. McLeese	2	Acting Deputy Solicitor General	
Theodore B. Olson	2	Private Practice	
Joseph R. Palmore	2	Assistant to the Solicitor General	
E. Joshua Rosenkranz	2	Private Practice	
Melissa A. Sherry	2	Assistant to the Solicitor General	
Jeffrey B. Wall	2	Assistant to the Solicitor General	
	81		28

\* An advocate's "origin" is simply the state of origin listed for an advocate on the Court's hearing list.

\*\* If attorneys from the Office of the Solicitor General are omitted, Washington, DC-based lawyers argued 49 times during OT10.



## First Terms

In honor of Justice Kagan's first Term on the Court, we have taken a look at the first Term of other Justices in recent history. Several Justices joined the Court sometime after the first Monday in October, so we chose November 1 as the cutoff date for participation in a full Term. Those Justices who sat for a partial Term before their first full Term are noted with an asterisk. Justices Souter and Thomas joined the Court in October of the Terms listed, and therefore sat for a full Term for the purposes of this chart.

### Opinions Authored in a Justice's First Full Term on the Court

	Term	Majority Opinions	Concurring Opinions	Dissenting Opinions	Total	Total Opinions as a Percentage of Cases Decided	Conc. and Dis. Authored as a Percentage of Cases Decided	Second Term
<b>Kagan</b>	2010	7	-	3	10	19%	6%	-
<b>Sotomayor</b>	2009	8	2	5	15	19%	9%	22 (+7)
<b>Alito*</b>	2006	7	4	4	15	21%	11%	19 (+4)
<b>Roberts</b>	2005	8	2	3	13	17%	6%	10 (-3)
<b>Breyer</b>	1994	8	2	6	16	20%	10%	19 (+3)
<b>Ginsburg</b>	1993	9	10	8	27	31%	21%	21 (-6)
<b>Thomas</b>	1991	9	6	7	22	26%	15%	23 (+1)
<b>Souter</b>	1990	8	2	2	12	11%	4%	21 (+9)
<b>Kennedy*</b>	1988	15	10	4	29	21%	10%	35 (+6)
<b>Scalia</b>	1986	12	17	13	42	28%	20%	42 (-0)
<b>O'Connor</b>	1981	13	12	10	35	21%	13%	34 (-1)
<b>Stevens*</b>	1976	13	17	27	57	41%	32%	45 (-12)
<b>Rehnquist*</b>	1973	17	4	15	36	23%	12%	33 (-3)
<b>Powell*</b>	1973	16	12	7	35	23%	13%	31 (-4)
<b>Blackmun</b>	1970	9	8	9	26	22%	14%	34 (+8)
<b>Average</b>						23%	13%	(+0)

Source: With the exception of data for Justice Kagan, the information on this page comes from the Harvard Law Review's annual Supreme Court issue. For more information on how the data is collected, see *The Supreme Court, 2004 Term - The Statistics*, 119 HARV. L. REV. 415, 415-19 (2005).

## First Terms

(continued)

### Opinions Authored in a Justice's First Term Compared to the Number of Opinions Authored by Other Justices

	Term	Opinions Authored	Average of the Other Justices
Kagan	2010	10	13 (+3)
Sotomayor	2009	15	23 (+8)
Alito*	2006	15	19 (+4)
Roberts	2005	13	19 (+6)
Breyer	1994	16	23 (+7)
Ginsburg	1993	27	26 (-1)
Thomas	1991	22	31 (+9)
Souter	1990	12	30 (+18)
Kennedy*	1988	29	39 (+10)
Scalia	1986	42	42 (-0)
O'Connor	1981	35	42 (+7)
Stevens*	1976	57	38 (-19)
Rehnquist*	1973	36	38 (+2)
Powell*	1973	35	38 (+3)
Blackmun	1970	26	35 (+9)
Average			(+4)

### Frequency in the Majority in a Justice's First Full Term on the Court

	Term	Cases Decided	Dissenting Votes	Frequency in the Majority
Kagan	2010	52	10	81%
Sotomayor	2009	81	17	79%
Alito*	2006	73	9	88%
Roberts	2005	78	6	92%
Breyer	1994	82	12	85%
Ginsburg	1993	87	12	86%
Thomas*	1991	85	23	73%
Souter*	1990	108	8	93%
Kennedy*	1989	138	18	87%
Scalia	1986	148	29	80%
O'Connor	1981	163	27	83%
Stevens*	1976	139	29	79%
Rehnquist*	1973	155	26	83%
Powell*	1973	151	13	91%
Blackmun	1970	119	18	85%
Average				84%

Source: With the exception of information for Justice Kagan, the data on this page has been compiled from the Harvard Law Review's annual Supreme Court issue. For more information on how that data is collected, see *The Supreme Court, 2004 Term - The Statistics*, 119 HARV. L. REV. 415, 415-19 (2005).

## Justice Agreement - All Cases

	Scalia		Kennedy		Thomas		Ginsburg		Breyer		Alito		Sotomayor		Kagan		Total
Roberts	57	72%	65	82%	55	70%	40	51%	44	56%	66	84%	45	58%	33	63%	79
	65	82%	69	87%	60	76%	46	58%	52	66%	72	91%	50	65%	35	67%	
	71	90%	71	90%	70	89%	51	65%	57	72%	76	96%	55	71%	36	69%	
	8	10%	8	10%	9	11%	28	35%	22	28%	3	4%	22	29%	16	31%	
Scalia			51	64%	52	65%	32	40%	32	40%	48	60%	35	45%	26	49%	80
			63	79%	64	80%	44	55%	43	54%	60	75%	45	58%	33	62%	
			66	83%	69	86%	52	65%	52	65%	69	86%	52	67%	37	70%	
			14	18%	11	14%	28	35%	28	35%	11	14%	26	33%	16	30%	
Kennedy					52	66%	42	53%	45	56%	57	71%	47	60%	34	64%	80
					59	75%	49	61%	55	69%	64	80%	53	68%	37	70%	
					68	86%	53	66%	59	74%	70	88%	57	73%	38	72%	
					11	14%	27	34%	21	26%	10	13%	21	27%	15	28%	
Thomas							29	36%	30	38%	49	61%	33	42%	25	47%	80
							40	50%	41	51%	60	75%	43	55%	30	57%	
							52	65%	56	70%	71	89%	53	68%	35	66%	
							28	35%	24	30%	9	11%	25	32%	18	34%	
Ginsburg									60	75%	34	43%	55	71%	45	85%	80
									65	81%	42	53%	61	78%	48	91%	
									68	85%	50	63%	66	85%	48	91%	
									12	15%	30	38%	12	15%	5	9%	
Breyer											41	51%	58	74%	41	77%	80
											48	60%	66	85%	45	85%	
											55	69%	68	87%	46	87%	
											25	31%	10	13%	7	13%	
Alito													41	53%	29	55%	80
													47	60%	32	60%	
													56	72%	36	68%	
													22	28%	17	32%	
Sotomayor															42	82%	78
															46	90%	
															48	94%	
															3	6%	
																Kagan	52

## Key

Fully Agree

Agree in Full or Part

Agree in Full, Part, or Judgment Only

Disagree in Judgment

## Justice Agreement - Non-Unanimous Cases

	Scalia	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Total
Roberts	26 62%	32 76%	25 60%	11 26%	12 29%	34 81%	15 36%	12 40%	42
	31 74%	33 79%	29 69%	12 29%	16 38%	38 90%	16 38%	13 43%	
	34 81%	34 81%	33 79%	14 33%	20 48%	39 93%	20 48%	14 47%	
	8 19%	8 19%	9 21%	28 67%	22 52%	3 7%	22 52%	16 53%	
Scalia		22 52%	23 55%	9 21%	5 12%	21 50%	10 24%	9 30%	42
		27 64%	30 71%	12 29%	9 21%	28 67%	12 29%	12 40%	
		28 67%	31 74%	14 33%	14 33%	31 74%	16 38%	14 47%	
		14 33%	11 26%	28 67%	28 67%	11 26%	26 62%	16 53%	
Kennedy			24 59%	13 31%	14 33%	26 62%	17 40%	14 47%	42
			27 66%	14 33%	18 43%	30 71%	18 43%	15 50%	
			30 73%	15 36%	21 50%	32 76%	21 50%	15 50%	
			11 27%	27 64%	21 50%	10 24%	21 50%	15 50%	
Thomas				7 17%	5 12%	20 48%	7 17%	8 27%	42
				12 29%	11 26%	28 67%	12 29%	11 37%	
				14 33%	18 43%	33 79%	17 40%	12 40%	
				28 67%	24 57%	9 21%	25 60%	18 60%	
Ginsburg					26 62%	8 19%	26 62%	24 80%	42
					29 69%	10 24%	27 64%	25 83%	
					30 71%	12 29%	30 71%	25 83%	
					12 29%	30 71%	12 29%	5 17%	
Breyer						11 26%	27 64%	20 67%	42
						14 33%	30 71%	22 73%	
						17 40%	32 76%	23 77%	
						25 60%	10 24%	7 23%	
Alito							10 24%	10 33%	42
							14 33%	11 37%	
							20 48%	13 43%	
							22 52%	17 57%	
Sotomayor								22 73%	42
								25 83%	
								27 90%	
								3 10%	
Kagan									29

## Key

Fully Agree

Agree in Full or Part

Agree in Full, Part, or Judgment Only

Disagree in Judgment

## Justice Agreement - Highs and Lows

The following tables list the Justice pairs with the highest, and lowest, agreement rates. Both tables consider the level of agreement in full, in part, or in judgment only.

### Highest Agreement

	Pair	Average
1	Roberts - Alito	96.2%
2	Sotomayor - Kagan	94.1%
3	Ginsburg - Kagan	90.6%
4	Roberts - Scalia	89.9%
4	Roberts - Kennedy	89.9%
6	Thomas - Alito	88.8%
7	Roberts - Thomas	88.6%
8	Kennedy - Alito	87.5%
9	Breyer - Sotomayor	87.2%
10	Breyer - Kagan	86.8%

### Lowest Agreement

	Pair	Average
1	Ginsburg - Alito	62.5%
2	Roberts - Ginsburg	64.6%
3	Scalia - Ginsburg	65.0%
3	Scalia - Breyer	65.0%
3	Thomas - Ginsburg	65.0%
6	Thomas - Kagan	66.0%
7	Kennedy - Ginsburg	66.3%
8	Scalia - Sotomayor	66.7%
9	Alito - Kagan	67.9%
10	Thomas - Sotomayor	67.9%

## Days Between Grant And Oral Argument

The following charts address the number of days between when the Court grants certiorari (or otherwise decides that a case should be argued), and when it hears oral argument in a given case. The typical briefing schedule outlined in the Court's rules allows for 112 days between argument and opinion. The Court typically seeks to avoid compressing the briefing schedule and, as the charts below show, it was fairly successful during OT10.

Argued	Avg. Days
<b>October</b>	207d
<b>November</b>	179d
<b>December</b>	165d
<b>January</b>	117d
<b>February</b>	140d
<b>March</b>	130d
<b>April</b>	118d
<b>Overall</b>	<b>153d</b>

<b>Average</b>	<b>153d</b>
<b>Median</b>	<b>149d</b>
<b>St. Dev.</b>	<b>38d</b>

<b>Longest</b>	<i>Abbott</i>	252d
<b>Shortest</b>	<i>Montana</i>	90d

<b>OT03</b>	172d
<b>OT04</b>	167d
<b>OT05</b>	165d
<b>OT06</b>	131d
<b>OT07</b>	134d
<b>OT08</b>	167d
<b>OT09</b>	168d
<b>OT10</b>	<b>153d</b>

	Rank		Days	Month Argued	Granted	Argued
<b>Longest</b>	1	<i>Abbott</i>	252d	October	Jan 25	Oct 4
	2	<i>Flores-Villar</i>	233d	November	Mar 22	Nov 10
	3	<i>Harrington</i>	232d	October	Feb 22	Oct 12
	4	<i>LA County</i>	225d	October	Feb 22	Oct 5
	5	<i>Bryant</i>	218d	October	Mar 1	Oct 5
	5	<i>Bruesewitz</i>	218d	October	Mar 8	Oct 12
	7	<i>Snyder</i>	212d	October	Mar 8	Oct 6
	8	<i>NASA</i>	211d	October	Mar 8	Oct 5
	9	<i>Matrixx</i>	210d	January	Jun 14	Jan 10
	10	<i>Kasten</i>	205d	October	Mar 22	Oct 13

	Rank		Days	Month Argued	Granted	Argued
<b>Shortest</b>	1	<i>Montana</i>	90d	January	Oct 12	Jan 10
	2	<i>McIntyre</i>	105d	January	Sep 28	Jan 11
	2	<i>Goodyear</i>	105d	January	Sep 28	Jan 11
	4	<i>Sykes</i>	106d	January	Sep 28	Jan 12
	4	<i>King</i>	106d	January	Sep 28	Jan 12
	6	<i>McNeill</i>	108d	April	Jan 7	Apr 25
	7	<i>Talk America</i>	110d	March	Dec 10	Mar 30
	7	<i>PLIVA</i>	110d	March	Dec 10	Mar 30
	9	<i>Stern</i>	112d	January	Sep 28	Jan 18
	9	<i>Bayer</i>	112d	January	Sep 28	Jan 18

\* You can read about a less successful past Term here <<http://www.scotusblog.com/2008/01/on-the-docket-and-briefing-schedules/>>.

\* In a handful of cases, the Court will not be presented with a petition for writ of certiorari, but will instead receive a Statement of Jurisdiction. These charts treat those cases identically to cert. petitions and the "Grant Date" indicates when the Court noted probable jurisdiction or postponed the determination of jurisdiction.

## Days Between Oral Argument and Opinion

The following charts address the time it takes for the Court to release opinions following oral argument. The Court has released 75 signed opinions after argument during the current Term.

Argued	Avg.	Total	Remain
<b>October</b>	117d	12	-
<b>November</b>	139d	13	-
<b>December</b>	115d	12	-
<b>January</b>	121d	11	-
<b>February</b>	99d	10	-
<b>March</b>	82d	12	-
<b>April</b>	52d	8	-
<b>Overall</b>	<b>106d</b>	78	0

<b>Average</b>	<b>98d</b>
<b>Median</b>	<b>106d</b>
<b>St. Dev.</b>	<b>43d</b>

<b>Longest</b>	<i>Ent. Merch. Ass'n</i>	237d
<b>Shortest</b>	<i>AT&amp;T</i>	41d

<b>OT03</b>	82d
<b>OT04</b>	91d
<b>OT05</b>	79d
<b>OT06</b>	96d
<b>OT07</b>	94d
<b>OT08</b>	94d
<b>OT09</b>	109d
<b>OT10</b>	<b>106d</b>

	Rank			Author	Vote	Argued	Opinion
<b>Longest</b>	1	<i>Ent. Merch. Ass'n</i>	237d	Scalia	7-2	Nov 2	Jun 27
	2	<i>Janus</i>	188d	Thomas	5-4	Dec 7	Jun 13
	3	<i>Tohono O'odham</i>	176d	Kennedy	7-1	Nov 1	Apr 26
	4	<i>Connick</i>	174d	Thomas	5-4	Oct 6	Mar 29
	4	<i>Plata</i>	174d	Kennedy	5-4	Nov 30	May 23
	6	<i>Sossamon</i>	169d	Thomas	6-2	Nov 2	Apr 20
	6	<i>Concepcion</i>	169d	Scalia	5-4	Nov 9	Apr 27
	6	<i>Whiting</i>	169d	Roberts	5-3	Dec 8	May 26
	9	<i>CIGNA</i>	167d	Breyer	8-0	Nov 30	May 16
	9	<i>Goodyear</i>	167d	Ginsburg	9-0	Jan 11	Jun 27

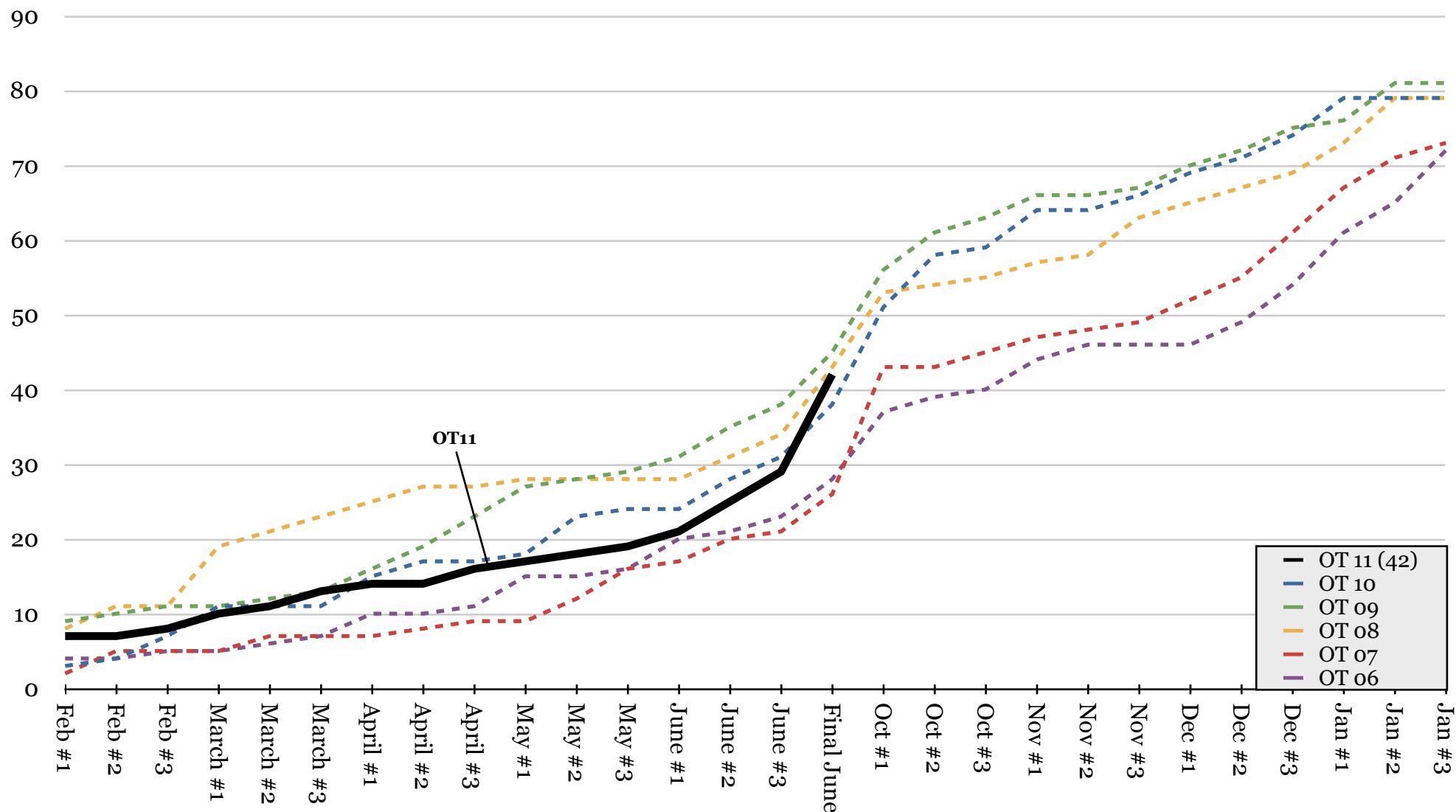
	Rank			Author	Vote	Argued	Opinion
<b>Shortest</b>	1	<i>AT&amp;T</i>	41d	Roberts	8-0	Jan 19	Mar 1
	2	<i>McNeill</i>	42d	Thomas	9-0	Apr 25	Jun 6
	2	<i>John Fund</i>	42d	Roberts	9-0	Apr 25	Jun 6
	2	<i>Abbott</i>	42d	Ginsburg	8-0	Oct 4	Nov 15
	5	<i>Nevada</i>	47d	Scalia	9-0	Apr 27	Jun 13
	5	<i>Chase</i>	47d	Sotomayor	9-0	Dec 8	Jan 24
	7	<i>Thompson</i>	48d	Scalia	8-0	Dec 7	Jan 24
	8	<i>Microsoft</i>	52d	Sotomayor	8-0	Apr 18	Jun 9
	9	<i>Apache Nation</i>	54d	Alito	7-1	Apr 20	Jun 13
	10	<i>LA County</i>	56d	Breyer	8-0	Oct 5	Nov 30

	<b>9-0 (38)</b>	<b>8-1 (10)</b>	<b>7-2 (12)</b>	<b>6-3 (4)</b>	<b>5-4 (16)</b>
<b>Average # Days</b>	84d	108d	130d	130d	129d

\* These charts consider only signed opinions released following oral arguments.

## Pace of Grants

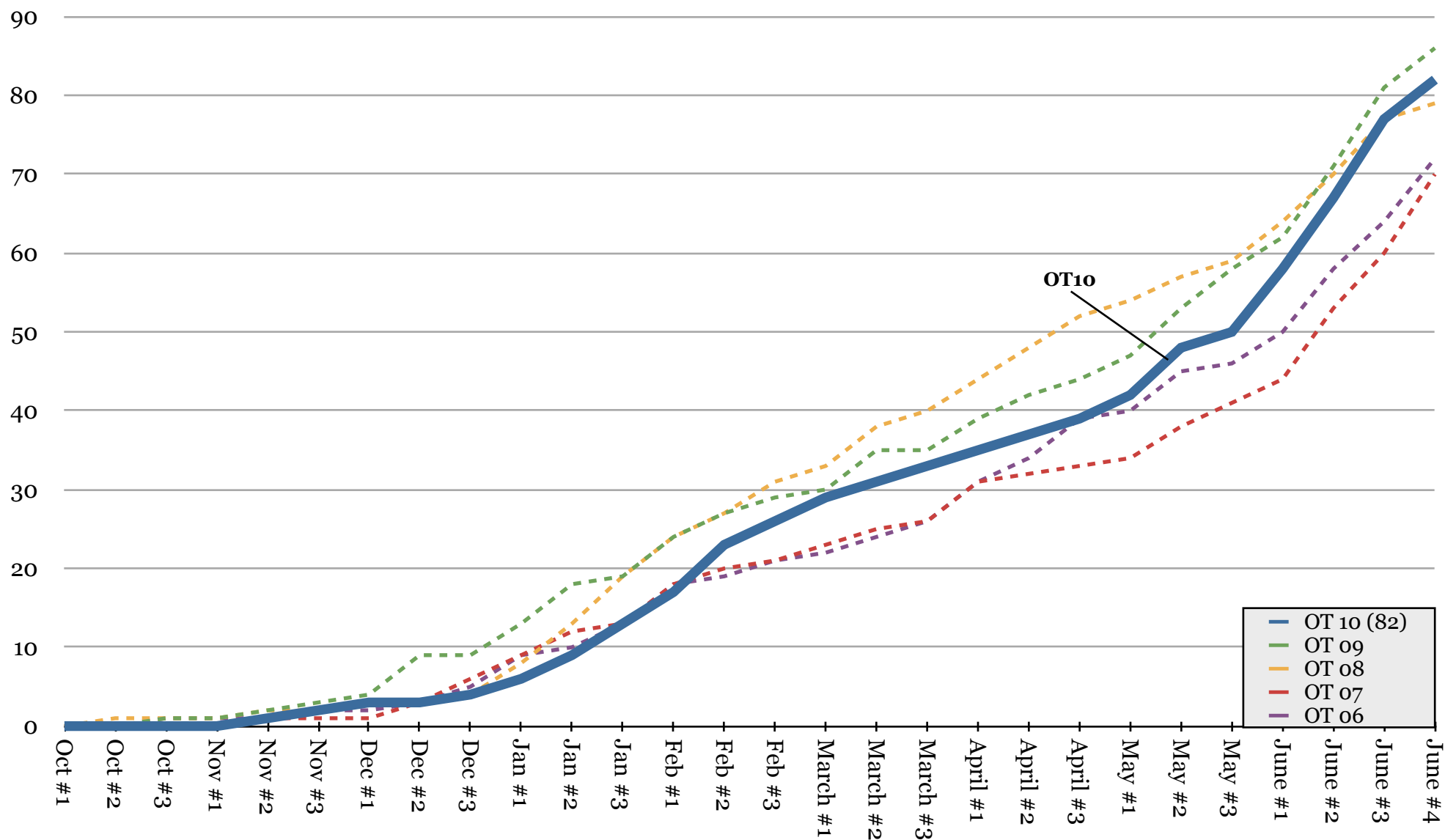
The following chart plots the pace at which the Court fills its merits docket for a given Term. Each date marker represents the conference within a given sitting. For instance, Feb #3 is the third February conference, which actually took place on March 4, 2011. Categorizing grants by their conference within a given sitting ensures more accurate cross-term comparisons.





## Pace of Opinions

The following chart plots the pace at which the Court releases merits opinions throughout the Term, beginning in October and ending in June. This chart includes both opinions released after full briefing and summary reversals. Here, as in the Pace of Grants chart, cases are categorized by their release within a given sitting. For example, opinions for Feb. #3 were actually released on March 7, 2011.



## Petitions to Watch

The following charts cover SCOTUSblog's Petitions to Watch feature. This feature monitors petitions raising issues that Tom has determined to have a reasonable chance of being granted, although we post them without consideration of whether they present appropriate vehicles in which to decide those issues.

Overall				
	OT09	OT10	Total	Percentage
Granted	64	71	135	25.4%
Denied	196	201	397	74.6%
Pending	0	9	9	
Total Listed	260	281	541	

Percentage of paid merits cases which appeared as a Petition to Watch prior to being granted	OT10	<b>93%</b> (62/67)
	OT11	<b>86%</b> (30/35)

Recent Conferences				
	Conference	Listed	Granted	Pending
OT 10	January 14	10	1	-
	January 21	5	0	-
	February 18	18	3	-
	February 25	8	3	-
	March 4	13	0	1
	March 18	7	1	-
	March 25	4	1	1
	April 1	3	1	1
	April 15	7	1	-
	April 22	3	2	-
	April 29	4	1	-
	May 12	11	1	1
	May 19	6	3	1
	May 26	6	1	2
	June 2	5	1	1
	June 9	3	1	-
	June 16	13	2	-
	June 23	17	7	-

\* Cases are listed only for the first conference for which they are listed as a petition to watch. Cases listed due to representation by Goldstein, Howe & Russell are not included. Cases listed as OT09 petitions are those that were first listed as a petition to watch during the OT09 and the same applies to OT10 petitions. You can read more about the Petitions to Watch feature here: <<http://www.scotusblog.com/2010/11/tracking-petitions-on-scotusblog-4-0/>>.

## Term Index

This chart includes a summary of the cases for the Term including (1) majority opinion author, (2) vote, (3) days between argument and opinion, (4) judgment, and (5) court below.

October						Avg.			November						Avg.			December						Avg.								
Abbott	RBG	8-0	42d	A	CA3	JGR	1	147d	Tohono O’odham	AMK	7-1	176d	R	CAFC	JGR	1	64d	Wall	SAA	9-0	98d	A	CA1	JGR	1	169d						
Ransom	EK	8-1	99d	A	CA9	AS	1	133d	Ortiz	RBG	9-0	84d	R	CA6	AS	3	175d	Walker	RBG	9-0	86d	R	CA9	AS	2	94d						
LA County	SGB	8-0	56d	R	CA9	AMK	2	99d	Staub	AS	8-0	119d	R	CA7	AMK	2	164d	Plata	AMK	5-4	174d	A	USDC	AMK	1	174d						
Bryant	SMS	6-2	146d	R	ST	CT	1	174d	Ent. Merch. Ass’n	AS	7-2	237d	A	CA9	CT	2	158d	CIGNA	SGB	8-0	167d	R	CA2	CT	1	188d						
NASA	SAA	8-0	106d	R	CA9	RBG	2	94d	Sossamon	CT	6-2	169d	A	CA5	RBG	1	84d	VOPA	AS	6-2	139d	R	CA4	RBG	1	86d						
Snyder	JGR	8-1	147d	A	CA4	SGB	2	108d	Winn	AMK	5-4	152d	R	CA9	SGB	1	112d	Milner	EK	8-1	96d	R	CA9	SGB	1	167d						
Connick	CT	5-4	174d	R	CA5	SAA	1	106d	Williamson	SGB	8-0	112d	R	ST	SAA	0		Henderson	SAA	8-0	85d	R	CAFC	SAA	2	92d						
Harrington	AMK	8-0	99d	R	CA9	SMS	1	146d	Costco	PC	4-4		A	CA9	SMS	0		Pepper	SMS	7-1	86d	R	CA8	SMS	2	67d						
Bruesewitz	AS	6-2	133d	A	CA3	EK	1	99d	Mayo	JGR	8-0	64d	A	CA8	EK	1	104d	Janus	CT	5-4	188d	R	CA4	EK	1	96d						
Premo	AMK	8-0	99d	R	CA9	Total	12		Concepcion	AS	5-4	169d	R	CA9	Total	13		Thompson	AS	8-0	48d	R	CA6	Total	12							
Kasten	SGB	6-2	160d	R	CA7	Expect.	12		Cullen	CT	7-2	146d	R	CA9	Expect.	13		Chase	SMS	9-0	47d	R	CA9	Expect.	12							
Skinner	RBG	6-3	145d	R	CA5	Avg.		117d	Flores-Villar	PC	4-4		A	CA9	Avg.		139d	Whiting	JGR	5-3	169d	A	CA9	Avg.		115d						
January						Avg.			February						Avg.			March						Avg.								
Matrixx	SMS	9-0	71d	A	CA9	JGR	2	99d	Tinklenberg	SGB	8-0	93d	A	CA6	JGR	1	98d	Davis	SAA	7-2	87d	A	CA11	JGR	1	91d						
Montana	CT	7-1	112d	-	Orig	AS	1	125d	Bond	AMK	9-0	114d	R	CA3	AS	1	90d	Tolentino	DIG	-	-	-	ST	AS	1	83d						
Goodyear	RBG	9-0	167d	R	ST	AMK	2	158d	Freeman	AMK	5-4	120d	R	CA6	AMK	2	117d	Duryea	AMK	8-1	90d	R	CA3	AMK	1	90d						
McIntyre	AMK	6-3	167d	R	ST	CT	1	112d	Global-Tech	SAA	8-1	97d	A	CAFC	CT	1	76d	Fox	EK	9-0	76d	R	CA5	CT	2	78d						
King	SAA	8-1	124d	R	ST	RBG	2	118d	DePierre	SMS	9-0	101d	A	CA1	RBG	1	113d	J.D.B.	SMS	5-4	85d	R	ST	RBG	1	87d						
Sykes	AMK	6-3	148d	A	CA7	SGB	0		Stanford	JGR	7-2	98d	A	CAFC	SGB	1	93d	Turner	SGB	5-4	89d	R	ST	SGB	2	74d						
Gen. Dynamics	AS	9-0	125d	R	CAFC	SAA	1	124d	Schindler	CT	5-3	76d	R	CA2	SAA	1	97d	McBride	RBG	5-4	87d	A	CA7	SAA	1	87d						
Bayer	EK	9-0	149d	R	CA8	SMS	1	71d	Camreta	EK	7-2	86d	R	CA9	SMS	1	101d	AZ Free Ent.	JGR	5-4	91d	R	CA9	SMS	1	85d						
Stern	JGR	5-4	156d	A	CA9	EK	1	149d	Bullcoming	RBG	5-4	113d	R	ST	EK	1	86d	Fowler	SGB	7-2	58d	R	CA11	EK	1	76d						
Astra	RBG	8-0	69d	R	CA9	Total	11		al-Kidd	AS	8-0	90d	R	CA9	Total	10		Wal-Mart	AS	9-0	83d	R	CA9	Total	11							
AT&T	JGR	8-0	41d	R	CA3	Expect.	11								Expect.			10		PLIVA	CT	5-4	85d	R	CA8	Expect.	11					
						Avg.				121d							Avg.				99d							Avg.				82d
April						Avg.			Summary Reversal												Total		Avg.									
Microsoft	SMS	8-0	52d	A	CAFC	JGR	1	42d	Wilson	PC	9-0	-	R	CA7				Roberts		8	101d											
Tapia	EK	9-0	59d	R	CA9	AS	1	47d	Swarthout	PC	9-0	-	R	CA9				Scalia		10	119d											
Am. Electrical	RBG	8-0	62d	R	CA2	AMK	1	58d	Felkner	PC	9-0	-	R	CA9				Kennedy		11	127d											
Apache Nation	SAA	7-1	54d	R	CAFC	CT	1	42d	Mitts	PC	9-0	-	R	CA6				Thomas		9	118d											
John Fund	JGR	9-0	42d	R	CA5	RBG	1	62d	Juvenile Male	PC	5-3	-	R	CA9				Ginsburg		9	95d											
McNeill	CT	9-0	42d	A	CA4	SGB	0											Breyer		7	105d											
Sorrell	AMK	6-3	58d	A	CA2	SAA	1	54d										Alito		7	93d											
Nevada	AS	9-0	47d	R	ST	SMS	1	52d										Sotomayor		7	84d											
						EK			1	59d													Kagan		7	96d						
						Total			8														Summary Rev		5							
						Expect.			8														Total Decided		82							
						Avg.				52d													Expected		82							
																							Percent Decided		100%							
																							Avg.			106d						

## OT10 Case List

Cases are sorted by sitting. 5-4 decisions are highlighted in red.

***I. October***

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
09-479	Abbott v. United States	CA3	Oct 4, 2010	Nov 15, 2010	8-0	Ginsburg	Affirmed; A defendant is subject to the highest mandatory minimum specified for his conduct in 18 U.S.C. § 924(c) unless another provision of law directed to conduct proscribed by Section 924(c) specifically imposes an even greater mandatory minimum sentence. (Kagan, J., recused).
09-907	Ransom v. FIA Card Services	CA9	Oct 4, 2010	Jan 11, 2011	8-1	Kagan	Affirmed; A debtor in bankruptcy who does not make loan or lease payments may not take the deduction that is otherwise available for ownership of an auto.
09-350	Los Angeles County v. Humphries	CA9	Oct 5, 2010	Nov 30, 2010	8-0	Breyer	Reversed; Under the Supreme Court's decision in <i>Monell v. New York City Dep't of Social Services</i> (1978), a plaintiff who sues a local government for civil rights violations under federal law must show that his injury was the result of a policy or custom of the local government to obtain an injunction or a declaratory judgment. (Kagan, J., recused).
09-150	Michigan v. Bryant	State	Oct 5, 2010	Feb 28, 2011	6-2	Sotomayor	Reversed; A statement given to police by a wounded crime victim identifying the person who shot him may be admitted as evidence at the trial if the victim dies before trial and thus does not appear. Because the primary purpose of the interrogation was to enable police to deal with an ongoing emergency, the statements resulting from that interrogation were not testimonial and could be admitted without violating the Confrontation Clause. (Kagan, J., recused).
09-530	NASA v. Nelson	CA9	Oct 5, 2010	Jan 19, 2011	8-0	Alito	Reversed; The Court upheld NASA's background checks for employees of companies working under contract. (Kagan, J., recused).

## OT10 Case List

(continued)

09-751	Snyder v. Phelps	CA4	Oct 6, 2010	Mar 2, 2011	8-1	Roberts	Affirmed; The First Amendment protects those who stage a peaceful protest on a matter of public concern near the funeral of a military service member from tort liability.
09-571	Connick v. Thompson	CA5	Oct 6, 2010	Mar 29, 2011	5-4	Thomas	Reversed; A district attorney's office cannot be held liable under Section 1983 for a failure to train its prosecutors based on a single Brady violation.
09-587	Harrington v. Richter	CA9	Oct 12, 2010	Jan 19, 2011	8-0	Kennedy	Reversed; The defense lawyer was not deficient in failing to consult blood evidence when planning strategy for trial. (Kagan, J., recused).
09-152	Bruesewitz v. Wyeth	CA3	Oct 12, 2010	Feb 22, 2011	6-2	Scalia	Affirmed; The National Childhood Vaccine Injury Act, which created a no-fault program to provide compensation for vaccine-related injuries, preempts all design-defect claims against vaccine manufacturers by individuals seeking compensation for injury or death. (Kagan, J., recused).
09-658	Premo v. Moore	CA9	Oct 12, 2010	Jan 19, 2011	8-0	Kennedy	Reversed; The defense counsel was not ineffective and the habeas petitioner was not in any event prejudiced by his counsel's actions. (Kagan, J., recused).
09-834	Kasten v. Saint-Gobain Performance Plastics	CA7	Oct 13, 2010	Mar 22, 2011	6-2	Breyer	Reversed; For purposes of the anti-retaliation provision of the Fair Labor Standards Act, the term "filed any complaint" includes both oral and written complaints. (Kagan, J., recused).

## OT10 Case List

(continued)

09-9000	Skinner v. Switzer	CA5	Oct 13, 2010	Mar 7, 2011	6-3	Ginsburg	Reversed; Federal courts have subject matter jurisdiction over civil rights lawsuits, filed under Section 1983, that seek access to DNA evidence to challenge a state conviction.
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## II. November

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
09-846	United States v. Tohono O'odham Nation	CAFC	Nov 1, 2010	Apr 26, 2011	7-1	Kennedy	Reversed; Two suits making the same claim are barred from the Court of Federal Claims if they are based on substantially the same operative facts, regardless of the relief each seeks.(Kagan, J., recused).
09-737	Ortiz v. Jordan	CA6	Nov 1, 2010	Jan 24, 2011	9-0	Ginsburg	Reversed; A party in a federal civil case may not appeal a denial of a motion for summary judgment after a district court has conducted a full trial on the merits.
09-400	Staub v. Proctor Hospital	CA7	Nov 2, 2010	Mar 1, 2011	8-0	Scalia	Reversed; If a supervisor performs an act motivated by bias against the military that the supervisor intends to cause an adverse employment action, and if that act is the proximate cause of the ultimate employment action, then the employer can be held liable under a federal statute that prohibits employment discrimination against members of the armed services. (Kagan, J., recused).
08-1448	Brown v. Entertainment Merchants Association	CA9	Nov 2, 2010	Jun 27, 2011	7-2	Scalia	Affirmed; California's ban on the sale or rental of violent video games to minors is unconstitutional. The Court held that the law imposes a restriction on the content of protected speech and cannot satisfy strict scrutiny.

## OT10 Case List

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08-1438	Sossamon v. Texas	CA5	Nov 2, 2010	Apr 20, 2011	6-2	Thomas	Affirmed; When they accept federal funding, states do not consent to waive their sovereign immunity to private lawsuits for money damages under the Religious Land Use and Institutionalized Persons Act. (Kagan, J., recused).
09-987	Arizona Christian School Tuition Organization v. Winn	CA9	Nov 3, 2010	Apr 4, 2011	5-4	Kennedy	Reversed; The challengers to an Arizona tax credit which provides tax credits for contributions to tuition organizations, which then use the contributions to provide scholarships for, among others, religious schools, lack standing under Article III because they are challenging a tax credit, rather than government spending.
08-1314	Williamson v. Mazda Motor of America, Inc.	State	Nov 3, 2010	Feb 23, 2011	8-0	Breyer	Reversed; State tort suits alleging that car manufacturers should have installed lap-and-shoulder belts, rather than simply lap belts, on rear inner seats are not preempted by federal auto safety standards. (Kagan, J., recused).
08-1423	Costco Wholesale Corp. v. Omega, S.A.	CA9	Nov 8, 2010	Dec 13, 2010	4-4	<i>Per Curiam</i>	Affirmed; An equally divided Court affirmed the Ninth Circuit's holding that the "first sale" doctrine applies only to copyrighted items that are made and distributed in the United States. (Kagan, J. recused).
09-837	Mayo Foundation v. United States	CA8	Nov 8, 2010	Jan 11, 2011	8-0	Roberts	Affirmed; The Treasury Department's rule that treats medical residents as full-time employees, and therefore not exempt from the payment of payroll taxes, is a valid interpretation of federal law. (Kagan, J., recused).
09-893	AT&T Mobility LLC v. Concepcion	CA9	Nov 9, 2010	Apr 27, 2011	5-4	Scalia	Reversed; California state contract law, which deems class-action waivers in arbitration agreements unenforceable when certain criteria are met, is preempted by the Federal Arbitration Act because it stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.

## OT10 Case List

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09-1088	Cullen v. Pinholster	CA9	Nov 9, 2010	Apr 4, 2011	7-2	Thomas	Reversed; Review under the federal habeas law is limited to the record that was before the state court which ruled on the claim on the merits. Moreover, on the record that was before the state court, Pinholster was not entitled to federal habeas relief.
09-5801	Flores-Villar v. United States	CA9	Nov 10, 2010	Jun 13, 2011	4-4	<i>Per Curiam</i>	Affirmed; An equally divided Court affirmed the decision of the Ninth Circuit upholding, against a constitutional challenge, a citizenship-transmission statute that imposes different standards for children born out of wedlock outside of the United States depending on whether the child's mother or father is a U.S. citizen. (Kagan, J., recused).
09-520	CSX Transportation, Inc. v. Alabama Department of Revenue	CA11	Nov 10, 2010	Feb 22, 2011	7-2	Kagan	Reversed; The railroad can challenge Alabama's sales and use taxes, which are imposed on railroads but not their main competitors, as discriminatory under the Railroad Revitalization and Regulatory Reform Act of 1976.

### III. December

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
09-868	Wall v. Kholi	CA1	Nov 29, 2010	Mar 7, 2011	9-0	Alito	Affirmed; Because the phrase "collateral review" in AEDPA means judicial review of a judgment in a proceeding that is not part of direct review, state proceedings on an inmate's motion to reduce his sentence tolled the time to file his federal habeas petition.
09-996	Walker v. Martin	CA9	Nov 29, 2010	Feb 23, 2011	9-0	Ginsburg	Reversed; A California rule requiring state habeas petitions to be filed "as promptly as the circumstances allow" constitutes an independent state ground that is adequate to bar habeas relief in federal court.



## OT10 Case List

(continued)

09-1233	Brown v. Plata	Three-Judge District Court Panel	Nov 30, 2010	May 23, 2011	5-4	Kennedy	Affirmed; 1)The court below did not err in concluding that overcrowding in California prisons was the “primary” cause of the continuing violations of prisoners’ constitutional rights to adequate health care. 2) The evidence supported the conclusion of the three-judge panel that a population limit was necessary to remedy the overcrowding problem. 3) The relief ordered – the population limit – was narrowly drawn, extended no further than necessary to correct the violation, and was the least intrusive means necessary to correct the violation.
09-804	CIGNA Corp. v. Amara	CA2	Nov 30, 2010	May 16, 2011	8-0	Breyer	Reversed; Although the district court did not have authority under Section 502(a)(1)(B) of ERISA to reform CIGNA’s pension plan, it did have authority to do so under another provision, Section 502(a)(3). (Sotomayor, J., recused).
09-529	Virginia Office for Protection and Advocacy v. Reinhard	CA4	Dec 1, 2010	Apr 19, 2011	6-2	Scalia	Reversed; Ex Parte Young allows a federal court to hear a lawsuit for prospective relief against state officials brought by another agency of the same state. (Kagan, J., recused).
09-1163	Milner v. Navy	CA9	Dec 1, 2010	Mar 7, 2011	8-1	Kagan	Reversed; Maps describing the location of explosives do not qualify for withholding under Exemption 2 of the Freedom of Information Act, which shields from disclosure only records that relate to employee relations and human resources issues.
09-1036	Henderson v. Shinseki	CAFC	Dec 6, 2010	Mar 1, 2011	8-0	Alito	Reversed; The deadline for filing a notice of appeal with the Veterans Court does not have jurisdictional consequences, and Congress did not require the 120-day deadline to be treated as jurisdictional. (Kagan, J., recused).
09-6822	Pepper v. United States	CA8	Dec 6, 2010	Mar 2, 2011	7-1	Sotomayor	Reversed; When a defendant's sentence has been set aside on appeal, a district court at re-sentencing may consider evidence of the defendant's rehabilitation after the initial sentences and that evidence may in appropriate cases, support a downward variance from the sentencing guidelines. (Kagan, J., recused).

## OT10 Case List

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09-525	Janus Capital Group, Inc. v. First Derivative Traders	CA4	Dec 7, 2010	Jun 13, 2011	5-4	Thomas	Reversed; Because the mutual fund investment adviser did not make the false statements included in the mutual fund prospectuses, it cannot be held liable in a private action under Rule 10b-5.
09-291	Thompson v. North American Stainless, LP	CA6	Dec 7, 2010	Jan 24, 2011	8-0	Scalia	Reversed; Title VII's ban on workplace retaliation against an employee who challenges discrimination also protects a co-worker who is a relative or close associate of the targeted employee. (Kagan, J., recused.)
09-329	Chase Bank USA, N.A. v. McCoy	CA9	Dec 8, 2010	Jan 24, 2011	9-0	Sotomayor	Reversed; The Federal Reserve Board's Regulation Z, in the version that existed before August 2009, did not require credit card issuers to give cardholders advance notice any time they raise the interest rate for default.
09-115	Chamber of Commerce v. Whiting	CA9	Dec 8, 2010	May 26, 2011	5-3	Roberts	Affirmed; The provision of the Legal Arizona Workers Act that provides for the suspension and/or revocation of the business licenses of Arizona employers who knowingly or intentionally employ unauthorized aliens is not expressly preempted by the federal Immigration Reform and Control Act, which prohibits the knowing hiring of unauthorized immigrants and preempts state laws imposing sanctions on those who hire unauthorized immigrants; the Arizona law falls within the IRCA's exception that preserves state authority to impose sanctions through "licensing and similar laws." Nor is Arizona's requirement that employers use the federal "E-Verify" system to confirm eligibility for employment not impliedly preempted, as it does not conflict with the federal scheme, and the federal statute establishing E-Verify does not constrain state action. (Kagan, J., recused).

### IV. January

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
09-1156	Matrixx Initiatives, Inc. v. Siracusano	CA9	Jan 10, 2011	Mar 22, 2011	9-0	Sotomayor	Affirmed; The plaintiffs have stated a claim for securities fraud under § 10(b) of the Securities and Exchange Act and SEC Rule 10b-5 based on a pharmaceutical company's failure to disclose reports of adverse events associated with a product, even if the reports do not disclose a statistically significant number of adverse events.

## OT10 Case List

(continued)

Orig137	Montana v. Wyoming and North Dakota	Orig	Jan 10, 2011	May 2, 2011	7-1	Thomas	Original; Montana has failed to state a claim for breach of the Yellowstone River Compact. Wyoming's more efficient irrigation systems are permissible under the Compact as long as the water conserved by those systems is used to irrigate the same acreage watered in 1950. (Kagan, J., recused).
10-76	Goodyear Luxembourg Tires v. Brown	State	Jan 11, 2011	Jun 27, 2011	9-0	Ginsburg	Reversed; Goodyear's foreign subsidiaries were not amenable to suit in North Carolina on claims that were unrelated to any activity by them in that state.
09-1343	J. McIntyre Machinery, Ltd. v. Nicastro, et ux.	State	Jan 11, 2011	Jun 27, 2011	6-3	Kennedy	Reversed; Because J. McIntyre had not engaged in any activities in New Jersey reflecting an intent to invoke or benefit from the protection of that state's laws, New Jersey lacked the power to adjudicate the company's rights and liabilities, and its exercise of jurisdiction would violate due process.
09-1272	Kentucky v. King	State	Jan 12, 2011	May 16, 2011	8-1	Alito	Reversed; The exigent circumstances rule applies when the police do not create the exigency by engaging in or threatening to engage in conduct that violates the Fourth Amendment.
09-11311	Sykes v. United States	CA7	Jan 12, 2011	Jun 9, 2011	6-3	Kennedy	Affirmed; Using a vehicle while knowingly or intentionally fleeing from a law enforcement officer after being ordered to stop constitutes a "violent felony," as proscribed by Indiana law, for purposes of the Armed Career Criminal Act, 18 U.S.C. § 924(e).
09-1298	General Dynamics Corporation v. United States	CAFC	Jan 18, 2011	May 23, 2011	9-0	Scalia	Reversed; When a court dismisses a contractor's prima facie valid affirmative defense to the government's allegations of breach of contract to protect state secrets, a proper remedy is to leave the parties where they were on the day they filed suit.

## OT10 Case List

(continued)

09-1205	Smith v. Bayer Corp	CA8	Jan 18, 2011	Jun 16, 2011	9-0	Kagan	Reversed; A federal district court exceeded its authority under the “re-litigation exception” to the Anti-Injunction Act when it enjoined a state court from considering a request for class certification; the district court’s denial of a similar class-certification request by a different plaintiff did not preclude other plaintiffs from proceeding in state court when it is unclear whether the certification issues in the same court were the same and the state plaintiffs were neither a party to the federal suit nor covered by any exceptions to the rule against nonparty preclusion.
10-179	Stern v. Marshall	CA9	Jan 18, 2011	Jun 23, 2011	5-4	Roberts	Affirmed; The bankruptcy court had the statutory authority to issue a final and binding decision on a claim based exclusively on a right assured by state law. However, the bankruptcy court nonetheless lacked the constitutional authority to do so.
09-1273	Astra USA, Inc. v. Santa Clara County	CA9	Jan 19, 2011	Mar 29, 2011	8-0	Ginsburg	Reversed; Public hospitals and community health centers may not bring lawsuits against drug manufacturers alleging that they have been overcharged for the drugs purchased from the manufacturers pursuant to a federal program. (Kagan, J., recused).
09-1279	Federal Communications Comm’n v. AT&T Inc.	CA3	Jan 19, 2011	Mar 1, 2011	8-0	Roberts	Reversed; Corporations do not have a right of personal privacy for purposes of Exemption 7(C) of the Freedom of Information Act, which protects from disclosure law enforcement records whose disclosure “could reasonably be expected to constitute an unwarranted invasion of personal privacy.” (Kagan, J., recused).

### V. February

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
09-1498	United States v. Tinklenberg	CA6	Feb 22, 2011	May 26, 2011	8-0	Breyer	Affirmed; For purposes of the Speedy Trial Act, which excludes “delay resulting from any pretrial motion” from the Act’s requirement that a trial begin within seventy days of the arraignment, there is no requirement that the filing of a pretrial motion actually cause, or be expected to cause, a delay of the trial. Instead, the Speedy Trial clock stops running whenever a pretrial motion is filed, regardless whether the motion has any effect on when the trial begins. (Kagan, J., recused).

## OT10 Case List

(continued)

09-1227	Bond v. United States	CA3	Feb 22, 2011	Jun 16, 2011	9-0	Kennedy	Reversed; A criminal defendant who is indicted on charges that she violated a federal statute has standing to challenge the validity of the statute on the ground that it infringes on the powers reserved to the states under the Tenth Amendment.
09-10245	Freeman v. United States	CA6	Feb 23, 2011	Jun 23, 2011	5-4	Kennedy	Reversed; When, pursuant to Federal Rule of Criminal Procedure 11(c)(1) (C), a defendant enters into a plea agreement that recommends a particular sentence as a condition of a guilty plea, he may be eligible for a sentence reduction if the U.S. Sentencing Commission later lowers the sentencing range.
10-6	Global-Tech Appliances v. SEB S.A.	CAFC	Feb 23, 2011	May 31, 2011	8-1	Alito	Affirmed; (1) Induced infringement under 35 U.S.C. § 271(b) requires knowledge that the induced acts constitute patent infringement; and (2) deliberate indifference to a known risk that a patent exists does not satisfy the knowledge required by Section 271(b).
09-1533	DePierre v. United States	CA1	Feb 28, 2011	Jun 9, 2011	9-0	Sotomayor	Affirmed; For purposes of a statute establishing mandatory minimum sentences for certain offenses involving “cocaine base,” the term “cocaine base” includes all cocaine in its chemically basic form, not just crack cocaine.
09-1159	Board of Trustees of Leland Stanford Junior University v. Roche Molecular Systems, Inc.	CAFC	Feb 28, 2011	Jun 6, 2011	7-2	Roberts	Affirmed; The Bayh-Dole Act does not automatically vest title to federally funded inventions in federal contractors or authorize contractors to unilaterally take title to such inventions.
10-188	Schindler Elevator Corporation v. United States ex rel. Kirk	CA2	Mar 1, 2011	May 16, 2011	5-3	Thomas	Reversed; A federal agency’s written response to a FOIA request for records is a “report” within the meaning of the disclosure bar of the False Claims Act. (Kagan, J., recused).

## OT10 Case List

(continued)

09-1454	Camreta v. Greene	CA9	Mar 1, 2011	May 26, 2011	7-2	Kagan	Reversed; Although the Court may generally review a lower court's constitutional ruling at the behest of governmental officials who won a final judgment on constitutional grounds, here the case is moot because the respondent (the plaintiff below) no longer has a stake in preserving the court's holding because she no longer needs protection from the practice at issue.
09-10876	Bullcoming v. New Mexico	State	Mar 2, 2011	Jun 23, 2011	5-4	Ginsburg	Reversed; The Confrontation Clause does not permit the prosecution to introduce a forensic lab report containing a testimonial certification through the in-court testimony of an analyst who did not sign the document or personally observe the test. If an out-of-court statement is testimonial, it may not be introduced against the accused at trial unless the witness who made the statement is unavailable and the accused has had a prior opportunity to confront that witness.
10-98	Ashcroft v. al-Kidd	CA9	Mar 2, 2011	May 31, 2011	8-0	Scalia	Reversed; (1) The objectively reasonable arrest and detention of a material witness pursuant to a validly obtained warrant cannot be challenged as unconstitutional on the ground that the arresting authority allegedly had an improper motive; and (2) because former Attorney General Ashcroft did not violate clearly established law, he is entitled to qualified immunity. (Kagan, J., recused).

### VI. March

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
09-11328	Davis v. United States	CA11	Mar 21, 2011	Jun 16, 2011	7-2	Alito	Affirmed; Searches conducted in objectively reasonable reliance on binding decisions of the courts of appeals are not subject to the exclusionary rule.
09-11556	Tolentino v. New York	State	Mar 21, 2011	Mar 29, 2011		<i>Per Curiam</i>	Dismissed; The Court dismissed the writ of certiorari as improvidently granted and therefore did not decide whether pre-existing identity-related governmental documents are subject to the exclusionary rule when they are obtained as the direct result of police action violative of the Fourth Amendment.

## OT10 Case List

(continued)

09-1476	Duryea v. Guarnieri	CA3	Mar 22, 2011	Jun 20, 2011	8-1	Kennedy	Reversed; A government employer's allegedly retaliatory actions against an employee do not give rise to liability under the First Amendment's Petition Clause unless the employee's petition relates to a matter of public concern.
10-114	Fox v. Vice	CA5	Mar 22, 2011	Jun 6, 2011	9-0	Kagan	Reversed; When there are both frivolous and non-frivolous claims in a plaintiff's civil rights suit, a court may grant reasonable attorney's fees to the defendant, but only for costs that the defendant would not have incurred but for the frivolous claims.
09-11121	J.D.B. v. North Carolina	State	Mar 23, 2011	Jun 16, 2011	5-4	Sotomayor	Reversed; A child's age is a relevant factor to consider in determining whether the child is "in custody" for purposes of Miranda v. Arizona.
10-10	Turner v. Rogers	State	Mar 23, 2011	Jun 20, 2011	5-4	Breyer	Reversed; Although the petitioner has already served his sentence and alleges no collateral consequences will follow from the state's action against him the case is not moot because it is "capable of repetition" while "evading review." Next, the Fourteenth Amendment's Due Process Clause does not automatically require the state to provide counsel at civil contempt proceedings to an indigent noncustodial parent who is subject to a child support order, even if that individual faces incarceration. In this case, however, the petitioner's incarceration violated due process because he received neither counsel nor the benefit of alternative procedural safeguards that would reduce the risk of an erroneous deprivation of liberty.
10-235	CSX Transportation v. McBride	CA7	Mar 28, 2011	Jun 23, 2011	5-4	Ginsburg	Affirmed; The Federal Employers' Liability Act, which makes railroads liable for the injuries or deaths of their employees "resulting in whole or in part from negligence," does not incorporate the proximate cause standards developed in non-statutory common-law tort cases; rather, a railroad causes or contributes to an employee's injury if the railroad's negligence plays any part in bringing about the injury.
10-238	Arizona Free Enterprise v. Bennett	CA9	Mar 28, 2011	Jun 27, 2011	5-4	Roberts	Reversed; Arizona's matching funds scheme, which provides additional funds to a publicly funded candidate when expenditures by a privately financed candidate and independent groups exceed the funding initially allotted to the publicly financed candidate, substantially burdens political speech and is not sufficiently justified by a compelling interest to survive First Amendment scrutiny.

## OT10 Case List

(continued)

Page 13 of 15

10-5443	Fowler v. United States	CA11	Mar 29, 2011	May 26, 2011	7-2	Breyer	Reversed; To establish a violation of Section 1512(a)(1)(C), which makes it a crime to “kill another person, with intent . . . to prevent the communication by any person to a [federal] law enforcement officer” of “information relating to the . . . possible commission of a Federal offense,” the government must show that there was a reasonable likelihood that a relevant communication would have been made to a federal officer.
10-277	Wal-Mart v. Dukes	CA9	Mar 29, 2011	Jun 20, 2011	9-0	Scalia	Reversed; The class was not consistent with Rule 23(a) and should not have been certified, and the respondents’ backpay claims were also improperly certified under Rule 23(b)(2).
09-993	PLIVA, Inc. v. Mensing	CA8	Mar 30, 2011	Jun 23, 2011	5-4	Thomas	Reversed; Federal drug regulations applicable to generic drug manufacturers directly conflict with, and thus preempt, state-law tort claims alleging a failure to provide adequate warning labels.
10-313	Talk America, Inc. v. AT&T Michigan	CA6	Mar 30, 2011	Jun 9, 2011	8-0	Thomas	Reversed; Because the FCC has advanced a reasonable interpretation of its regulations - i.e., that to satisfy its duty under Section 251(c)(2) of the Telecommunications Act of 1996, a carrier must make its existing entrance facilities available to competitors at cost-based rates if the facilities are to be used for interconnection - the Court will defer to the FCC’s views. (Kagan, J., recused).

### *VII. April*

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
10-290	Microsoft v. i4i Limited Partnership	CAFC	Apr 18, 2011	Jun 9, 2011	8-0	Sotomayor	Affirmed; Section 282 of the Patent Act requires an invalidity defense to be proved by clear and convincing evidence. (Roberts, C.J., recused).



## OT10 Case List

(continued)

10-5400	Tapia v. United States	CA9	Apr 18, 2011	Jun 16, 2011	9-0	Kagan	Reversed; 18 U.S.C. § 3582(a) does not permit a sentencing court to impose or lengthen a prison term to foster a defendant's rehabilitation.
10-174	American Electrical Power Co. v. Connecticut	CA2	Apr 19, 2011	Jun 20, 2011	8-0	Ginsburg	Reversed; An equally divided Court affirmed the Second Circuit's exercise of jurisdiction; four members of the Court would hold that at least some plaintiffs have standing to bring the lawsuit. The Clean Air Act and the Environmental Protection Agency's implementation of the Act displace any federal common-law right to seek abatement of carbon dioxide emissions from fossil-fuel fired power plants. (Sotomayor, J., recused).
10-382	United States v. Jicarilla Apache Nation	CAFC	Apr 20, 2011	Jun 13, 2011	7-1	Alito	Reversed; The fiduciary exception to the attorney-client privilege does not apply to the general trust relationship between the United States and the Native American tribes. (Kagan, J., recused).
09-1403	Erica P. John Fund, Inc. v. Halliburton Co.	CA5	Apr 25, 2011	Jun 6, 2011	9-0	Roberts	Reversed; Securities fraud plaintiffs need not prove loss causation to obtain class certification.
10-5258	McNeill v. United States	CA4	Apr 25, 2011	Jun 6, 2011	9-0	Thomas	Affirmed; A federal sentencing court must determine whether an "offense under State law" is a "serious drug offense" by consulting the "maximum term of imprisonment" applicable to a defendant's prior state drug offense at the time of the defendant's conviction for that offense, rather than looking to state law at the time of the defendant's federal sentencing.
10-779	Sorrell v. IMS Health Inc.	CA2	Apr 26, 2011	Jun 23, 2011	6-3	Kennedy	Affirmed; Vermont's Prescription Confidentiality Law, which – absent the prescriber's consent – prohibits the sale of prescriber-identifying information, as well as the disclosure or use of that information for marketing purposes, is subject to heightened judicial scrutiny because it imposes content- and speaker-based burdens on protected expression. Vermont's justifications for the prohibition cannot withstand such heightened scrutiny.

## OT10 Case List

(continued)




































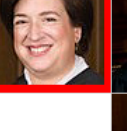





























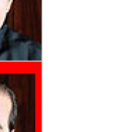




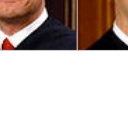
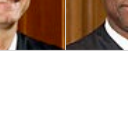
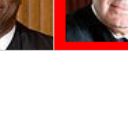
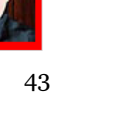
10-568	Nevada Commission on Ethics v. Carrigan	State	Apr 27, 2011	Jun 13, 2011	9-0	Scalia	Reversed; The Nevada Ethics in Government Law, which prohibits a legislator who has a conflict of interest from both voting on a proposal and from advocating its passage or failure, is not unconstitutionally overbroad.
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### VIII. Summary Reversals

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
10-91	Wilson v. Corcoran	CA7	-	Nov 8, 2010	9-0	<i>Per Curiam</i>	Reversed; Federal habeas relief is available only to cure violations of a state defendant's rights under the federal law. As a result, the court of appeals erred in granting federal habeas relief to a state capital defendant simply because the federal court believed that the state courts had misapplied state law in sentencing the defendant to death.
10-333	Swarthout v. Cooke	CA9	-	Jan 24, 2011	9-0	<i>Per Curiam</i>	Reversed; Whether a federal court may grant habeas corpus relief to a state prisoner based on its view that the state court erred in applying the state-law standard of evidentiary sufficiency governing state parole decisions.
10-797	Felkner v. Jackson	CA9	-	Mar 21, 2011	9-0	<i>Per Curiam</i>	Reversed; The Ninth Circuit had no basis to award habeas relief to a state inmate alleging that prosecutors had peremptorily struck jurors at his trial on the basis of race.
10-1000	Bobby v. Mitts	CA6	-	May 2, 2011	9-0	<i>Per Curiam</i>	Reversed; The jury instructions given at the penalty phase of Mitts's murder trial are not contrary to clearly established law for purposes of the Antiterrorism and Effective Death Penalty Act.
09-940	United States v. Juvenile Male	CA9	-	Jun 27, 2011	5-3	<i>Per Curiam</i>	Reversed; The Ninth Circuit lacked authority to hold that the requirements of the Sex Offender Registration and Notification Act (SORNA) violate the Constitution's Ex Post Facto Clause when applied to a juvenile who was adjudicated delinquent under the Federal Juvenile Delinquency Act before SORNA's enactment. At the time of the Ninth Circuit's decision, respondent's challenge was moot because the district court's order of juvenile supervision had expired, and respondent was no longer subject to the sex-offender-registration provisions that he challenged on appeal.

## Voting Alignment - All Cases



























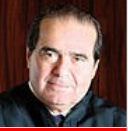
















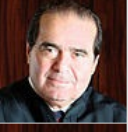








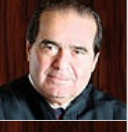















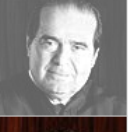








Cases are sorted by date of decision. Dissenting Justices are shaded in grey and the author of the majority opinion is highlighted in red.

Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Wilson v. Corcoran	November 8, 2010	9-0	<i>Per Curiam</i>									
Abbott v. U.S.	November 15, 2010	8-0	Ginsburg			Recused						
LA County v. Humphries	November 30, 2010	8-0	Breyer			Recused						
Mayo v. U.S.	January 11, 2011	8-0	Roberts			Recused						
Ransom v. FIA Card Services	January 11, 2011	8-1	Kagan									
Harrington v. Richter	January 19, 2011	8-0	Kennedy			Recused						
Premo v. Moore	January 19, 2011	8-0	Kennedy			Recused						
NASA v. Nelson	January 19, 2011	8-0	Alito			Recused						
Thompson v. N.A. Stainless	January 24, 2011	8-0	Scalia			Recused						



## Voting Alignment - All Cases






















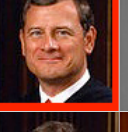




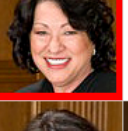



































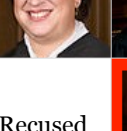








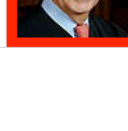




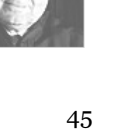
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Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Ortiz v. Jordan	January 24, 2011	9-0	Ginsburg									
Chase v. McCoy	January 24, 2011	9-0	Sotomayor									
Swarthout v. Cooke	January 24, 2011	9-0	<i>Per Curiam</i>									
Bruesewitz v. Wyeth	February 22, 2011	6-2	Scalia			Recused						
CSX Transport. v. Alabama	February 22, 2011	7-2	Kagan									
Walker v. Martin	February 23, 2011	9-0	Ginsburg									
Williamson v. Mazda	February 23, 2011	8-0	Breyer			Recused						
Michigan v. Bryant	February 28, 2011	6-2	Sotomayor			Recused						
FCC v. AT&T	March 1, 2011	8-0	Roberts			Recused						



## Voting Alignment - All Cases


























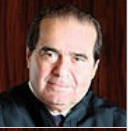








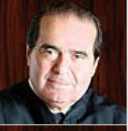
















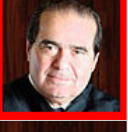







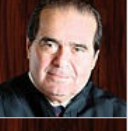



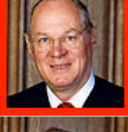













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Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Staub v. Proctor Hospital	March 1, 2011	8-0	Scalia			Recused						
Henderson v. Shinseki	March 1, 2011	8-0	Alito			Recused						
Snyder v. Phelps	March 2, 2011	8-1	Roberts									
Pepper v. U.S.	March 2, 2011	7-1	Sotomayor			Recused						
Skinner v. Switzer	March 7, 2011	6-3	Ginsburg									
Wall v. Kholi	March 7, 2011	9-0	Alito									
Milner v. Navy	March 7, 2011	8-1	Kagan									
Felkner v. Jackson	March 21, 2011	9-0	<i>Per Curiam</i>									
Kasten v. Saint-Gobain	March 22, 2011	6-2	Breyer			Recused						



## Voting Alignment - All Cases






































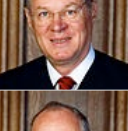
































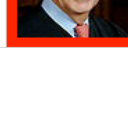




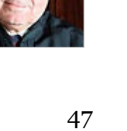
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Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Matrixx v. Siracusano	March 22, 2011	9-0	Sotomayor									
Connick v. Thompson	March 29, 2011	5-4	Thomas									
Astra v. Santa Clara	March 29, 2011	8-0	Ginsburg			Recused						
AZ Christian v. Winn	April 4, 2011	5-4	Kennedy									
Cullen v. Pinholster	April 4, 2011	7-2	Thomas									
VOPA v. Reinhard	April 19, 2011	6-2	Scalia			Recused						
Sossamon v. Texas	April 20, 2011	6-2	Thomas			Recused						
U.S. v. Tohono O'odham	April 26, 2011	7-1	Kennedy			Recused						
AT&T v. Concepcion	April 27, 2011	5-4	Scalia									



## Voting Alignment - All Cases

































































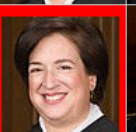















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Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Montana v. Wyoming	May 2, 2011	7-1	Thomas			Recused						
Bobby v. Mitts	May 2, 2011	9-0	<i>Per Curiam</i>									
Schindler v. Kirk	May 16, 2011	5-3	Thomas			Recused						
CIGNA v. Amara	May 16, 2011	8-0	Breyer		Recused							
Kentucky v. King	May 16, 2011	8-1	Alito									
General Dynamics v. U.S.	May 23, 2011	9-0	Scalia									
Brown v. Plata	May 23, 2011	5-4	Kennedy									
Chamber of Comm. v. Whiting	May 26, 2011	5-3	Roberts			Recused						
U.S. v. Tinklenberg	May 26, 2011	8-0	Breyer			Recused						



## Voting Alignment - All Cases

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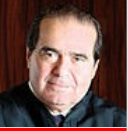

















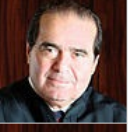



































Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Fowler v. U.S.	May 26, 2011	7-2	Breyer									
Camreta v. Greene	May 26, 2011	7-2	Kagan									
Ashcroft v. al-Kidd	May 31, 2011	8-0	Scalia			Recused						
Global-Tech v. SEB S.A.	May 31, 2011	8-1	Alito									
Stanford v. Roche	June 6, 2011	7-2	Roberts									
John Fund v. Halliburton	June 6, 2011	9-0	Roberts									
McNeill v. U.S.	June 6, 2011	9-0	Thomas									
Fox v. Vice	June 6, 2011	9-0	Kagan									
Sykes v. U.S.	June 9, 2011	6-3	Kennedy									



## Voting Alignment - All Cases

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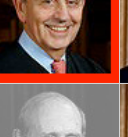































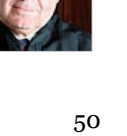
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Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Talk America v. AT&T	June 9, 2011	8-0	Thomas									
DePierre v. U.S.	June 9, 2011	9-0	Sotomayor									
Microsoft v. i4i LP	June 9, 2011	8-0	Sotomayor						Recused			
Nevada v. Carrigan	June 13, 2011	9-0	Scalia									
Janus v. First Derivative Traders	June 13, 2011	5-4	Thomas									
U.S. v. Apache Nation	June 13, 2011	7-1	Alito			Recused						
Bond v. U.S.	June 16, 2011	9-0	Kennedy									
Davis v. U.S.	June 16, 2011	7-2	Alito									
J.D.B. v. North Carolina	June 16, 2011	5-4	Sotomayor									





























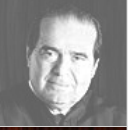


























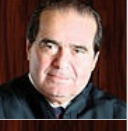

















## Voting Alignment - All Cases

(continued)

Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Smith v. Bayer	June 16, 2011	9-0	Kagan									
Tapia v. U.S.	June 16, 2011	9-0	Kagan									
Wal-Mart v. Dukes	June 20, 2011	9-0	Scalia									
Duryea v. Guarnieri	June 20, 2011	8-1	Kennedy									
Am. Elec. v. Connecticut	June 20, 2011	8-0	Ginsburg		Recused							
Turner v. Rogers	June 20, 2011	5-4	Breyer									
Stern v. Marshall	June 23, 2011	5-4	Roberts									
Freeman v. U.S.	June 23, 2011	5-4	Kennedy									
Sorrell v. IMS Health	June 23, 2011	6-3	Kennedy									



































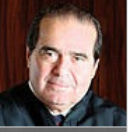
















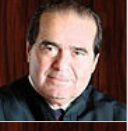

















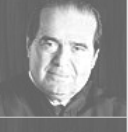









## Voting Alignment - All Cases

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Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
PLIVA v. Mensing	June 23, 2011	5-4	Thomas									
Bullcoming v. New Mexico	June 23, 2011	5-4	Ginsburg									
CSX v. McBride	June 23, 2011	5-4	Ginsburg									
AZ Free Ent. v. Bennett	June 27, 2011	5-4	Roberts									
Brown v. EMA	June 27, 2011	7-2	Scalia									
McIntyre v. Nicastro	June 27, 2011	6-3	Kennedy									
Goodyear v. Brown	June 27, 2011	9-0	Ginsburg									
US v. Juvenile Male	June 27, 2011	5-3	<i>Per Curiam</i>			Recused						



## Voting Alignment - Five-to-Four Cases Only

Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Connick v. Thompson	March 29, 2011	5-4	Thomas									
AZ Christian v. Winn	April 4, 2011	5-4	Kennedy									
AT&T v. Concepcion	April 27, 2011	5-4	Scalia									
Schindler v. Kirk	May 16, 2011	5-3	Thomas			Recused						
Brown v. Plata	May 23, 2011	5-4	Kennedy									
Chamber of Comm. v. Whiting	May 26, 2011	5-3	Roberts			Recused						
Janus v. First Derivative Traders	June 13, 2011	5-4	Thomas									
J.D.B. v. North Carolina	June 16, 2011	5-4	Sotomayor									
Turner v. Rogers	June 20, 2011	5-4	Breyer									

## Voting Alignment - Five-to-Four Cases Only

Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Stern v. Marshall	June 23, 2011	5-4	Roberts									
Freeman v. U.S.	June 23, 2011	5-4	Kennedy									
PLIVA v. Mensing	June 23, 2011	5-4	Thomas									
Bullcoming v. New Mexico	June 23, 2011	5-4	Ginsburg									
CSX v. McBride	June 23, 2011	5-4	Ginsburg									
AZ Free Ent. v. Bennett	June 27, 2011	5-4	Roberts									
US v. Juvenile Male	June 27, 2011	5-3	<i>Per Curiam</i>			Recused	