

Stat Pack for October Term 2012

Unless otherwise noted, the following charts cover October Term 2012, which began on Monday, October 1, 2012, and ends on Sunday, October 6, 2013.

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Summary of the Term

Total Merits Opinions Released	48
.....Signed opinions after oral argument	45
.....Summary reversals	3
Total Merits Opinions Expected	76
.....Petitions granted and set for argument	75
.....Summary reversals	3
.....(Cases consolidated for decision)*	(1)
.....(Cases dismissed)**	(1)
Petitions Granted for OT13	25

* *Tibbals v. Carter* was argued separately from *Ryan v. Gonzales*, but the two cases were decided with only one opinion, which was captioned with *Gonzales*. Therefore, throughout this Stat Pack the two cases are generally treated as consolidated. The Pace of Grants chart, however, treats them as separate grants.

*** *Boyer v. Louisiana* was dismissed as improvidently granted on April 29, 2013.

** You can find past Stat Packs here: <http://www.scotusblog.com/reference/stat-pack/>. A few matters regarding our methodology are worth mentioning at the outset.

First, SCOTUSblog treats consolidated cases as a single case, as determined by the case with the lowest docket number (prior to the release of an opinion) or the case that is captioned with an opinion. To the extent that two cases are argued separately but later decided with only one opinion, we will remove one of the cases from this Stat Pack, except to include it in the Pace of Grants chart to maintain cross-conference comparisons. The most unusual way we manage these later-consolidated cases is to merge the oral argument data for the two cases. We sum the questions asked by each Justice in the separate oral argument proceedings into one “consolidated” session.

Second, this Stat Pack frequently uses the term “merits opinions,” “merits docket,” or “merits cases.” Those three terms are used interchangeably, and signify the set of cases decided “on the merits.” Those cases include signed opinions after oral argument (the bulk of all merits cases), most per curiam opinions released after oral arguments, summary reversals (cases decided with per curiam opinions after the certiorari stage), and cases decided by an equally divided (four-to-four) Court. Cases that are dismissed as improvidently granted are not included in our tally of merits cases.

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Opinions by Sitting

	October	November	December	January	February	March	April	Total	Args				
Roberts	1	1	1	2	-	-	-	JGR	5				
Scalia	1	3	-	1	-	-	-	AS	5				
Kennedy	-	1	1	1	-	-	-	AMK	3				
Thomas	1	1	1	-	2	-	-	CT	5				
Ginsburg	1	1	2	1	1	1	1	RBG	8				
Breyer	1	1	1	1	1	1	-	SGB	6				
Alito	1	1	-	-	1	-	-	SAA	3				
Sotomayor	1	1	1	1	-	1	-	SMS	5				
Kagan	1	2	1	-	1	-	-	EK	5				
	Decided: 9 Remain: 1	Decided: 12 Remain: 0	Decided: 8 Remain: 1	Decided: 8 Remain: 4	Decided: 6 Remain: 4	Decided: 3 Remain: 7	Decided: 1 Remain: 11	Args	75				
<i>Lozman</i>	<i>SGB</i>	<i>Kirtsaeng</i>	<i>SGB</i>	<i>Phoebe Putney</i>	<i>SMS</i>	<i>Standard Fire</i>	<i>SGB</i>	<i>Millbrook</i>	<i>CT</i>	<i>Inter Tribal</i>		<i>Myriad</i>	
<i>Kiobel</i>	<i>JGR</i>	<i>Clapper</i>	<i>SAA</i>	<i>Vance</i>		<i>Descamps</i>		<i>Bowman</i>	<i>EK</i>	<i>Bullock</i>	<i>SGB</i>	<i>Davila</i>	
<i>Kloeckner</i>	<i>EK</i>	<i>Jardines</i>	<i>AS</i>	<i>US Airways</i>	<i>EK</i>	<i>Gabelli</i>	<i>JGR</i>	<i>McBurney</i>	<i>SAA</i>	<i>Cloer</i>	<i>SMS</i>	<i>Baby Girl</i>	
<i>Bormes</i>	<i>AS</i>	<i>Harris</i>	<i>EK</i>	<i>Henderson</i>	<i>SGB</i>	<i>Wos</i>	<i>AMK</i>	<i>PPL Corp.</i>	<i>CT</i>	<i>Mutual Pharm.</i>		<i>Am. Trucking</i>	
<i>Johnson</i>	<i>SAA</i>	<i>Chaidez</i>	<i>EK</i>	<i>Decker</i>	<i>AMK</i>	<i>McNeely</i>	<i>SMS</i>	<i>Trevino</i>	<i>SGB</i>	<i>Horne</i>		<i>Salinas</i>	
<i>Ark. Game Comm'n</i>	<i>RBG</i>	<i>Bailey</i>	<i>AMK</i>	<i>Genesis</i>	<i>CT</i>	<i>Maracich</i>		<i>McQuiggin</i>	<i>RBG</i>	<i>Dan's City</i>	<i>RBG</i>	<i>Kebodeaux</i>	
<i>Ryan</i>	<i>CT</i>	<i>Amgen</i>	<i>RBG</i>	<i>LA County Flood</i>	<i>RBG</i>	<i>Alleyne</i>		<i>Peugh</i>		<i>Oxford</i>		<i>Hillman</i>	
<i>Tibbals</i>		<i>Comcast</i>	<i>AS</i>	<i>Auburn Regional</i>	<i>RBG</i>	<i>Boyer</i>		<i>King</i>		<i>Actavis</i>		<i>AID</i>	
<i>Fisher</i>		<i>Evans</i>	<i>SMS</i>	<i>Chafin</i>	<i>JGR</i>	<i>Levin</i>	<i>RBG</i>	<i>Shelby County</i>		<i>Hollingsworth</i>		<i>Tarrant</i>	
<i>Moncrieffe</i>	<i>SMS</i>	<i>Smith</i>	<i>AS</i>			<i>Koontz</i>		<i>Am. Express</i>		<i>Windsor</i>		<i>Sekhar</i>	
		<i>Marx</i>	<i>CT</i>			<i>Gunn</i>	<i>JGR</i>					<i>Metrish</i>	<i>RBG</i>
		<i>Already</i>	<i>JGR</i>			<i>Arlington</i>	<i>AS</i>					<i>UT Southwestern</i>	

Circuit Scorecard

October Term 2012

	Number	Percent	Decided	Aff'd	Rev'd	Aff'd %	Rev'd %
CA1	1	1%					
CA2	10	13%	6	2	4	33%	67%
CA3	6	8%	5	0	5	0%	100%
CA4	5	7%	3	2	1	67%	33%
CA5	7	9%	4	1	3	25%	75%
CA6	2	3%	2	0	2	0%	100%
CA7	3	4%	1	1	0	100%	0%
CA8	2	3%	2	0	2	0%	100%
CA9	12	16%	7	1	6	14%	86%
CA10	2	3%	1	1	0	100%	0%
CA11	6	8%	4	0	4	0%	100%
CA DC	3	4%	2	1	1	50%	50%
CA Fed	5	7%	4	2	2	50%	50%
State	12	16%	7	3	4	43%	57%
Dist. Court	-	-					
Original	-	-		N/A	N/A	N/A	N/A
	76	100%	48	14	34	29%	71%

October Term 2013

	Number	Percent
CA1	1	4%
CA2	2	8%
CA3	1	4%
CA4	-	-
CA5	4	16%
CA6	3	12%
CA7	2	8%
CA8	2	8%
CA9	4	16%
CA10	1	4%
CA11	1	4%
CA DC	-	-
CA Fed	1	4%
State	2	8%
Dist. Court	1	4%
Original	-	-
	25	100%

Merits Cases by Vote Split

9-0 28 (58%)	8-1 2 (4%)	7-2 4 (8%)	6-3 6 (13%)	5-4 8 (17%)**
Lefemine v. Wideman (PC)	Evans v. Michigan	Lozman v. Riviera Beach	Bailey v. U.S.	Clapper v. Amnesty Int'l
U.S. v. Bormes	Decker v. NW Evt'l Def. Center (7-1)	U.S. v. Chaidez	Henderson v. U.S.	Florida v. Jardines
Nitro-Lift v. Howard (PC)		Marx v. General Revenue	Amgen v. Conn. Retirement Plans	Comcast v. Behrend
Ark. Game & Fish Comm'n v. U.S. (8-0)		Moncrieffe v. Holder	Kirtsaeng v. Wiley & Sons	Genesis v. Symczyk
Kloeckner v. Solis			Wos v. E.M.A.	U.S. Airways v. McCutchen
Ryan v. Gonzales			Arlington v. FCC	Missouri v. McNeely
L.A. County Flood Dist. v. NRDC				McQuiggin v. Perkins
Already v. Nike				Trevino v. Thaler
Smith v. U.S.				
Sebelius v. Auburn Regional				
Chafin v. Chafin				
FTC v. Phoebe Putney				
Florida v. Harris				
Gunn v. Minton				
Johnson v. Williams				
Gabelli v. SEC				
Levin v. U.S.				
Std. Fire Ins. v. Knowles				
Millbrook v. U.S.				
Marshall v. Rodgers (PC)				
Kiobel v. Royal Dutch				
McBurney v. Young				
Dan's City Used Cars v. Pelkey				
Bullock v. BankChampaign				
Bowman v. Monsanto				
PPL Corp. v. CIR				
Metrish v. Lancaster				
Sebelius v. Cloer				

Not Included Above	
<i>Tibbals v. Carter</i>	Decided with <i>Ryan v. Gonzales</i>
<i>Boyer v. Louisiana</i>	Dismissed as Improvidently Granted

	Past Terms				
	9-0	8-1	7-2	6-3	5-4
OT06	39%	13%	11%	4%	33%
OT07	30%	9%	29%	14%	17%
OT08	33%	5%	16%	16%	29%
OT09	46%	10%	15%	11%	18%
OT10	48%	13%	15%	5%	20%
OT11	44%	11%	8%	17%	20%
Avg.	40%	10%	16%	11%	23%

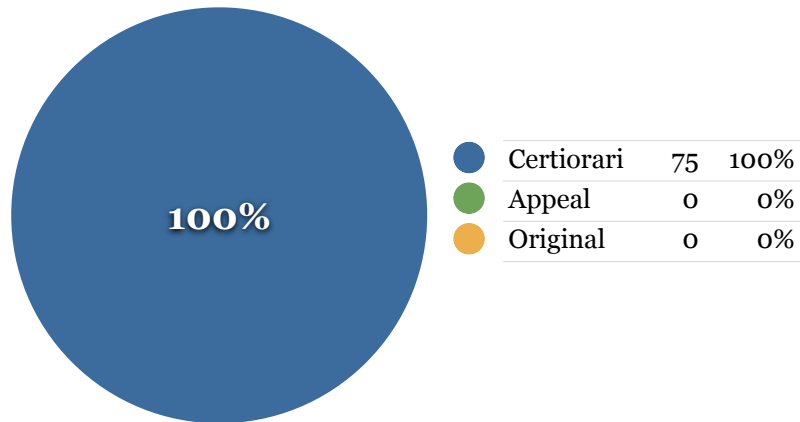
* We treat cases with eight or fewer votes as if they were decided by the full Court. For example, we treated *Arkansas Game & Fish Commission v. United States*, which had only eight Justices voting, as a 9-0 case throughout much of this Stat Pack. For 8-0, 7-1, and 6-3 decisions, we categorically assume that the recused Justice would have joined the majority. In cases that were decided 5-3, we looked at each case individually to decide whether it was more likely that the recused Justice would join the majority or the dissent. Our assumption that nine Justices voted in each case applies only to figures that treat each case as a whole, like the chart above, and not to figures that focus on the behavior of individual Justices, like our Justice Agreement charts, *infra*. We have done our best to note where we assume a full Court and where we count only actual votes.

** For cases that are decided by a 5-4 vote, we provide information about whether the majority was comprised of the most common conservative block (Roberts, Scalia, Kennedy, Thomas, and Alito), the most common liberal block (Kennedy, Ginsburg, Breyer, Sotomayor, Kagan), or a more uncommon alignment. A conservative lineup is marked with a red square, a liberal lineup is marked with a blue square, and all others are marked with a yellow square.

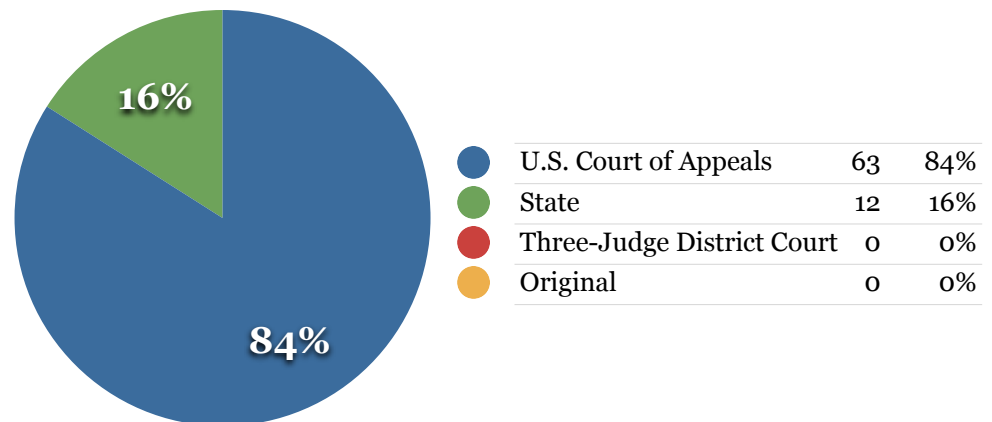
Make-Up of the Merits Docket

The following charts depict different characteristics of the cases that were released with merits opinions or are expected to be disposed of with a merits opinion. These charts include information about cases disposed of with signed opinions, summary reversals, or those that were affirmed by an equally divided Court.

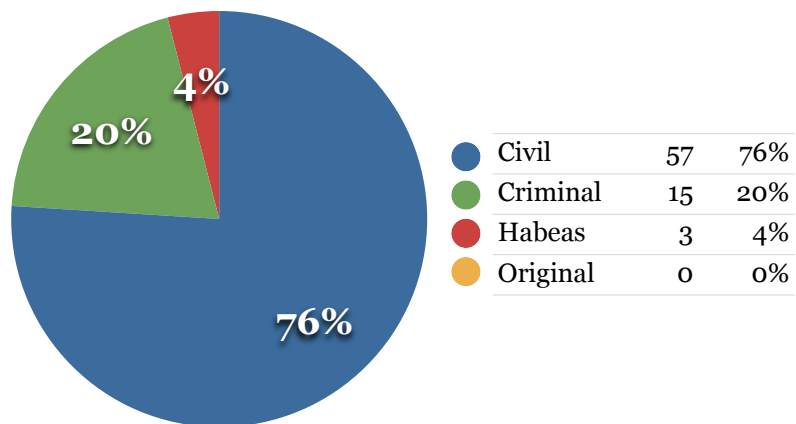
Source of Jurisdiction



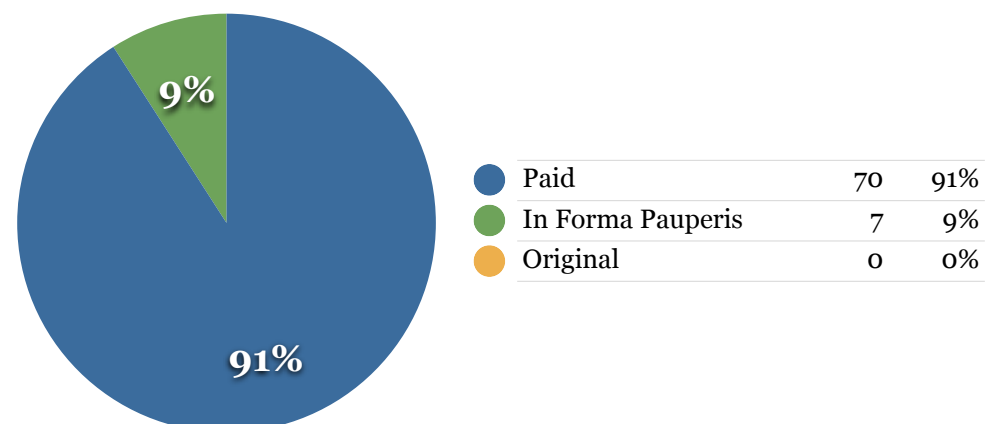
Court Below



Nature



Docket*



* Technically, all paid and *in forma pauperis* cases are on the same docket. Prior to 1971, paid and IFP cases were on truly separate dockets. Since that date, however, they have occupied the same docket, with paid cases beginning each year with case number 1, and IFP cases beginning at number 5001. Accordingly, the first paid case of this Term was numbered 12-1 and the first IFP case was numbered 12-5001. Original cases remain on a separate docket and follow a separate numbering convention. For more information on the dockets, see EUGENE GRESSMAN ET AL., SUPREME COURT PRACTICE 55-56 (9th ed. 2007).

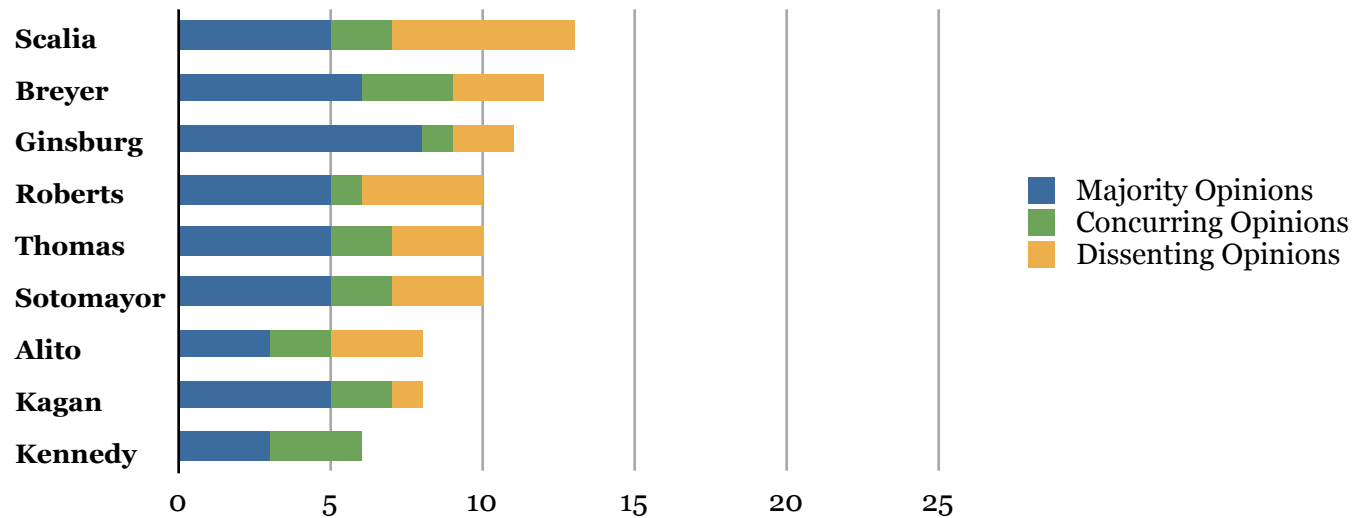
Term Index

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												November												December											
1	Lozman	SGB	7-2	106d	R	CA11	JGR	1	198d	Kirtseng	SGB	6-3	141d	R	CA2	JGR	1	63d	Phoebe Putney	SMS	9-0	85d	R	CA11	JGR	1	76d								
2	Kiobel	JGR	9-0	198d	A	CA2	AS	1	42d	Clapper	SAA	5-4	120d	R	CA2	AS	3	117d	Vance					CA7	AS	0									
3	Kloeckner	EK	9-0	69d	R	CA8	AMK	0		Jardines	AS	5-4	146d	A	ST	AMK	1	110d	US Airways	EK	5-4	140d	R	CA3	AMK	1	107d								
4	Bormes	AS	9-0	42d	R	CAFC	CT	1	91d	Harris	EK	9-0	111d	R	ST	CT	1	111d	Henderson	SGB	6-3	84d	R	CA5	CT	1	134d								
5	Johnson	SAA	9-0	140d	R	CA9	RBG	1	62d	Chaidez	EK	7-2	111d	A	CA7	RBG	1	114d	Decker	AMK	7-1	107d	R	CA9	RBG	2	42d								
6	Ark. Game Comm'	RBG	8-0	62d	R	CAFC	SGB	1	106d	Bailey	AMK	6-3	110d	R	CA2	SGB	1	141d	Genesis	CT	5-4	134d	R	CA3	SGB	1	84d								
7	Ryan	CT	9-0	91d	R	CA9	SAA	1	140d	Amgen	RBG	6-3	114d	A	CA9	SAA	1	120d	LA County Flood	RBG	9-0	35d	R	CA9	SAA	0									
8	Fibbals	-	-	-	-	CA6	SMS	1	195d	Comcast	AS	5-4	142d	R	CA3	SMS	1	106d	Auburn Regional	RBG	9-0	49d	R	CADC	SMS	1	85d								
9	Fisher					CA5	EK	1	69d	Evans	SMS	8-1	106d	R	ST	EK	2	111d	Chafin	JGR	9-0	76d	R	CA11	EK	1	140d								
10	Moncrieffe	SMS	7-2	195d	R	CA5	Total	8		Smith	AS	9-0	64d	A	CADC	Total	12							Total	8										
11							Expect.	9		Marx	CT	7-2	111d	A	CA10	Expect.	12							Expect.	9										
12							Avg.	113d		Already	JGR	9-0	63d	A	CA2	Avg.	112d							Avg.	89d										
January												February												March											
1	Standard Fire	SGB	9-0	71d	R	CA8	JGR	2	43d	Millbrook	CT	9-0	36d	R	CA3	JGR	0		Inter Tribal					CA9	JGR	0									
2	Descamps					CA9	AS	1	124d	Bowman	EK	9-0	83d	A	CAFC	AS	0		Bullock	SGB	9-0	56d	R	CA11	AS	0									
3	Gabelli	JGR	9-0	50d	R	CA2	AMK	1	71d	McBurney	SAA	9-0	68d	A	CA4	AMK	0		Cloer	SMS	9-0	62d	A	CAFC	AMK	0									
4	Wos	AMK	6-3	71d	A	CA4	CT	0		PPL Corp.	CT	9-0	89d	R	CA3	CT	2	63d	Mutual Pharm.					CA1	CT	0									
5	McNeely	SMS	5-4	98d	A	ST	RBG	1	48d	Trevino	SGB	5-4	92d	R	CA5	RBG	1	92d	Horne					CA9	RBG	1	54d								
6	Maracich					CA4	SGB	1	71d	McQuiggin	RBG	5-4	92d	R	CA6	SGB	1	92d	Dan's City	RBG	9-0	54d	A	ST	SGB	1	56d								
7	Alleyne					CA4	SAA	0		Peugh					CA7	SAA	1	68d	Oxford					CA3	SAA	0									
8	Boyer	DIG	-	-	-	ST	SMS	1	98d	King					ST	SMS	0		Actavis					CA11	SMS	1	62d								
9	Levin	RBG	9-0	48d	R	CA9	EK	0		Shelby County					CADC	EK	1	83d	Hollingsworth					CA9	EK	0									
10	Koontz					ST	Total	7		Am. Express					CA2	Total	6		Windsor					CA2	Total	3									
11	Gunn	JGR	9-0	35d	R	ST	Expect.	11								Expect.	10								Expect.	10									
12	Arlington	AS	6-3	124d	A	CA5	Avg.	71d								Avg.	77d								Avg.	57d									
April												Summary Reversal												Total											
1	Myriad					CAFC	JGR	0		Lefemine	PC	9-0	-	R	CA4				Roberts		5	84d													
2	Davila					CA11	AS	0		Nitro-Lift	PC	9-0	-	R	ST				Scalia		5	104d													
3	Baby Girl					ST	AMK	0		Marshall	PC	9-0	-	R	CA9				Kennedy		3	96d													
4	Am. Trucking					CA9	CT	0											Thomas		5	92d													
5	Salinas					ST	RBG	1	26d										Ginsburg		8	60d													
6	Kebodeaux					CA5	SGB	0											Breyer		6	92d													
7	Hillman					ST	SAA	0											Alito		3	109d													
8	AID					CA2	SMS	0											Sotomayor		5	109d													
9	Tarrant					CA10	EK	0											Kagan		5	103d													
10	Sekhar					CA2	Total	1											Summary Rev.		3														
11	Metrish	RBG	9-0	26d	R	CA6	Expect.	12											Merits Opinions		48														
12	UT Southwestern					CA5	Avg.	26d											Expected		76														
13																			Percent Decided		63%														
14																			Average Time		91d														

Total Opinion Authorship

	Total Opinions	Majority Opinions	Concurring Opinions	Dissenting Opinions
Roberts	10	5	1	4
Scalia	13	5	2	6
Kennedy	6	3	3	-
Thomas	10	5	2	3
Ginsburg	11	8	1	2
Breyer	12	6	3	3
Alito	8	3	2	3
Sotomayor	10	5	2	3
Kagan	8	5	2	1
Per Curiam	3	3	-	-
	90	48	18	24*



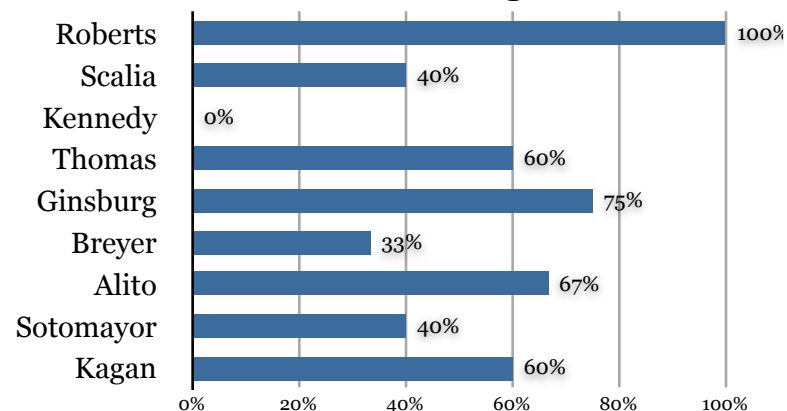
* In *Comcast Corp. v. Behrend*, in which both Justices Ginsburg and Breyer signed a single dissenting opinion, both authors have been credited with releasing one dissenting opinion. However, to acknowledge that only one dissenting opinion was produced in the case, the total number of dissenting opinions and the total number of opinions for the Term have been manually adjusted to count only one dissenting opinions from that case. During October Term 2011, a similar treatment was given to the dissenting opinion authored by four Justices in *National Federation of Independent Business v. Sebelius*.

Majority Opinion Authorship

Majority Opinions Authored

	Total	9-0	8-1	7-2	6-3	5-4	Average Strength of the Majority*
Roberts	5	5	-	-	-	-	9.0
Scalia	5	2	-	-	1	2	6.8
Kennedy	3	-	1	-	2	-	6.7
Thomas	5	3	-	1	-	1	7.8
Ginsburg	8	6	-	-	1	1	8.1
Breyer	6	2	-	1	2	1	7.0
Alito	3	2	-	-	-	1	7.7
Sotomayor	5	2	1	1	-	1	7.6
Kagan	5	3	-	1	-	1	7.8
	45	25	2	4	6	8	7.8

Percentage of Majority Opinions Decided with Unanimous Judgment



Authorship as a Percentage of Similar Opinions

	9-0	8-1	7-2	6-3	5-4
Roberts	20%	-	-	-	-
Scalia	8%	-	-	17%	25%
Kennedy	-	50%	-	33%	-
Thomas	12%	-	25%	-	13%
Ginsburg	24%	-	-	17%	13%
Breyer	8%	-	25%	33%	13%
Alito	8%	-	-	-	13%
Sotomayor	8%	50%	25%	-	13%
Kagan	12%	-	25%	-	13%
	100% (25)	100% (2)	100% (4)	100% (6)	100% (8)

Days Between Argument and Opinion

Majority Opinion Author	Days
Ginsburg	60d
Roberts	84d
Breyer	92d
Thomas	92d
Kennedy	96d
Kagan	103d
Scalia	104d
Sotomayor	109d
Alito	109d
	106d

* "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.

Frequency in the Majority

The following charts measure how frequently each Justice has voted with the majority during October Term 2012. The charts include summary reversals but do not include cases that were dismissed.

All Cases

Justice	Votes	Frequency in Majority		OT11	OT10	OT09	OT08	OT07
Kagan	47	43	91%	82%	81%	-	-	-
Kennedy	48	43	90%	93%	94%	91%	92%	86%
Ginsburg	48	43	90%	70%	74%	80%	70%	75%
Sotomayor	48	42	88%	80%	81%	84%	-	-
Breyer	47	41	87%	76%	79%	78%	75%	79%
Roberts	48	41	85%	92%	91%	91%	81%	90%
Scalia	48	40	83%	82%	86%	87%	84%	81%
Thomas	48	39	81%	86%	88%	83%	81%	75%
Alito	48	38	79%	83%	86%	87%	81%	82%

Divided Cases

Justice	Votes	Frequency in Majority		OT11	OT10	OT09	OT08	OT07
Kagan	20	16	80%	67%	67%	-	-	-
Kennedy	20	15	75%	88%	88%	83%	89%	79%
Ginsburg	20	15	75%	45%	50%	63%	55%	65%
Sotomayor	20	14	70%	64%	64%	69%	-	-
Breyer	19	13	68%	57%	60%	58%	62%	68%
Roberts	20	13	65%	86%	83%	83%	72%	73%
Scalia	20	12	60%	67%	74%	76%	76%	65%
Thomas	20	11	55%	74%	76%	67%	72%	85%
Alito	20	10	50%	69%	74%	76%	72%	75%

Five-to-Four Decisions

Alignment of the Majority

Majority*	Total (8)	Cases
Roberts, Scalia, Kennedy, Thomas, Alito	3	<i>Clapper, Comcast, Genesis</i>
Kennedy, Ginsburg, Breyer, Sotomayor, Kagan	3	<i>U.S. Airways, McQuiggin, Trevino</i>
Scalia, Thomas, Ginsburg, Sotomayor, Kagan	1	<i>Jardines</i>
Scalia, Kennedy, Ginsburg, Sotomayor, Kagan	1	<i>McNeely</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
OT05	11	12%	73%	63%	45%	7	0.64
OT06	24	33%	79%	68%	54%	6	0.25
OT07	12	17%	67%	50%	33%	6	0.50
OT08	23	29%	70%	69%	48%	7	0.30
OT09	16	19%	69%	73%	50%	7	0.44
OT10	16	20%	88%	71%	63%	4	0.25
OT11	15	20%	100%	63%	63%	7	0.47
OT12	8	17%	75%	50%	38%	4	0.50
Average	16	21%	77%	63%	49%	6	0.42

* This table features cases that were decided by a 5-3 margin, but were reclassified for our purposes as 5-4 decisions.

** For the purposes of this chart, the total number of 5-4 opinions is the number of cases that split 5-4 on a major issue. It may differ from the number of cases that split 5-4 elsewhere in this Stat Pack.

*** For the purposes of this chart, a "Conservative Win" occurs whenever the majority consists of Chief Justice Roberts and Justices Scalia, Kennedy, Thomas, and O'Connor or Alito.

Five-to-Four Decisions

(continued)

Membership in a Five-to-Four Majority

Justice	Cases Decided	Frequency in Majority		OT11	OT10	OT09	OT08	OT07
Kennedy	8	7	88%	80%	88%	69%	78%	67%
Scalia	8	5	63%	60%	69%	69%	70%	58%
Ginsburg	8	5	63%	33%	38%	25%	52%	50%
Sotomayor	8	5	63%	47%	38%	43%	-	-
Kagan	8	5	63%	40%	38%	-	-	-
Thomas	8	4	50%	67%	75%	69%	65%	67%
Roberts	8	3	38%	67%	63%	56%	48%	58%
Breyer	8	3	38%	47%	31%	38%	39%	45%
Alito	8	3	38%	60%	63%	63%	52%	50%

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	Cases Decided	Frequency in the Majority	Opinions Authored	Frequency as Author	OT11	OT10	OT09	OT08	OT07
Scalia	8	5	2	40%	0%	9%	18%	33%	29%
Breyer	8	3	1	33%	43%	20%	25%	0%	40%
Alito	8	3	1	33%	33%	0%	40%	8%	17%
Thomas	8	4	1	25%	0%	33%	9%	13%	13%
Ginsburg	8	5	1	20%	0%	33%	50%	27%	0%
Sotomayor	8	5	1	20%	29%	17%	0%	-	-
Kagan	8	5	1	20%	17%	0%	-	-	-
Roberts	8	3	0	0%	10%	30%	22%	18%	14%
Kennedy	8	7	0	0%	33%	21%	22%	28%	50%

* 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.

Justice Agreement - All Cases

	Scalia	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Total
Roberts	35 73%	37 77%	34 71%	32 67%	36 77%	37 77%	30 63%	32 68%	48
	40 83%	40 83%	39 81%	35 73%	37 79%	42 88%	34 71%	35 74%	
	41 85%	40 83%	42 88%	36 75%	38 81%	43 90%	35 73%	36 77%	
	7 15%	8 17%	6 13%	12 25%	9 19%	5 10%	13 27%	11 23%	
Scalia	29 60%	35 73%	31 65%	29 62%	29 60%	24 50%	29 62%	48	
	39 81%	42 88%	36 75%	32 68%	36 75%	33 69%	34 72%		
	39 81%	43 90%	37 77%	34 72%	38 79%	34 71%	35 74%		
	9 19%	5 10%	11 23%	13 28%	10 21%	14 29%	12 26%		
Kennedy	32 67%	35 73%	34 72%	34 71%	35 73%	34 72%	48		
	35 73%	39 81%	37 79%	36 75%	38 79%	37 79%			
	36 75%	40 83%	38 81%	37 77%	39 81%	38 81%			
	12 25%	8 17%	9 19%	11 23%	9 19%	9 19%			
Thomas	28 58%	28 60%	34 71%	27 56%	27 57%	48			
	33 69%	33 70%	39 81%	32 67%	32 68%				
	34 71%	36 77%	43 90%	33 69%	34 72%				
	14 29%	11 23%	5 10%	15 31%	13 28%				
Ginsburg	40 85%	27 56%	40 83%	43 91%	48				
	42 89%	31 65%	45 94%	44 94%					
	42 89%	33 69%	45 94%	44 94%					
	5 11%	15 31%	3 6%	3 6%					
Breyer	30 64%	35 74%	38 83%	47					
	35 74%	41 87%	42 91%						
	37 79%	41 87%	42 91%						
	10 21%	6 13%	4 9%						
Alito	26 54%	29 62%	48						
	30 63%	31 66%							
	32 67%	33 70%							
	16 33%	14 30%							
Sotomayor	40 85%	48							
	45 96%								
	45 96%								
	2 4%								
Kagan		47							

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	11	55%	11	55%	10	50%	6	30%	10	53%	12	60%	6	30%	6	30%	20
	13	65%	12	60%	11	55%	8	40%	10	53%	15	75%	7	35%	9	45%	
	13	65%	12	60%	14	70%	8	40%	10	53%	15	75%	7	35%	9	45%	
	7	35%	8	40%	6	30%	12	60%	9	47%	5	25%	13	65%	11	55%	
Scalia	7	35%	13	65%	7	35%	5	26%	8	40%	4	20%	7	35%	7	35%	20
	12	60%	15	75%	10	50%	6	32%	10	50%	7	35%	9	45%	9	45%	
	11	55%	15	75%	9	45%	6	32%	10	50%	6	30%	8	40%	8	40%	
	9	45%	5	25%	11	55%	13	68%	10	50%	14	70%	12	60%	12	60%	
Kennedy	7	35%	10	50%	9	47%	8	40%	10	50%	9	45%	10	50%	9	45%	20
	7	35%	12	60%	10	53%	9	45%	11	55%	11	55%	11	55%	11	55%	
	8	40%	12	60%	10	53%	9	45%	11	55%	11	55%	11	55%	11	55%	
	12	60%	8	40%	9	47%	11	55%	9	45%	9	45%	9	45%	9	45%	
Thomas	5	25%	5	26%	9	45%	4	20%	4	20%	4	20%	4	20%	4	20%	20
	6	30%	6	32%	12	60%	5	25%	6	30%	5	25%	6	30%	6	30%	
	6	30%	8	42%	15	75%	5	25%	7	35%	5	25%	7	35%	7	35%	
	14	70%	11	58%	5	25%	15	75%	13	65%	15	75%	13	65%	13	65%	
Ginsburg	12	63%	3	15%	16	80%	17	85%	17	85%	17	85%	17	85%	17	85%	20
	14	74%	5	25%	17	85%	17	85%	17	85%	17	85%	17	85%	17	85%	
	14	74%	5	25%	17	85%	17	85%	17	85%	17	85%	17	85%	17	85%	
	5	26%	15	75%	3	15%	3	15%	3	15%	3	15%	3	15%	3	15%	
Breyer	6	32%	11	58%	12	63%	12	63%	12	63%	12	63%	12	63%	12	63%	19
	9	47%	13	68%	15	79%	15	79%	15	79%	15	79%	15	79%	15	79%	
	9	47%	13	68%	15	79%	15	79%	15	79%	15	79%	15	79%	15	79%	
	10	53%	6	32%	4	21%	4	21%	4	21%	4	21%	4	21%	4	21%	
Alito	1	5%	4	20%	4	20%	4	20%	4	20%	4	20%	4	20%	4	20%	20
	4	20%	6	30%	6	30%	6	30%	6	30%	6	30%	6	30%	6	30%	
	4	20%	6	30%	6	30%	6	30%	6	30%	6	30%	6	30%	6	30%	
	16	80%	14	70%	14	70%	14	70%	14	70%	14	70%	14	70%	14	70%	
Sotomayor	16	80%	18	90%	18	90%	18	90%	18	90%	18	90%	18	90%	18	90%	20
	18	90%	18	90%	18	90%	18	90%	18	90%	18	90%	18	90%	18	90%	
	18	90%	18	90%	18	90%	18	90%	18	90%	18	90%	18	90%	18	90%	
	2	10%	2	10%	2	10%	2	10%	2	10%	2	10%	2	10%	2	10%	
Kagan	16	80%	18	90%	18	90%	18	90%	18	90%	18	90%	18	90%	18	90%	20
	18	90%	18	90%	18	90%	18	90%	18	90%	18	90%	18	90%	18	90%	
	18	90%	18	90%	18	90%	18	90%	18	90%	18	90%	18	90%	18	90%	
	2	10%	2	10%	2	10%	2	10%	2	10%	2	10%	2	10%	2	10%	

Key
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Agree in Full or Part
Agree in Full, Part, or Judgment Only
Disagree in Judgment

Time 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 OT11.

Argued	Avg. Days
October	225d
November	173d
December	153d
January	109d
February	121d
March	118d
April	103d
Overall	141d

Average	141d
Median	125d
St. Dev.	47d

Longest	<i>Jardines</i>	299d
Shortest	<i>Am. Trucking</i>	95d

OT03	172d
OT04	167d
OT05	165d
OT06	131d
OT07	134d
OT08	167d
OT09	168d
OT10	153d
OT11	160d
OT12	141d

	Rank		Days	Granted	Argued
Longest	1	<i>Florida v. Jardines</i>	299d	Jan 6, 2012	Oct 31, 2012
	2	<i>Johnson v. Williams</i>	264d	Jan 13, 2012	Oct 3, 2012
	3	<i>Kloeckner v. Solis</i>	263d	Jan 13, 2012	Oct 2, 2012
	3	<i>U.S. v. Bormes</i>	263d	Jan 13, 2012	Oct 2, 2012
	5	<i>Fisher v. Univ. of Texas</i>	232d	Feb 21, 2012	Oct 10, 2012
	6	<i>Lozman v. Riviera Beach</i>	223d	Feb 21, 2012	Oct 1, 2012
	7	<i>Florida v. Harris</i>	219d	Mar 26, 2012	Oct 31, 2012
	8	<i>Ryan v. Gonzales</i>	204d	Mar 19, 2012	Oct 9, 2012
	8	<i>Tibbals v. Carter</i>	204d	Mar 19, 2012	Oct 9, 2012
	10	<i>Kirtsaeng v. Wiley & Sons</i>	196d	Apr 16, 2012	Oct 29, 2012

	Rank		Days	Granted	Argued
Shortest	1	<i>Am. Trucking Ass’n v. Los Angeles</i>	95d	Jan 11, 2013	Apr 16, 2013
	2	<i>UT Southwestern v. Nassar</i>	96d	Jan 18, 2013	Apr 24, 2013
	2	<i>Metrish v. Lancaster</i>	96d	Jan 18, 2013	Apr 24, 2013
	2	<i>U.S. v. Kebodeaux</i>	96d	Jan 11, 2013	Apr 17, 2013
	2	<i>Salinas v. Texas</i>	96d	Jan 11, 2013	Apr 17, 2013
	6	<i>AID v. Alliance for Open Soc.</i>	101d	Jan 11, 2013	Apr 22, 2013
	6	<i>Hillman v. Maretta</i>	101d	Jan 11, 2013	Apr 22, 2013
	6	<i>U.S. v. Davila</i>	101d	Jan 4, 2013	Apr 15, 2013
	6	<i>Boyer v. Louisiana</i>	101d	Oct 5, 2012	Jan 14, 2013
	6	<i>Alleyne v. U.S.</i>	101d	Oct 5, 2012	Jan 14, 2013

	Less than 100 days	100-124	125-149	150-174	175-199	200-224	225-249	More than 250
OT10	1	20	19	20	6	8	3	1
OT11	1	11	20	18	11	1	2	5
OT12	5	32	12	12	4	4	1	4

* In cases that are on appeal to the Supreme Court, rather than on Petition for Writ of Certiorari, the Court will rule on a statement of jurisdiction rather than on a cert. petition. Our 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.

Time 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 thus far released forty-five signed opinions after argument during October Term 2012.

Argued	Avg.	Total	Remain
October	113d	10	1
November	112d	12	-
December	89d	9	1
January	71d	12	4
February	77d	10	4
March	57d	10	7
April	26d	12	11
Overall	91d	75	28

Average	91d
Median	89d
St. Dev.	40d

Longest	<i>Kiobel</i>	198d
Shortest	<i>Metrish</i>	26d

Averages

OT03	82d
OT04	91d
OT05	79d
OT06	96d
OT07	94d
OT08	94d
OT09	109d
OT10	106d
OT11	97d
OT12	91d

	Rank		Author	Vote	Argued	Decided	
Longest	1	<i>Kiobel v. Royal Dutch</i>	198d	Roberts	9-0	Oct 1, 2012	Apr 17, 2013
	2	<i>Moncrieffe v. Holder</i>	195d	Sotomayor	7-2	Oct 10, 2012	Apr 23, 2013
	3	<i>Florida v. Jardines</i>	146d	Scalia	5-4	Oct 31, 2012	Mar 26, 2013
	4	<i>Comcast v. Behrend</i>	142d	Scalia	5-4	Nov 5, 2012	Mar 27, 2013
	5	<i>Kirtsaeng v. Wiley & Sons</i>	141d	Breyer	6-3	Oct 29, 2012	Mar 19, 2013
	6	<i>Johnson v. Williams</i>	140d	Alito	9-0	Oct 3, 2012	Feb 20, 2013
	6	<i>U.S. Airways v. McCutchen</i>	140d	Kagan	5-4	Nov 27, 2012	Apr 16, 2013
	8	<i>Genesis v. Symczyk</i>	134d	Thomas	5-4	Dec 3, 2012	Apr 16, 2013
	9	<i>Arlington v. FCC</i>	124d	Scalia	6-3	Jan 16, 2013	May 20, 2013
	10	<i>Clapper v. Amnesty Int'l</i>	120d	Alito	5-4	Oct 29, 2012	Feb 26, 2013

	Rank		Author	Vote	Argued	Decided	
Shortest	1	<i>Metrish v. Lancaster</i>	26d	Ginsburg	9-0	Apr 24, 2013	May 20, 2013
	2	<i>Gunn v. Minton</i>	35d	Roberts	9-0	Jan 16, 2013	Feb 20, 2013
	2	<i>L.A. County Flood Dist. v. NRDC</i>	35d	Ginsburg	9-0	Dec 4, 2012	Jan 8, 2013
	4	<i>Millbrook v. U.S.</i>	36d	Thomas	9-0	Feb 19, 2013	Mar 27, 2013
	5	<i>U.S. v. Bormes</i>	42d	Scalia	9-0	Oct 2, 2012	Nov 13, 2012
	6	<i>Levin v. U.S.</i>	48d	Ginsburg	9-0	Jan 15, 2013	Mar 4, 2013
	7	<i>Sebelius v. Auburn Regional</i>	49d	Ginsburg	9-0	Dec 4, 2012	Jan 22, 2013
	8	<i>Gabelli v. SEC</i>	50d	Roberts	9-0	Jan 8, 2013	Feb 27, 2013
	9	<i>Dan's City Used Cars v. Pelkey</i>	54d	Ginsburg	9-0	Mar 20, 2013	May 13, 2013
	10	<i>Bullock v. BankChampaign</i>	56d	Breyer	9-0	Mar 18, 2013	May 13, 2013

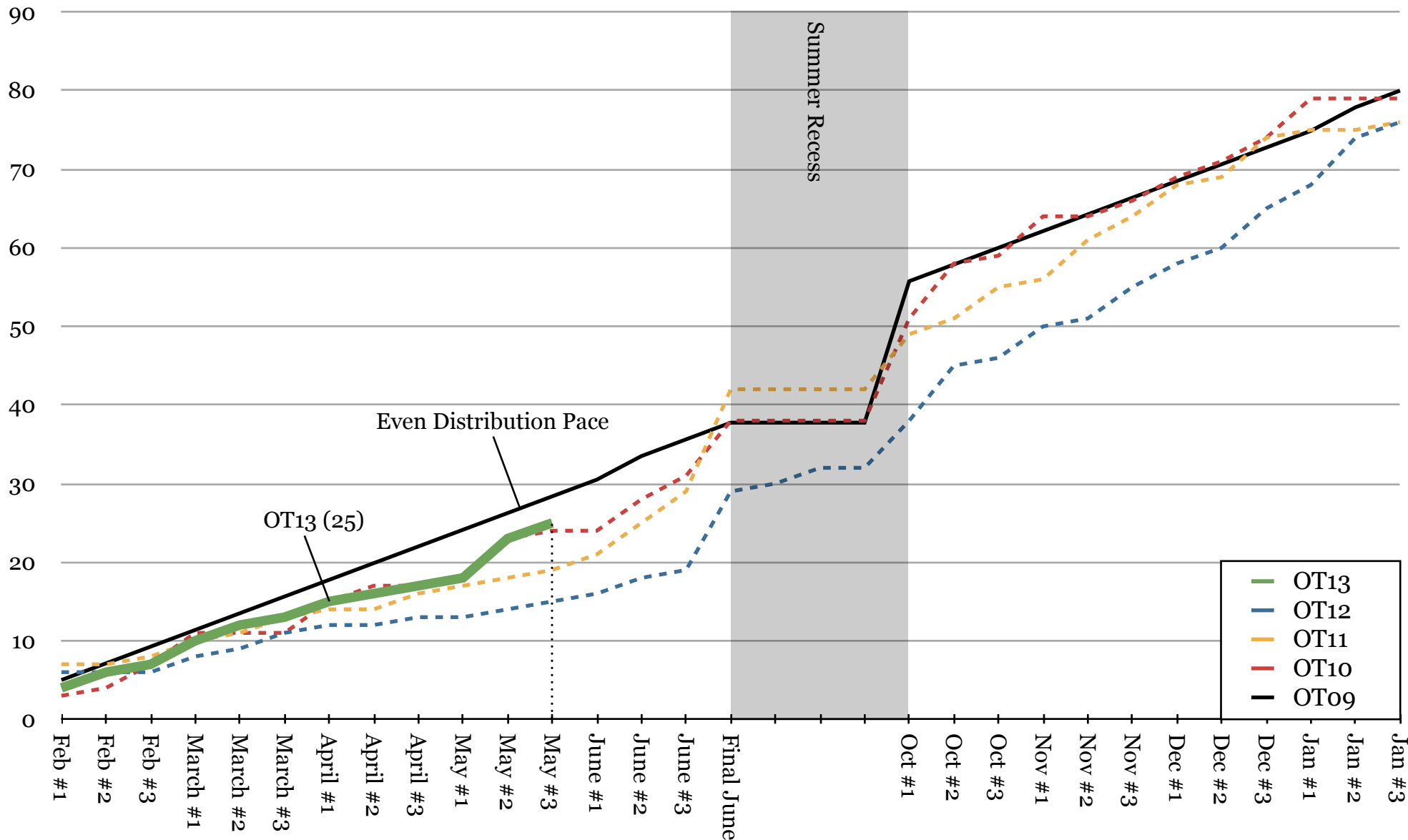
	Less than 30 days	30-59	60-89	90-119	120-149	150-179	180-209	210-239	More than 240
OT10	0	13	18	19	11	12	1	1	0
OT11	2	5	19	24	8	6	1	0	0
OT12	1	9	13	12	8	0	2	0	0

	9-0	8-1	7-2	6-3	5-4
OT12	71d	107d	131d	107d	121d

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

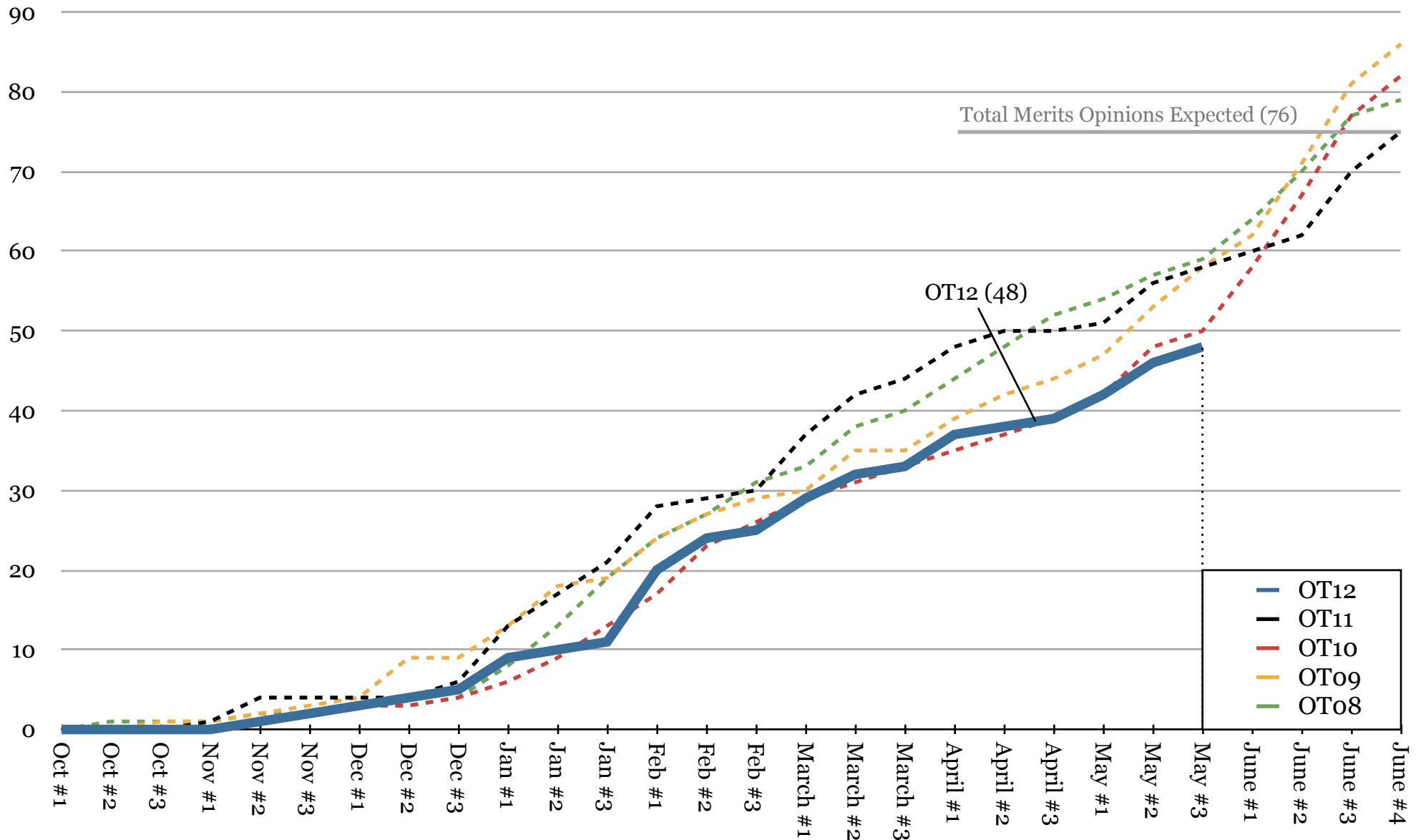
Pace of Grants

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, for OT12, took place on March 1, 2013. Categorizing grants by their conference within a given sitting ensures more accurate cross-Term comparisons. Towards the same end, the chart below counts *Kiobel* as a OT11 grant, rather than as a OT12 grant.



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, rather than by calendar month. For example, the opinion for Feb #3 of OT12 was actually released on March 4, 2013.



Oral Argument - Advocates

Overview

	OT12	OT11	OT10
Number of different advocates	120	118	143
Number of total appearances	193	182	196
Appearances by the Office of the Solicitor General	64 (33%)	58 (32%)	57 (29%)
Appearances by advocates who argued more than once	104 (54%)	98 (54%)	81 (41%)
Appearances by advocates from Washington, D.C.	125 (65%)	122 (67%)	106 (54%)
Appearances by expert advocates*	137 (71%)	<i>Not Available</i>	<i>Not Available</i>

Most Popular Advocate Origins**

State	Total
Washington, D.C.	125
New York	12
California	11
Texas	8
Michigan	5
Virginia	4
Arizona	3
Louisiana	3
Washington	3
Georgia	2
Illinois	2

Advocates Who Have Appeared More than Once During OT12

Rank	Name	Appearances	Position	All-Time
1	Donald B. Verrilli, Jr.	8	Solicitor General	29
2	Paul D. Clement	7	Bancroft PLLC	69
3	Sri Srinivasan	5	Principal Deputy Solicitor General	25
4	Michael R. Dreeben	4	Deputy Solicitor General	88
	Jeffrey L. Fisher	4	Stanford Supreme Court Clinic	21
	David C. Frederick	4	Kellogg Huber PLLC	41
	Gregory G. Garre	4	Latham & Watkins LLP	39
	Edwin S. Kneedler	4	Deputy Solicitor General	121
	Malcolm L. Stewart	4	Deputy Solicitor General	63
	Seth P. Waxman	4	WilmerHale LLP	65
11	Ginger D. Anders	3	Assistant to the Solicitor General	9
	Lisa S. Blatt	3	Arnold & Porter LLP	33
	Eric J. Feigin	3	Assistant to the Solicitor General	6
	Curtis E. Gannon	3	Assistant to the Solicitor General	14
	Thomas C. Goldstein	3	Goldstein & Russell PC	28
	Sarah E. Harrington	3	Assistant to the Solicitor General	8
	Benjamin J. Horwich	3	Assistant to the Solicitor General	8
	Ann O'Connell	3	Assistant to the Solicitor General	6
	Joseph R. Palmore	3	Assistant to the Solicitor General	7
	Nicole A. Saharsky	3	Assistant to the Solicitor General	17
	Pratik A. Shah	3	Assistant to the Solicitor General	13
	Melissa A. Sherry	3	Assistant to the Solicitor General	8
	Jeffrey B. Wall	3	Assistant to the Solicitor General	10
Anthony A. Yang	3	Assistant to the Solicitor General	14	
25	John J. Bursch	2	Solicitor General of Michigan	5
	Thomas C. Horne	2	Attorney General of Arizona	2
	Neal K. Katyal	2	Hogan Lovells LLP	17
	Theodore B. Olson	2	Gibson, Dunn & Crutcher LLP	60
	Bert W. Rein	2	Wiley Rein LLP	2
	Charles A. Rothfeld	2	Mayer Brown LLP	30
	Kannon K. Shanmugam	2	Williams & Connolly LLP	13
	Total: 31	104		

* We adopt Richard Lazarus's definition of an "expert" Supreme Court litigator: one who has argued five or more times before the Supreme Court or works in an office where lawyers have collectively argued more than ten times. See Richard J. Lazarus, *Advocacy Matters Before and Within the Supreme Court: Transforming the Court by Transforming the Bar*, 97 GEO. L.J. 1487, 1490 n.17 (2008). Sixty-six different expert advocates presented oral arguments during OT12, representing fifty-five percent of all advocates appearing before the Court. The fifty-five percent of advocates classified as experts made seventy-one percent of all appearances.

** An advocate's "origin" is simply the state of origin listed for an advocate on the Court's monthly hearing lists. If attorneys from the Office of the Solicitor General are omitted, lawyers based in Washington, D.C. have appeared sixty-one times during OT12.