

Overview of October Term 2010

Unless otherwise noted, the following charts cover October Term 2010, which began on October 4, 2010 and will continue through June 2011. As the Term continues, we will update the Stat Pack with more robust information on the current Term and a greater number of cross-term charts.

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Summary of the Term

Total Merits Opinions Released	67
.....Signed opinions after oral argument	61
.....Summary reversals	4
.....Affirmed 4-4	2

Total Merits Opinions Expected	81
.....Scheduled for oral argument	79
.....Summary reversals	4
.....(Dismissed)	(2)

Cases Granted for OT 11	24
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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	1	1	-	1	JGR	6				
Scalia	1	2	2	1	1	-	1	AS	8				
Kennedy	2	2	1	1	1	-	-	AMK	7				
Thomas	1	2	1	1	1	1	1	CT	8				
Ginsburg	2	1	1	1	-	-	-	RBG	5				
Breyer	2	1	1	-	1	1	-	SGB	6				
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	61				
	Total: 12 Remain: 0	Total: 13 Remain: 1	Total: 12 Remain: 0	Total: 11 Remain: 3	Total: 10 Remain: 2	Total: 12 Remain: 6	Total: 8 Remain: 2	Exp.	75				
<i>Abbott</i>	<i>RBG</i>	<i>Tohono O'odham</i>	<i>AMK</i>	<i>Wall</i>	<i>SAA</i>	<i>Matrixx</i>	<i>SMS</i>	<i>Tinklenberg</i>	<i>SGB</i>	<i>Davis</i>	<i>SAA</i>	<i>Microsoft</i>	<i>SMS</i>
<i>Ransom</i>	<i>EK</i>	<i>Ortiz</i>	<i>RBG</i>	<i>Walker</i>	<i>RBG</i>	<i>Montana</i>	<i>CT</i>	<i>Bond</i>	<i>AMK</i>	<i>Tolentino</i>	<i>PC</i>	<i>Tapia</i>	<i>EK</i>
<i>LA County</i>	<i>SGB</i>	<i>Staub</i>	<i>AS</i>	<i>Plata</i>	<i>AMK</i>	<i>Goodyear</i>		<i>Freeman</i>		<i>Duryea</i>		<i>Am. Electrical</i>	
<i>Bryant</i>	<i>SMS</i>	<i>Ent. Merch. Ass'n</i>		<i>CIGNA</i>	<i>SGB</i>	<i>McIntyre</i>		<i>Global-Tech</i>	<i>SAA</i>	<i>Fox</i>	<i>EK</i>	<i>Apache Nation</i>	<i>SAA</i>
<i>NASA</i>	<i>SAA</i>	<i>Sossamon</i>	<i>CT</i>	<i>VOPA</i>	<i>AS</i>	<i>King</i>	<i>SAA</i>	<i>DePierre</i>	<i>SMS</i>	<i>J.D.B.</i>	<i>SMS</i>	<i>John Fund</i>	<i>JGR</i>
<i>Snyder</i>	<i>JGR</i>	<i>Winn</i>	<i>AMK</i>	<i>Milner</i>	<i>EK</i>	<i>Sykes</i>	<i>AMK</i>	<i>Stanford</i>	<i>JGR</i>	<i>Turner</i>		<i>McNeill</i>	<i>CT</i>
<i>Connick</i>	<i>CT</i>	<i>Williamson</i>	<i>SGB</i>	<i>Henderson</i>	<i>SAA</i>	<i>Gen. Dynamics</i>	<i>AS</i>	<i>Schindler</i>	<i>CT</i>	<i>McBride</i>		<i>Sorrell</i>	
<i>Harrington</i>	<i>AMK</i>	<i>Costco</i>	<i>PC</i>	<i>Pepper</i>	<i>SMS</i>	<i>Bayer</i>	<i>EK</i>	<i>Camreta</i>	<i>EK</i>	<i>AZ Free Ent.</i>		<i>Nevada</i>	<i>AS</i>
<i>Bruesewitz</i>	<i>AS</i>	<i>Mayo</i>	<i>JGR</i>	<i>Janus</i>	<i>CT</i>	<i>Stern</i>		<i>Bullcoming</i>		<i>Fowler</i>	<i>SGB</i>		
<i>Premo</i>	<i>AMK</i>	<i>Concepcion</i>	<i>AS</i>	<i>Thompson</i>	<i>AS</i>	<i>Astra</i>	<i>RBG</i>	<i>al-Kidd</i>	<i>AS</i>	<i>Wal-Mart</i>			
<i>Kasten</i>	<i>SGB</i>	<i>Cullen</i>	<i>CT</i>	<i>Chase</i>	<i>SMS</i>	<i>AT&T</i>	<i>JGR</i>			<i>PLIVA</i>			
<i>Skinner</i>	<i>RBG</i>	<i>Flores-Villar</i>	<i>PC</i>	<i>Whiting</i>	<i>JGR</i>					<i>Talk America</i>	<i>CT</i>		
		<i>CSX Trans.</i>	<i>EK</i>										

* *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 35 (54%)	8-1 9 (14%)	7-2 11 (17%)	6-3 2 (3%)	5-4 8 (12%)
Wilson v. Corcoran (PC)	Ransom v. MBNA	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)		AT&T v. Concepcion
Mayo v. U.S. (8-0)	Milner v. Navy	Kasten v. Saint-Gobain (6-2)		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		
Chase v. McCoy		Stanford v. Roche		
Swarthout v. Cooke (PC)		Davis v. U.S.		
Walker v. Martin				
Williamson v. Mazda (8-0)				
FCC v. AT&T (8-0)				
Staub v. Proctor (8-0)				
Henderson v. Shinseki (8-0)				
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.				

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
OT09	46%	10%	15%	11%	18%
OT08	33%	5%	16%	16%	29%
OT07	30%	9%	29%	14%	17%
OT06	39%	13%	11%	4%	33%
OT05	56%	5%	11%	16%	12%
Avg.	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%	2	0	2	0%	100%	
CA3	5	6%	4	2	2	50%	50%	
CA4	4	5%	4	2	2	50%	50%	
CA5	5	6%	5	1	4	20%	80%	
CA6	6	7%	5	1	4	20%	80%	
CA7	5	6%	4	1	3	25%	75%	
CA8	4	5%	3	1	2	33%	67%	
CA9	25	31%	21	3	16	16%	84%	2
CA10	-	-	-	-	-	-	-	
CA11	3	4%	3	1	2	33%	67%	
CA DC	-	-	-	-	-	-	-	
CA Fed	7	9%	7	3	4	43%	57%	
State	9	11%	5	0	5	0%	100%	
Dist. Court.	1	1%	1	1	0	100%	0%	
Original	1	1%	1	N/A	N/A	N/A	N/A	
	81	100%	67	18	46	28%	72%	2

October Term 2011

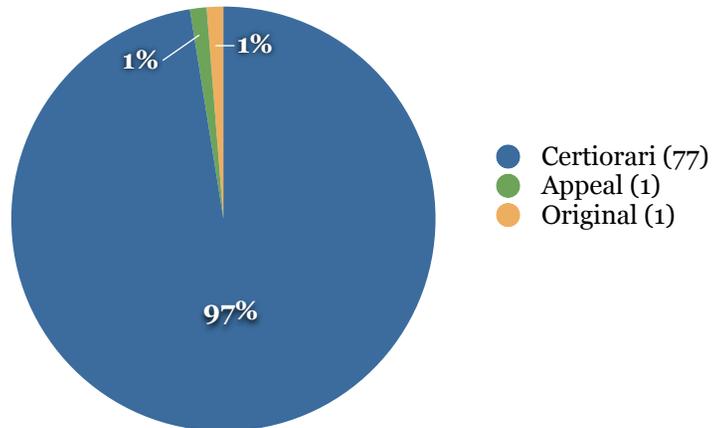
	Number	Percent
CA1		
CA2		
CA3	3	13%
CA4	1	4%
CA5	2	8%
CA6	3	13%
CA7		
CA8		
CA9	8	33%
CA10	1	4%
CA11	2	8%
CA DC	1	4%
CA Fed		
State	3	13%
Dist. Court.		
Original		
	24	100%

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

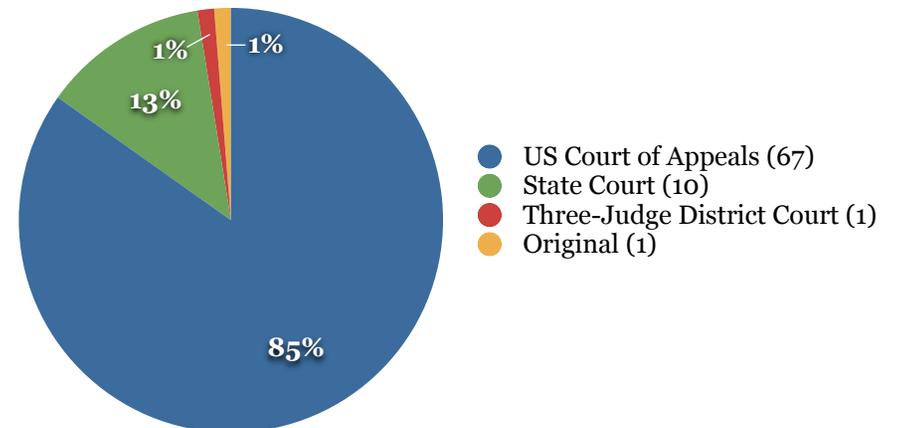
Make-up of the Merits Docket

The following charts depict different aspects of the Court's merits docket - the petitions that were granted and scheduled for full briefing and oral arguments.

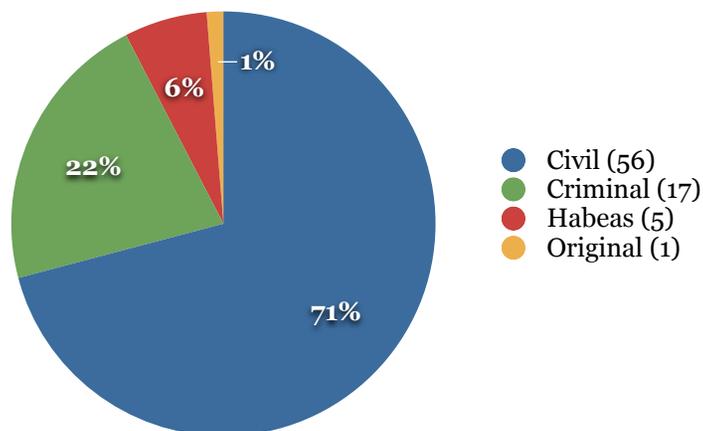
Source of Jurisdiction



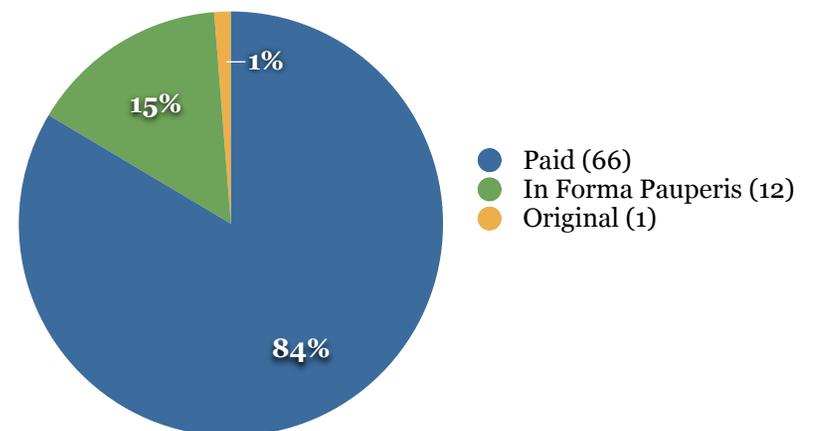
Court Below



Nature of the Case

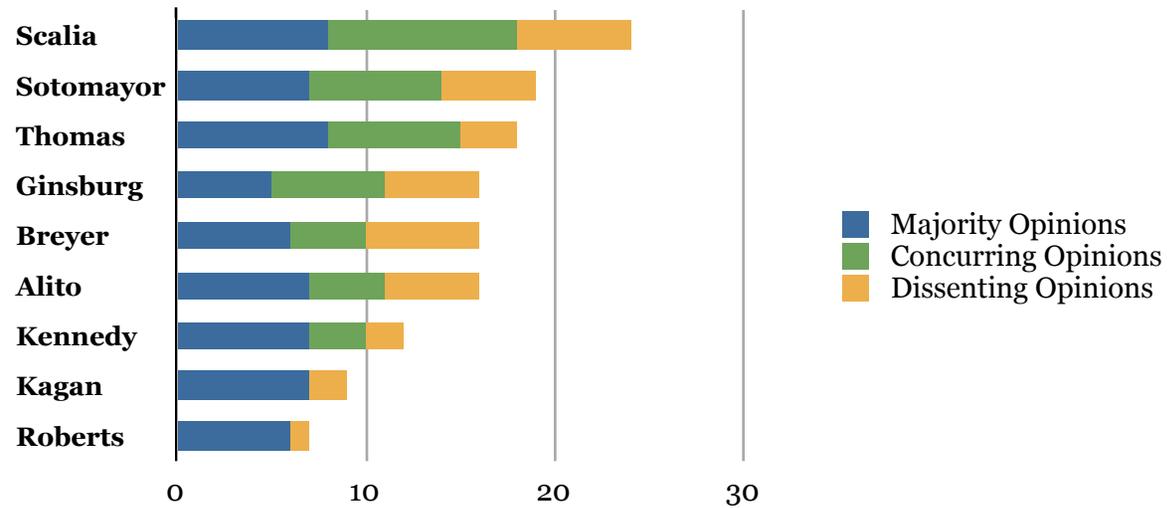


Docket



Overall Opinion Authorship

	Total Opinions	Majority Opinions	Concurring Opinions	Dissenting Opinions
Roberts	7	6	-	1
Scalia	24	8	10	6
Kennedy	12	7	3	2
Thomas	18	8	7	3
Ginsburg	16	5	6	5
Breyer	16	6	4	6
Alito	16	7	4	5
Sotomayor	19	7	7	5
Kagan	9	7	-	2
	137	61	41	35



Majority Opinion Authorship

The following charts show the strength of the majority opinions authored by each Justice.

Majority Opinions Authored

	Total	9-0	8-1	7-2	6-3	5-4
Roberts	6	3	1	1	-	1
Scalia	8	5	-	2	-	1
Kennedy	7	3	1	-	1	2
Thomas	8	2	1	2	-	3
Ginsburg	5	4	-	-	1	-
Breyer	6	4	-	2	-	-
Alito	7	3	3	1	-	-
Sotomayor	7	4	1	1	-	1
Kagan	7	3	2	2	-	-
	61	31	9	11	2	8

Authorship as a Percentage of Similar Opinions

	9-0	8-1	7-2	6-3	5-4
Roberts	10%	11%	9%	-	13%
Scalia	16%	-	18%	-	13%
Kennedy	10%	11%	-	50%	25%
Thomas	6%	11%	18%	-	38%
Ginsburg	13%	-	-	50%	-
Breyer	13%	-	18%	-	-
Alito	10%	33%	9%	-	-
Sotomayor	13%	11%	9%	-	13%
Kagan	10%	22%	18%	-	-
	100% (31)	100% (9)	100% (11)	100% (2)	100% (8)

Days Between Argument and Opinion

Majority Opinion Author	Days
Sotomayor	84d
Ginsburg	85d
Alito	93d
Roberts	94d
Kagan	96d
Breyer	108d
Scalia	109d
Thomas	122d
Kennedy	137d
Overall	104d

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

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	OTo9	OTo8	OTo7
Kennedy	65	95%	91%	92%	86%
Roberts	64	95%	91%	81%	90%
Scalia	65	89%	87%	84%	81%
Thomas	65	89%	83%	81%	75%
Alito	65	89%	87%	81%	82%
Kagan	39	87%	-	-	-
Breyer	65	85%	78%	75%	79%
Sotomayor	64	84%	84%	-	-
Ginsburg	65	77%	80%	70%	75%

Divided Cases

Justice	Votes	Frequency in Majority	OTo9	OTo8	OTo7
Roberts	30	90%	83%	72%	73%
Kennedy	30	90%	83%	89%	79%
Scalia	30	77%	76%	76%	65%
Thomas	30	77%	67%	72%	85%
Alito	30	77%	76%	72%	75%
Kagan	19	74%	-	-	-
Breyer	30	67%	58%	62%	68%
Sotomayor	30	67%	69%	-	-
Ginsburg	30	50%	63%	55%	65%

Five-to-Four Cases

Alignment of the Majority

Majority	Total (8)	Cases
Roberts, Scalia, Kennedy, Thomas, Alito	6	<i>Connick, Winn, Concepcion, Whiting, Schindler, Janus</i>
Kennedy, Ginsburg, Breyer, Sotomayor, Kagan	2	<i>Plata, J.D.B.</i>

Membership in a Five-to-Four Majority

Justice	Votes	Frequency in Majority	OTo9	OTo8	OTo7	OTo6
Kennedy	8	100%	69%	78%	67%	100%
Roberts	6	75%	56%	48%	58%	67%
Scalia	6	75%	69%	70%	58%	58%
Thomas	6	75%	69%	65%	67%	61%
Alito	6	75%	63%	52%	50%	71%
Kagan*	2	33%	-	-	-	-
Ginsburg	2	25%	25%	52%	50%	33%
Breyer	2	25%	38%	39%	45%	46%
Sotomayor	2	25%	43%	-	-	-

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	OTo9	OTo8	OTo7	OTo6
Thomas	3	38%	9%	13%	13%	29%
Kennedy	2	25%	22%	28%	50%	25%
Roberts	1	13%	22%	18%	14%	19%
Scalia	1	13%	18%	33%	29%	0%
Sotomayor	1	13%	0%	-	-	-
Ginsburg	0	0%	50%	27%	0%	13%
Breyer	0	0%	25%	0%	40%	18%
Alito	0	0%	40%	8%	17%	24%
Kagan	0	0%	-	-	-	-

* Justice Kagan has recused this Term in two 5-3 cases, *Schindler* and *Whiting*.

** 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.

Oral Argument Charts

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 Decision Split

	9-0	8-1	7-2	6-3	5-4
Roberts	15	21	21	19	20
Scalia	23	26	25	28	30
Kennedy	8	12	12	8	14
Thomas	0	0	0	0	0
Ginsburg	14	15	14	4	15
Breyer	18	23	20	24	28
Alito	11	12	11	17	19
Sotomayor	19	17	20	25	25
Kagan	10	9	9	14	14
Overall	113	133	128	138	160

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 /51	4%
Thomas	0 /78	0%
Breyer	0 /78	0%

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
Kagan	2010	7	-	2	9	24%	5%	-
Sotomayor	2009	8	2	5	15	19%	9%	19 (+4)
Alito*	2006	7	4	4	15	21%	11%	19 (+4)
Roberts	2005	8	2	3	13	17%	6%	10 (-3)
Breyer	1994	8	2	6	16	20%	10%	19 (+3)
Ginsburg	1993	9	10	8	27	31%	21%	21 (-6)
Thomas	1991	9	6	7	22	26%	15%	23 (+1)
Souter	1990	8	2	2	12	11%	4%	21 (+9)
Kennedy*	1988	15	10	4	29	21%	10%	35 (+6)
Scalia	1986	12	17	13	42	28%	20%	42 (-0)
O'Connor	1981	13	12	10	35	21%	13%	34 (-1)
Stevens*	1976	13	17	27	57	41%	32%	45 (-12)
Rehnquist*	1973	17	4	15	36	23%	12%	33 (-3)
Powell*	1973	16	12	7	35	23%	13%	31 (-4)
Blackmun	1970	9	8	9	26	22%	14%	34 (+8)
Average						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	9	13 (+4)
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	38	5	87%
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				85%

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	47 73%	54 84%	46 72%	37 58%	40 63%	53 83%	42 67%	29 78%	64
	53 83%	57 89%	50 78%	42 66%	47 73%	59 92%	46 73%	30 81%	
	58 91%	58 91%	58 91%	46 72%	51 80%	61 95%	50 79%	30 81%	
	6 9%	6 9%	6 9%	18 28%	13 20%	3 5%	13 21%	7 19%	
Scalia	42 65%	43 66%	28 43%	30 46%	40 62%	32 50%	22 58%	65	
	52 80%	53 82%	39 60%	40 62%	50 77%	40 63%	27 71%		
	55 85%	57 88%	47 72%	48 74%	56 86%	47 73%	31 82%		
	10 15%	8 12%	18 28%	17 26%	9 14%	17 27%	7 18%		
Kennedy	45 70%	36 55%	39 60%	48 74%	42 66%	27 71%	65		
	51 80%	42 65%	48 74%	54 83%	47 73%	29 76%			
	58 91%	46 71%	51 78%	57 88%	50 78%	30 79%			
	6 9%	19 29%	14 22%	8 12%	14 22%	8 21%			
Thomas	28 43%	29 45%	40 62%	32 50%	23 61%	65			
	36 55%	38 58%	50 77%	39 61%	25 66%				
	46 71%	49 75%	59 91%	48 75%	28 74%				
	19 29%	16 25%	6 9%	16 25%	10 26%				
Ginsburg	48 74%	32 49%	44 69%	31 82%	65				
	53 82%	39 60%	49 77%	33 87%					
	56 86%	45 69%	53 83%	33 87%					
	9 14%	20 31%	11 17%	5 13%					
Breyer	37 57%	49 77%	30 79%	65					
	43 66%	57 89%	34 89%						
	49 75%	58 91%	35 92%						
	16 25%	6 9%	3 8%						
Alito	37 58%	25 66%	65						
	42 66%	26 68%							
	50 78%	28 74%							
	14 22%	10 26%							
Sotomayor	31 84%	64							
	34 92%								
	35 95%								
	2 5%								
Kagan		38							

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	19 63%	24 80%	18 60%	10 33%	10 33%	23 77%	13 43%	10 56%	30
	22 73%	24 80%	21 70%	11 37%	14 47%	27 90%	14 47%	11 61%	
	24 80%	24 80%	24 80%	12 40%	17 57%	27 90%	17 57%	11 61%	
	6 20%	6 20%	6 20%	18 60%	13 43%	3 10%	13 43%	7 39%	
Scalia	16 53%	16 53%	7 23%	5 17%	15 50%	8 27%	7 39%	30	
	19 63%	21 70%	10 33%	9 30%	20 67%	9 30%	9 50%		
	20 67%	22 73%	12 40%	13 43%	21 70%	13 43%	11 61%		
	10 33%	8 27%	18 60%	17 57%	9 30%	17 57%	7 39%		
Kennedy	19 66%	9 30%	10 33%	19 63%	13 43%	9 50%	30		
	21 72%	10 33%	14 47%	22 73%	14 47%	10 56%			
	23 79%	11 37%	16 53%	22 73%	16 53%	10 56%			
	6 21%	19 63%	14 47%	8 27%	14 47%	8 44%			
Thomas	7 23%	5 17%	14 47%	7 23%	7 39%	30			
	10 33%	10 33%	21 70%	10 33%	8 44%				
	11 37%	14 47%	24 80%	14 47%	8 44%				
	19 63%	16 53%	6 20%	16 53%	10 56%				
Ginsburg	17 57%	7 23%	17 57%	13 72%	30				
	20 67%	9 30%	17 57%	13 72%					
	21 70%	10 33%	19 63%	13 72%					
	9 30%	20 67%	11 37%	5 28%					
Breyer	8 27%	20 67%	12 67%	30					
	11 37%	23 77%	14 78%						
	14 47%	24 80%	15 83%						
	16 53%	6 20%	3 17%						
Alito	8 27%	8 44%	30						
	11 37%	7 39%							
	16 53%	8 44%							
	14 47%	10 56%							
Sotomayor	13 72%	30							
	15 83%								
	16 89%								
	2 11%								
Kagan		18							

Key

Fully Agree

Agree in Full or Part

Agree in Full, Part, or Judgment Only

Disagree in Judgment

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
October	207d
November	179d
December	165d
January	117d
February	140d
March	130d
April	118d
Overall	153d

Average	153d
Median	149d
St. Dev.	38d

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

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

	Rank		Days	Month Argued	Granted	Argued
Longest	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
Shortest	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 61 signed opinions after argument during the current Term.

Argued	Avg.	Total	Remain
October	117d	12	-
November	130d	13	1
December	115d	12	-
January	105d	11	3
February	94d	10	2
March	75d	12	6
April	49d	8	2
Overall	104d	78	14

Average	98d
Median	104d
St. Dev.	42d

Longest	<i>Janus</i>	188d
Shortest	<i>AT&T</i>	41d

OT03	82d
OT04	91d
OT05	79d
OT06	96d
OT07	94d
OT08	94d
OT09	109d
OT10	104d

	Rank			Author	Vote	Argued	Opinion
Longest	1	<i>Janus</i>	188d	Thomas	5-4	Dec 7	Jun 13
	2	<i>Tohono O'odham</i>	176d	Kennedy	7-1	Nov 1	Apr 26
	3*	<i>Connick</i>	174d	Thomas	5-4	Oct 6	Mar 29
	3*	<i>Plata</i>	174d	Kennedy	5-4	Nov 30	May 23
	5*	<i>Sossamon</i>	169d	Thomas	6-2	Nov 2	Apr 20
	5*	<i>Concepcion</i>	169d	Scalia	5-4	Nov 9	Apr 27
	5*	<i>Whiting</i>	169d	Roberts	5-3	Dec 8	May 26
	8	<i>CIGNA</i>	167d	Breyer	8-0	Nov 30	May 16
	9	<i>Kasten</i>	160d	Breyer	6-2	Oct 13	Mar 22
	10	<i>Winn</i>	152d	Kennedy	5-4	Nov 3	Apr 4

	Rank			Author	Vote	Argued	Opinion
Shortest	1	<i>AT&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

	9-0 (35)	8-1 (9)	7-2 (11)	6-3 (2)	5-4 (8)
Average # Days	82d	110d	121d	147d	148d

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

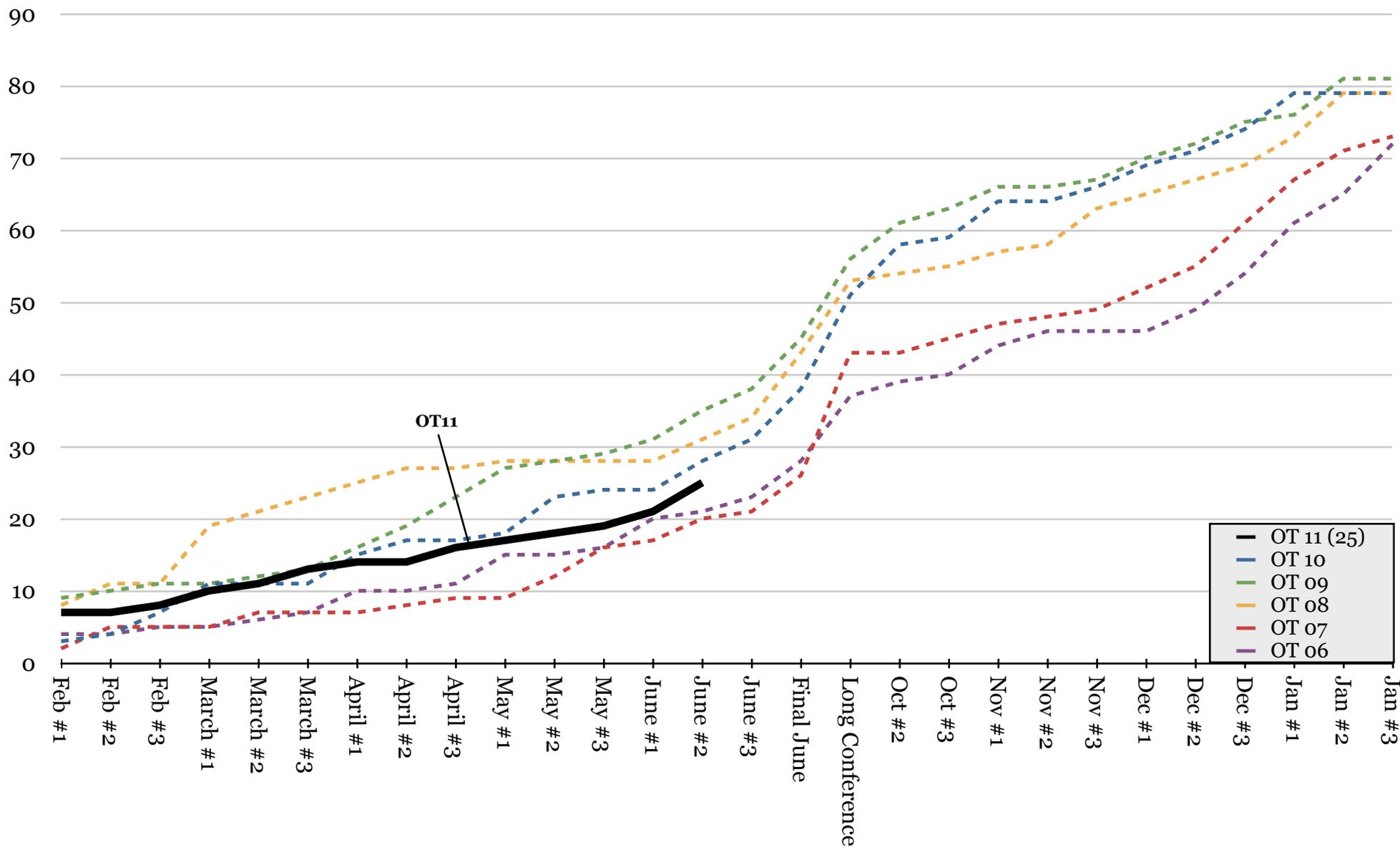
Term Index

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	2	144d	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					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	12		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.	130d		Whiting	JGR	5-3	169d	A	CA9	Avg.	115d	
									CSX Trans.	EK	7-2	104d	R	CA11												
January					Avg.		February					Avg.		March					Avg.							
Matrixx	SMS	9-0	71d	A	CA9	JGR	1	41d	Tinklenberg	SGB	8-0	93d	A	CA6	JGR	1	98d	Davis	SAA	7-2	87d	A	CA11	JGR	0	
Montana	CT	7-1	112d	-	Orig	AS	1	125d	Bond	AMK	9-0	114d	R	CA3	AS	1	90d	Tolentino	DIG	-	-	-	ST	AS	0	
Goodyear					ST	AMK	1	148d	Freeman					CA6	AMK	1	114d	Duryea					CA3	AMK	0	
McIntyre					ST	CT	1	112d	Global-Tech	SAA	8-1	97d	A	CAFC	CT	1	76d	Fox	EK	9-0	76d	R	CA5	CT	1	71d
King	SAA	8-1	124d	R	ST	RBG	1	69d	DePierre	SMS	9-0	101d	A	CA1	RBG	0		J.D.B.	SMS	5-4	85d	R	ST	RBG	0	
Sykes	AMK	6-3	148d	A	CA7	SGB	0		Stanford	JGR	7-2	98d	A	CAFC	SGB	1	93d	Turner					ST	SGB	1	58d
Gen. Dynamics	AS	9-0	125d	R	CAFC	SAA	1	124d	Schindler	CT	5-3	76d	R	CA2	SAA	1	97d	McBride					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.					CA9	SMS	1	85d
Stern					CA9	EK	1	149d	Bullcoming					ST	EK	1	86d	Fowler	SGB	7-2	58d	R	CA11	EK	1	76d
Astra	RBG	8-0	69d	R	CA9	Total	8		al-Kidd	AS	8-0	90d	R	CA9	Total	8		Wal-Mart					CA9	Total	5	
AT&T	JGR	8-0	41d	R	CA3	Expect.	11								Expect.	10		PLIVA					CA8	Expect.	11	
						Avg.	105d								Avg.	94d		Talk America	CT	8-0	71d	R	CA6	Avg.	75d	
April					Avg.		Summary Reversal					Total		Avg.												
Microsoft	SMS	8-0	52d	A	CAFC	JGR	1	42d	Wilson	PC	9-0	-	R	CA7			Roberts	6	94d							
Tapia	EK	9-0	59d	R	CA9	AS	1	47d	Swarthout	PC	9-0	-	R	CA9			Scalia	8	109d							
Am. Electrical					CA2	AMK	0		Felkner	PC	9-0	-	R	CA9			Kennedy	7	137d							
Apache Nation	SAA	7-1	54d	R	CAFC	CT	1	42d	Mitts	PC	9-0	-	R	CA6			Thomas	8	122d							
John Fund	JGR	9-0	42d	R	CA5	RBG	0										Ginsburg	5	85d							
McNeill	CT	9-0	42d	A	CA4	SGB	0										Breyer	6	108d							
Sorrell					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	6										Summary Rev	4								
						Expect.	8										Total Decided	67								
						Avg.	49d										Expected	81								
																	Percent Decided	83%								
																	Avg.	104d								

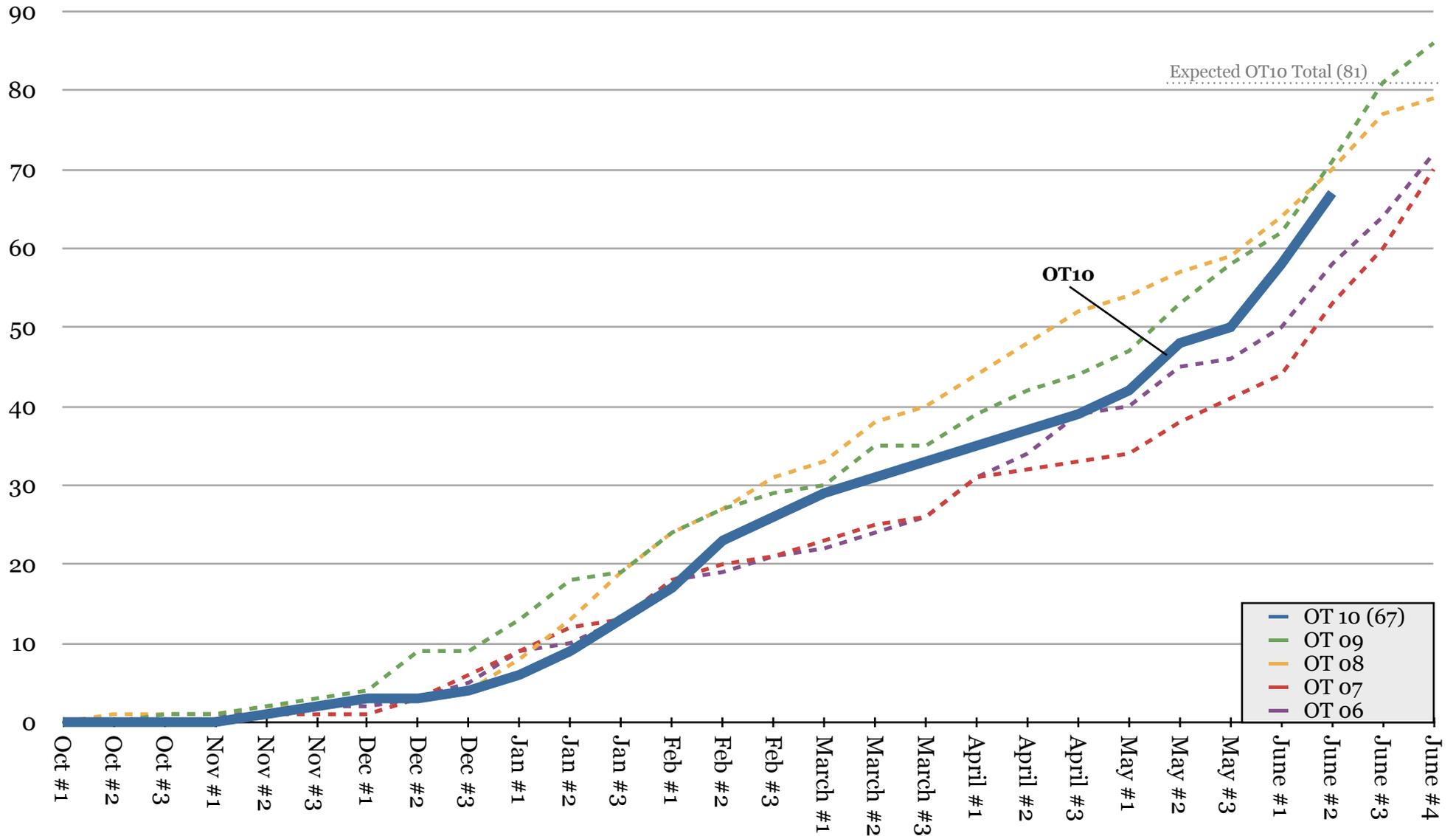
Pace of Grants

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 merit opinions throughout the Term, beginning in October and ending in June. This chart includes both opinions released after full briefing and summary reversals. Here, like 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	63	56	119	24.6%
Denied	196	168	364	75.4%
Pending	0	27	27	
Total Listed	259	251	510	

Percentage of paid merits cases which appeared as a Petition to Watch prior to being granted	OT10	92% (61/66)
	OT11	84% (16/19)

Recent Conferences				
	Conference	Listed	Granted	Pending
OT 10	December 10	8	3	2
	January 7	18	3	1
	January 14	10	1	1
	January 21	5	0	-
	February 18	18	3	2
	February 25	8	2	1
	March 4	13	0	2
	March 18	7	1	-
	March 25	4	0	3
	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	2	2
	May 26	6	1	2
June 2	5	1	1	
June 9	3	1	-	

* 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/>>.

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. MBNA, America Bank, N.A.	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				<i>Pending</i>

OT10 Case List

(continued)

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
(continued)

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
(continued)

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				<i>Pending</i>
09-1343	J. McIntyre Machinery, Ltd. v. Nicastro, et ux.	State	Jan 11, 2011				<i>Pending</i>
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				<i>Pending</i>
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
09-10245	Freeman v. United States	CA6	Feb 23, 2011				<i>Pending</i>

OT10 Case List

(continued)

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).
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.
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) that 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				<i>Pending</i>
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					<i>Pending</i>
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					<i>Pending</i>
10-235	CSX Transportation v. McBride	CA7	Mar 28, 2011					<i>Pending</i>
10-238	Arizona Free Enterprise v. Bennett	CA9	Mar 28, 2011					<i>Pending</i>

OT10 Case List
(continued)

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				<i>Pending</i>
09-993	PLIVA, Inc. v. Mensing	CA8	Mar 30, 2011				<i>Pending</i>
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 §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				<i>Pending</i>
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				<i>Pending</i>

OT10 Case List
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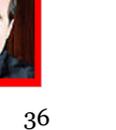
10-568	Nevada Commission on Ethics v. Carrigan	State	Apr 27, 2011	Jun 13, 2011	9-0	Scalia	Reversed; The Nevada Ethics in Government Law, which prohibits a legislator who has a conflict of interest from both voting on a proposal and from advocating its passage or failure, is not unconstitutionally overbroad.
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VIII. Summary Reversals

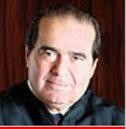
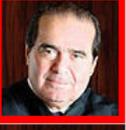
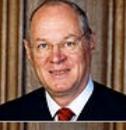
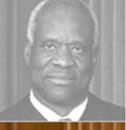
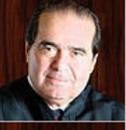
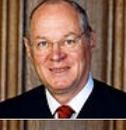
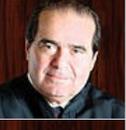
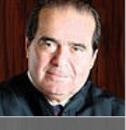
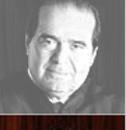
Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
10-91	Wilson v. Corcoran	CA7	-	Nov 8, 2010	9-0	<i>Per Curiam</i>	Reversed; Federal habeas relief is available only to cure violations of a state defendant's rights under the federal law. As a result, the court of appeals erred in granting federal 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.

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.

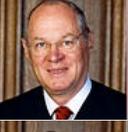
Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Wilson v. Corcoran	November 8, 2010	9-0	<i>Per Curiam</i>									
Abbott v. U.S.	November 15, 2010	8-0	Ginsburg			Recused						
LA County v. Humphries	November 30, 2010	8-0	Breyer			Recused						
Mayo v. U.S.	January 11, 2011	8-0	Roberts			Recused						
Ransom v. MBNA	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 (continued)

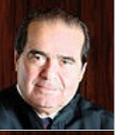
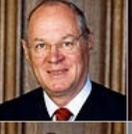
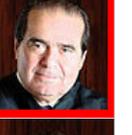
Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Ortiz v. Jordan	January 24, 2011	9-0	Ginsburg									
Chase v. McCoy	January 24, 2011	9-0	Sotomayor									
Swarthout v. Cooke	January 24, 2011	9-0	<i>Per Curiam</i>									
Bruesewitz v. Wyeth	February 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

(continued)

Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Staub v. Proctor	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						

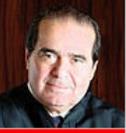
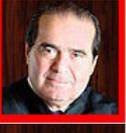
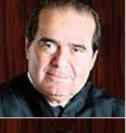
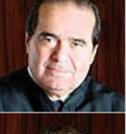
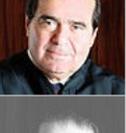
Voting Alignment - All Cases (continued)

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 (continued)

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 (continued)

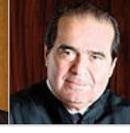
Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Fowler v. U.S.	May 26, 2011	7-2	Breyer									
Camreta v. Greene	May 26, 2011	7-2	Kagan									
Ashcroft v. al-Kidd	May 31, 2011	8-0	Scalia			Recused						
Global-Tech v. SEB S.A.	May 31, 2011	8-1	Alito									
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 (continued)

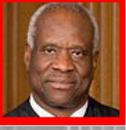
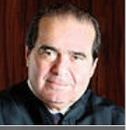
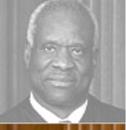
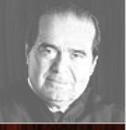
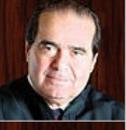
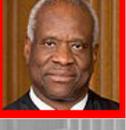
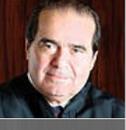
Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Talk America v. AT&T	June 9, 2011	8-0	Thomas									
DePierre v. U.S.	June 9, 2011	9-0	Sotomayor									
Microsoft v. i4i LP	June 9, 2011	8-0	Sotomayor						Recused			
Nevada v. Carrigan	June 13, 2011	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									

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									