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
- **Certiorari**: 75 cases (100%)
- **Appeal**: 0 cases (0%)
- **Original**: 0 cases (0%)

### Nature
- **Civil**: 57 cases (76%)
- **Criminal**: 15 cases (20%)
- **Habeas**: 3 cases (4%)
- **Original**: 0 cases (0%)

### Court Below
- **U.S. Court of Appeals**: 63 cases (84%)
- **State**: 12 cases (16%)
- **Three-Judge District Court**: 0 cases (0%)
- **Original**: 0 cases (0%)

### Docket*
- **Paid**: 70 cases (91%)
- **In Forma Pauperis**: 7 cases (9%)
- **Original**: 0 cases (0%)

---

* 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).

---

*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.