

Stat Pack for October Term 2011

Unless otherwise noted, this Stat Pack covers October Term 2011, which began on Monday, October 4, 2011, and ends on Sunday, September 30, 2012.

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Summary of the Term

Total Merits Opinions Released	76
.....Signed opinions after oral argument ¹	65
.....Summary reversals	11
Total Merits Opinions Expected	76
.....Petitions granted and set for argument	70
.....Summary reversals ²	11
.....(Dismissed) ³	(4)
.....(Set for reargument during OT12) ⁴	(1)
Total Merits Opinions Expected for OT12	39

Recent Merits Opinions

Name	Decided	Author	Vote
<i>Tennant v. Jefferson County Commission</i>	Sep 25, 2012	Per Curiam	9-0
<i>United States v. Alvarez</i>	Jun 28, 2012	Kennedy	6-3
<i>National Federation of Independent Businesses v. Sebelius</i>	Jun 28, 2012	Roberts	5-4
<i>American Tradition Partnership v. Bullock</i>	Jun 25, 2012	Per Curiam	5-4
<i>Miller v. Alabama</i>	Jun 25, 2012	Kagan	5-4
<i>Arizona v. United States</i>	Jun 25, 2012	Kennedy	5-3
<i>Southern Union Co. v. United States</i>	Jun 21, 2012	Sotomayor	6-3
<i>Knox v. Service Employees International Union</i>	Jun 21, 2012	Alito	7-2

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

¹ This tally includes *Perry v. Perez* (11-713), which was argued but later decided with a per curiam merits opinion

² This tally includes *Tennant v. Jefferson County Commission* (11-1134), which was decided on September 25, 2012

³ *Stok v. Citibank* (10-514), *Magner v. Gallagher* (10-1032), *Vasquez v. United States* (11-199), *First American Financial v. Edwards* (10-708)

⁴ *Kiobel v. Royal Dutch Petroleum Co.* (10-1491)

Opinions by Sitting

Roberts	1	2	1	1	1	1	-	JGR	7					
Scalia	2	1	2	1	1	-	1	AS	8					
Kennedy	2	2	1	2	1	-	1	AMK	9					
Thomas	1	2	-	1	1	1	-	CT	6					
Ginsburg	2	1	1	1	1	1	-	RBG	7					
Breyer	2	1	1	1	1	-	1	SGB	7					
Alito	1	1	2	1	1	-	1	SAA	7					
Sotomayor	-	1	1	1	1	1	1	SMS	6					
Kagan	1	1	2	1	-	1	1	EK	7					
Justice	October	November	December	January	February	March	April	Total	65					
	Argued: 12	Argued: 12	Argued: 12	Argued: 11	Argued: 9	Argued: 7	Argued: 6	Args	69					
	Douglas	SGB	Lafler	AMK	First American	--	Sackett	AS	Taniguchi	SAA	Astrue	RBG	Christopher	SAA
	Reynolds	SGB	Frye	AMK	Mims	RBG	Hyatt	CT	Freeman	AS	Southern Union	SMS	Dorsey	SGB
	Howes	SAA	Rehberg	SAA	Hall	SMS	Perez	PC	Blueford	JGR	Miller	EK	Navajo	SMS
	Maples	RBG	Minneci	SGB	Credit Suisse	AS	Knox	SAA	Alvarez	AMK	Hobbs	--	RadLAX	AS
	Martinez	AMK	Perry	RBG	Setser	AS	Fox	AMK	Wood	RBG	Vasquez	--	Patchak	EK
	Golan	RBG	Gonzalez	SMS	Cooper	SAA	Coleman	AMK	Elgin	CT	Reichle	CT	Arizona	AMK
	Hosanna-Tabor	JGR	Zivotofsky	JGR	Messerschmidt	JGR	Sea-Land	SMS	Kiobel	--	NFIB	JGR		
	Pacific Operators	CT	Kawashima	CT	Caraco	EK	Filarsky	JGR	Mohamad	SMS				
	Greene	AS	Cain	JGR	Martel	EK	Home Concrete	SGB	Armour	SGB				
	CompuCredit	AS	Jones	AS	Williams	SAA	Vartelas	RBG						
	Florence	AMK	Kurns	CT	Mayo	SGB	Gutierrez	EK						
	Judulang	EK	Nat'l Meat Ass'n	EK	PPL Montana	AMK								

* *Kiobel* was placed back on the calendar for rebriefing and reargument soon after oral arguments were held in February, while *First American* and *Vasquez* were dismissed as improvidently granted. Because *Jackson v. Hobbs* was effectively consolidated with *Miller v. Alabama* after oral argument, we do not count it as a separate opinion for the purposes of our statistics.

Circuit Scorecard

OT 2011

	Number	Percent	Aff'd	Rev'd	Aff'd %	Rev'd %
CA1	2	3%	1	1	50%	50%
CA2	2	3%	0	2	0%	100%
CA3	7	9%	3	4	43%	57%
CA4	2	3%	2	0	100%	0%
CA5	3	4%	3	0	100%	0%
CA6	5	7%	0	5	0%	100%
CA7	3	4%	1	2	33%	67%
CA8	-	-				
CA9	24	32%	7	17	29%	71%
CA10	4	5%	2	2	50%	50%
CA11	4	5%	1	3	25%	75%
CA DC	4	5%	3	1	75%	25%
CA Fed	3	4%	1	2	33%	67%
State	11	14%	4	7	36%	64%
Dist. Court	2	3%	0	2	0%	100%
Original	-	-	N/A	N/A	N/A	N/A
	76	100%	28	48	37%	63%

OT 2012

	Number	Percent
CA1	-	-
CA2	6	15%
CA3	4	10%
CA4	2	5%
CA5	2	5%
CA6	2	5%
CA7	3	8%
CA8	2	5%
CA9	6	15%
CA10	1	3%
CA11	3	8%
CA DC	2	5%
CA Fed	2	5%
State	4	10%
Dist. Court	-	-
Original	-	-
	39	100%

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

Circuit Scorecard

This chart features affirm and reverse rates for each circuit and each Justice. The first number is the number of times a particular Justice voted to affirm a decision of the court below and the second number is the number of times that Justice voted to reverse the decision below.

	Roberts	Scalia	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Total Votes	Overall Decisions
CA1	1 - 1	1 - 1	2 - 0	1 - 1	0 - 2	2 - 0	1 - 1	1 - 1	0 - 2	9 - 9	1 - 1
CA2	0 - 2	1 - 1	0 - 2	1 - 1	0 - 2	0 - 2	1 - 1	0 - 1	0 - 2	3 - 14	0 - 2
CA3	3 - 4	4 - 3	3 - 4	3 - 4	3 - 4	2 - 5	3 - 4	1 - 6	3 - 4	25 - 38	3 - 4
CA4	2 - 0	2 - 0	1 - 1	2 - 0	0 - 2	1 - 1	2 - 0	0 - 2	0 - 2	10 - 8	2 - 0
CA5	3 - 0	2 - 1	2 - 1	3 - 0	2 - 1	2 - 1	3 - 0	3 - 0	3 - 0	23 - 4	3 - 0
CA6	1 - 4	1 - 4	0 - 5	1 - 4	0 - 5	0 - 5	1 - 4	0 - 5	0 - 5	4 - 41	0 - 5
CA7	1 - 2	1 - 2	0 - 2	1 - 2	2 - 1	2 - 1	1 - 2	2 - 1	2 - 1	12 - 14	1 - 2
CA8	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0
CA9	8 - 15	7 - 17	6 - 18	7 - 17	9 - 15	8 - 16	6 - 18	10 - 14	4 - 18	65 - 148	7 - 17
CA10	1 - 3	2 - 2	2 - 2	2 - 2	1 - 3	0 - 4	0 - 4	2 - 2	1 - 1	11 - 23	2 - 2
CA11	1 - 3	3 - 1	2 - 2	3 - 1	1 - 3	1 - 3	2 - 2	1 - 3	1 - 3	15 - 21	1 - 3
CA DC	3 - 1	3 - 1	3 - 1	3 - 1	3 - 1	4 - 0	3 - 1	2 - 2	3 - 1	27 - 9	3 - 1
CA Fed	1 - 2	1 - 2	1 - 2	1 - 2	1 - 2	1 - 2	1 - 2	1 - 2	1 - 2	9 - 18	1 - 2
State	5 - 6	4 - 7	4 - 7	7 - 4	3 - 8	5 - 6	5 - 6	2 - 9	3 - 8	38 - 61	4 - 7
Dist. Court	0 - 2	0 - 2	0 - 2	0 - 2	0 - 2	0 - 2	0 - 2	0 - 2	0 - 2	0 - 18	0 - 2
Original	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0
	30 - 45	32 - 44	26 - 49	35 - 41	25 - 51	28 - 48	29 - 47	25 - 50	21 - 51	251 - 426	28 - 48

Cases by Vote Split

9-0 34 (45%)	8-1 8 (11%)	7-2 6 (8%)	6-3 13 (17%)	5-4 15 (20%)
KPMG v. Cocchi (PC) Bobby v. Dixon (PC) Greene v. Fisher Judulang v. Holder Hardy v. Cross (PC) Hosanna-Tabor v. EEOC Pacific Op. v. Valladolid Mims v. Arrow Financial Perry v. Perez (PC) U.S. v. Jones Nat'l Meat Ass'n v. Harris Ryburn v. Huff (PC) Howes v. Fields Marmet v. Brown (PC) PPL Montana v. Montana Martel v. Clair Mayo v. Prometheus Sackett v. EPA Credit Suisse v. Simmonds (8-0) Rehberg v. Paulk Filarsky v. Delia Caraco v. Novo Nordisk Kappos v. Hyatt Mohamad v. Palestinian Authority Wood v. Milyard Astrue v. Capato Holder v. Gutierrez Freeman v. Quicken Loans RadLAX v. Amalgamated Bank (8-0) Coleman v. Johnson (PC) Reichle v. Howards (8-0) Parker v. Williams (PC) FCC v. Fox (8-0) Tennant v. Jefferson County (PC)	Smith v. Cain CompuCredit v. Greenwood Minneci v. Pollard Gonzalez v. Thaler Perry v. New Hampshire Roberts v. Sea-Land Zivotofsky v. Clinton Match-E-Be-Nash-She-Wish v. Patchak	Maples v. Thomas Golan v. Holder (6-2) Reynolds v. U.S. Messerschmidt v. Millender Martinez v. Ryan Knox v. SEIU	Cavazos v. Smith (PC) Kawashima v. Holder Wetzel v. Lambert (PC) Kurns v. Railroad Friction Setser v. U.S. Vartelas v. Holder Taniguchi v. Kan Pacific Blueford v. Arkansas Armour v. Indianapolis Elgin v. Dept. of Treasury Southern Union v. U.S. Arizona v. U.S. (5-3) U.S. v. Alvarez	Douglas v. Ind. Living Center Coleman v. Maryland Missouri v. Frye Lafler v. Cooper FAA v. Cooper (5-3) Florence v. Bd. of Chosen Freeholders U.S. v. Home Concrete Hall v. U.S. Williams v. Illinois Christopher v. SmithKline Salazar v. Ramah Navajo Dorsey v. U.S. Miller v. Alabama Am. Tradition P'ship v. Bullock (PC) Nat'l Fed'n Indep. Bus. v. Sebelius

Not Included Above	
<i>Stok v. Citibank</i> (10-514)	Dismissed - Rule 46
<i>Magner v. Gallagher</i> (10-1032)	Dismissed - Rule 46
<i>Kiobel v. Royal Dutch</i> (10-1491)	Restored for Reargument during OT12
<i>Vasquez v. United States</i> (11-199)	Dismissed as Improvidently Granted
<i>Jackson v. Hobbs</i> (10-9647)	Consolidated with <i>Miller v. Alabama</i>
<i>First American Financial v. Edwards</i> (10-708)	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%
Avg.	39%	10%	17%	10%	24%

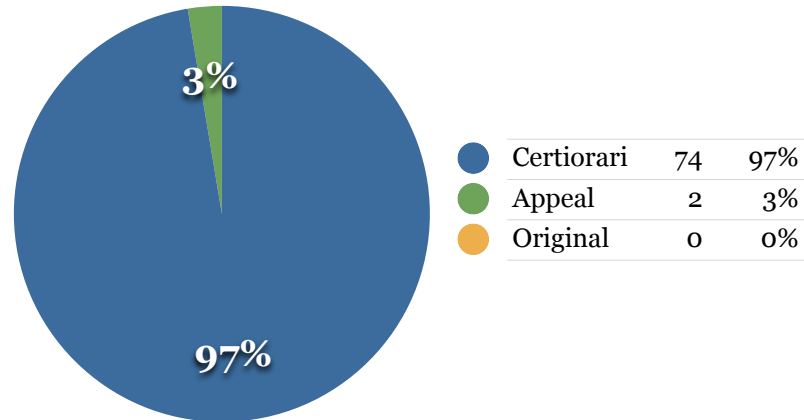
* This chart includes both signed merits opinions and summary reversals.

** Unless otherwise noted, we treat cases with eight or fewer votes as if they were decided by the full Court. In other words, we treat a case like *Reichle v. Howards* as a 9-0 case throughout this Stat Pack. For 8-0, 7-1, and 6-3 decisions, we categorically assumed that the recused Justice would have joined the majority. In cases that were decided 5-3, we looked at each individual case to decide whether it was more likely that the recused Justice would join the majority (as in *Arizona v. United States*) or the dissent (as in *Federal Aviation Administration v. Cooper*). 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 our Strength of the Majority charts on page 12, and not to figures that focus on the behavior of individual Justices, like our Frequency in the Majority figures charts on page 13 or our Justice Agreement charts on pages 20-25. We have done our best to note where we assume a full Court and where we use an incomplete Court.

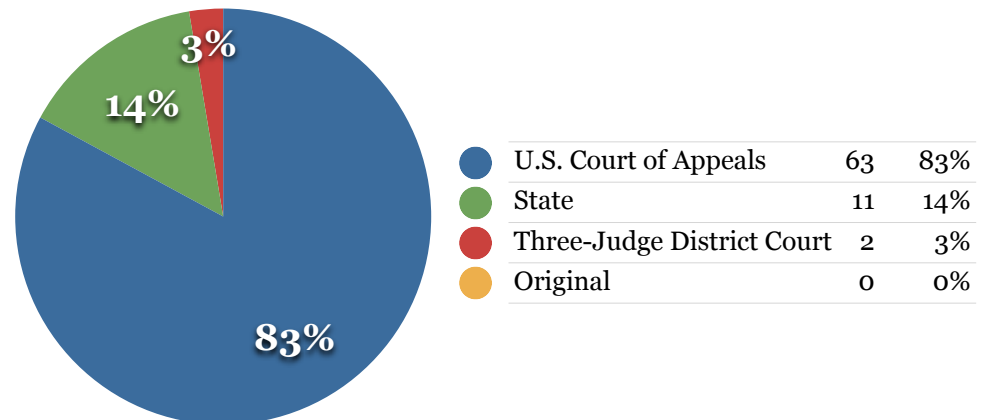
Make-up of the Merits Docket

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

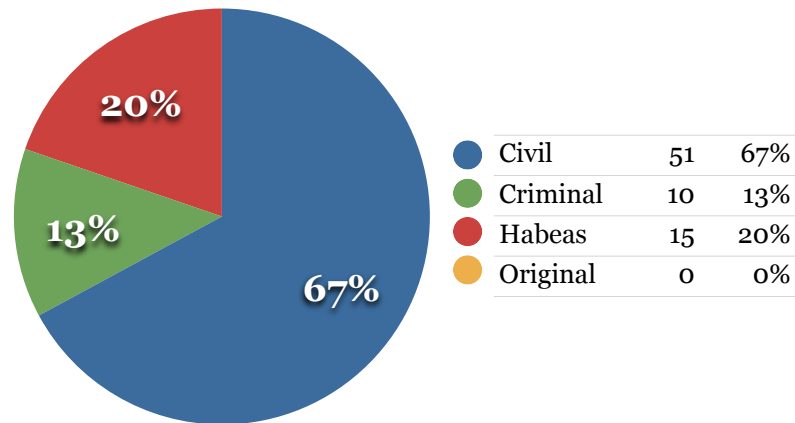
Source of Jurisdiction



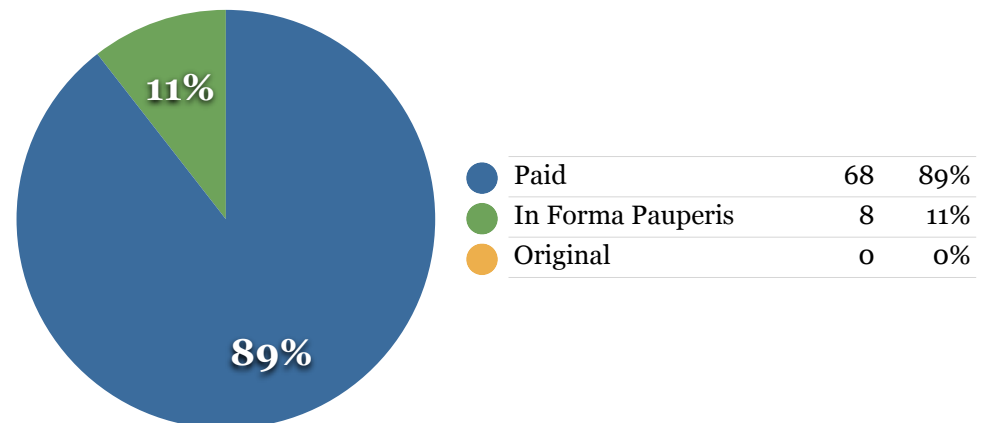
Court Below



Nature

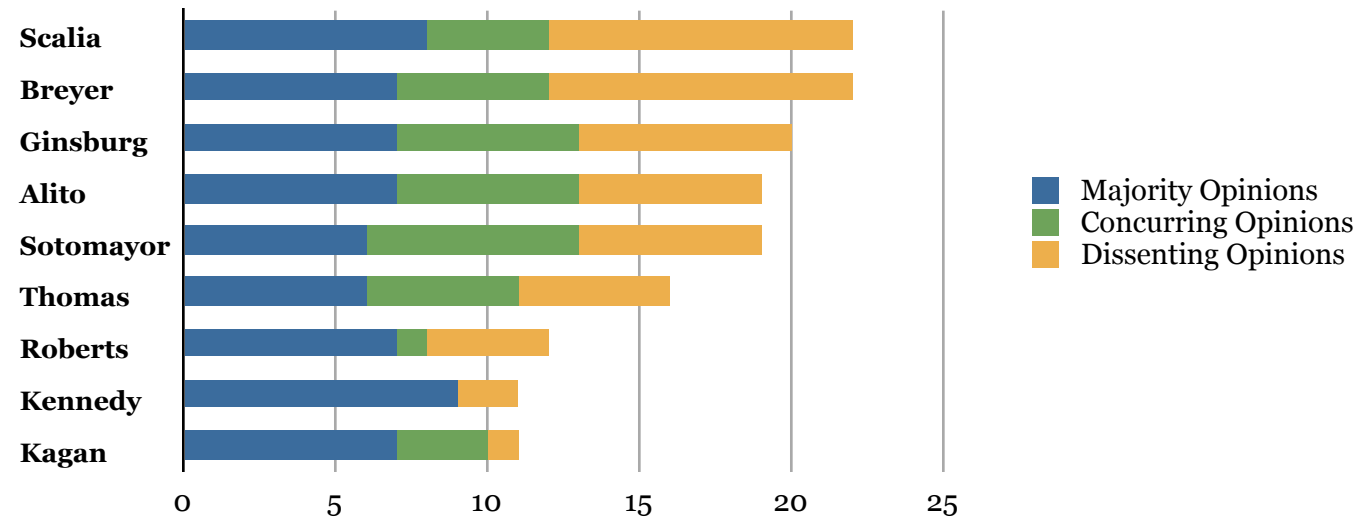


Docket



Total Opinion Authorship

	Total Opinions	Majority Opinions	Concurring Opinions	Dissenting Opinions
Roberts	12	7	1	4
Scalia	22	8	4	10
Kennedy	11	9	-	2
Thomas	16	6	5	5
Ginsburg	20	7	6	7
Breyer	22	7	5	10
Alito	19	7	6	6
Sotomayor	19	6	7	6
Kagan	11	7	3	1
Per Curiam	12	12	-	-
	161	76	37	48*

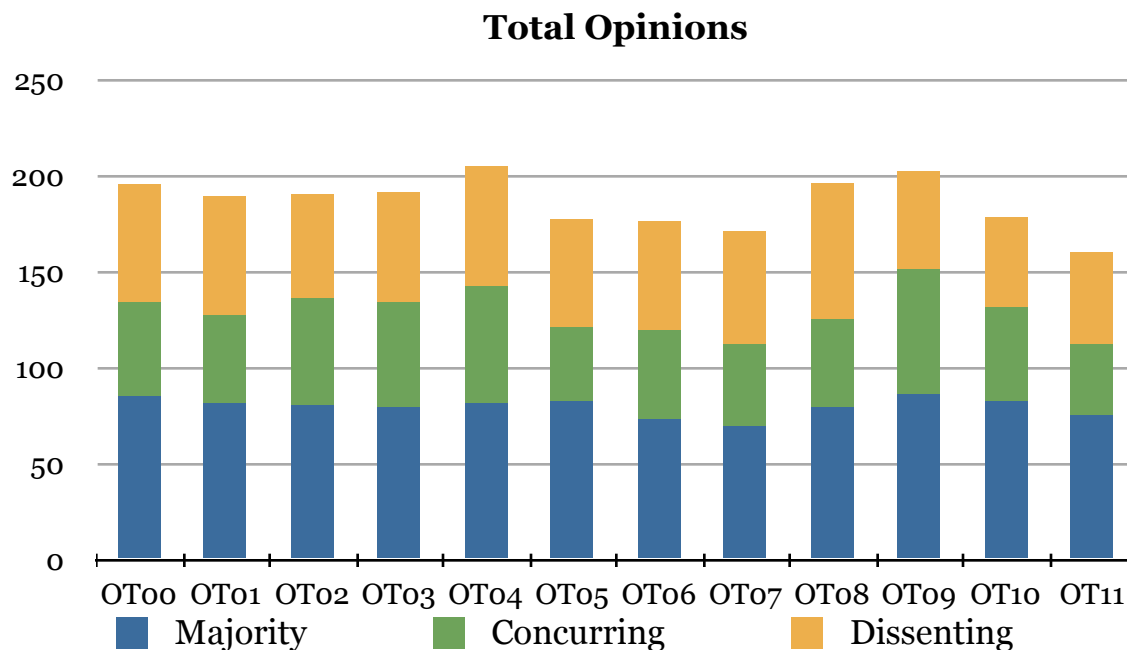


* In order to accommodate the four-Justice dissenting opinion in *National Federation of Independent Businesses v. Sebelius*, each of the dissenting Justices in that case have been credited for authoring one dissenting opinion in that case (except Justice Thomas, who is credited as authoring two dissents in the case). However, in order to acknowledge that only two dissenting opinions were produced in the case, the total total number of dissenting opinions and the total number of opinions for the Term have been manually adjusted to count only two opinions from that case.

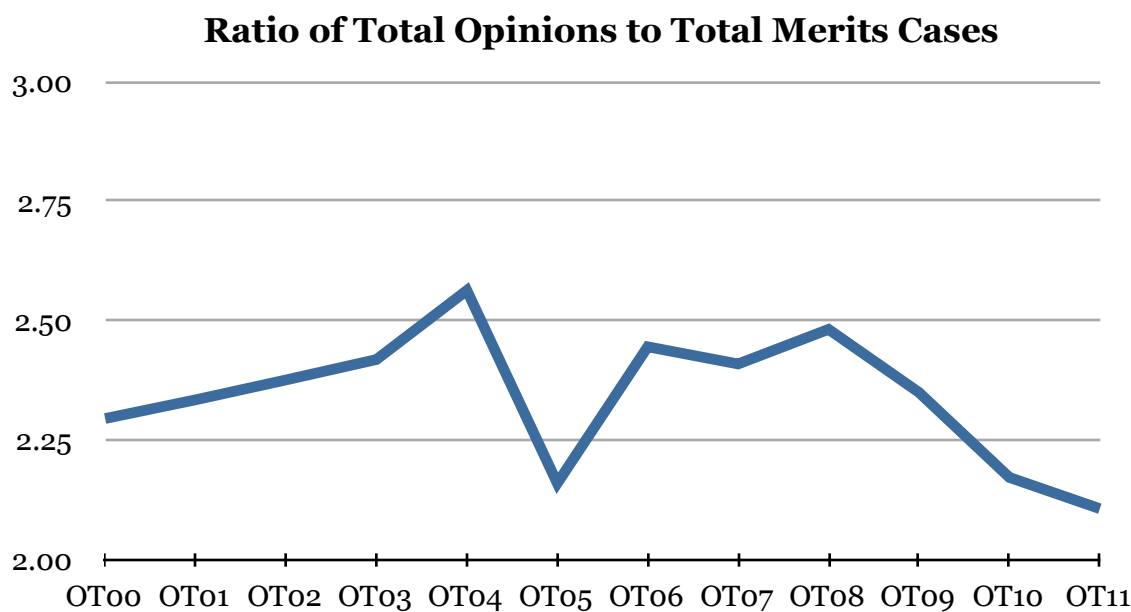
Total Opinion Authorship

(cont'd)

Term	Majority Opinions	Concurring Opinions	Dissenting Opinions	Total Opinions
OT00	85	49	61	195
OT01	81	46	62	189
OT02	80	56	54	190
OT03	79	55	57	191
OT04	81	61	63	205
OT05	82	39	56	177
OT06	73	46	57	176
OT07	69	43	59	171
OT08	79	46	71	196
OT09	86	65	51	202
OT10	82	49	47	178
OT11	75	37	48	160
Average	79	49	57	186

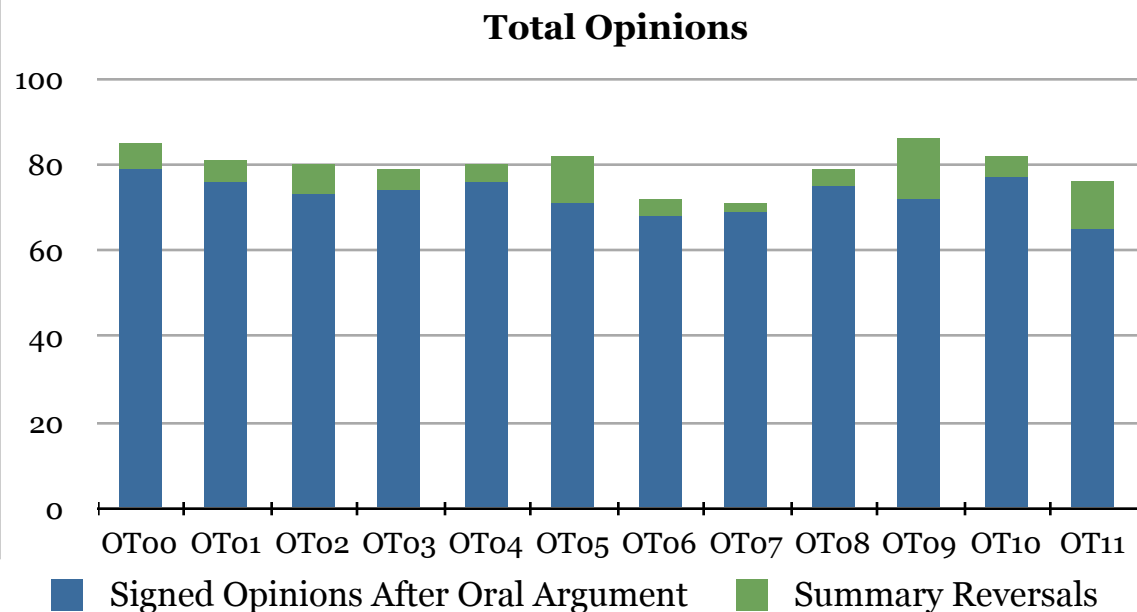


Term	Total Opinions	Merits Cases	Ratio
OT00	195	85	2.29
OT01	189	81	2.33
OT02	190	80	2.38
OT03	191	79	2.42
OT04	205	80	2.56
OT05	177	82	2.16
OT06	176	72	2.44
OT07	171	71	2.41
OT08	196	79	2.48
OT09	202	86	2.35
OT10	178	82	2.17
OT11	160	76	2.11
Average	186	79	2.34

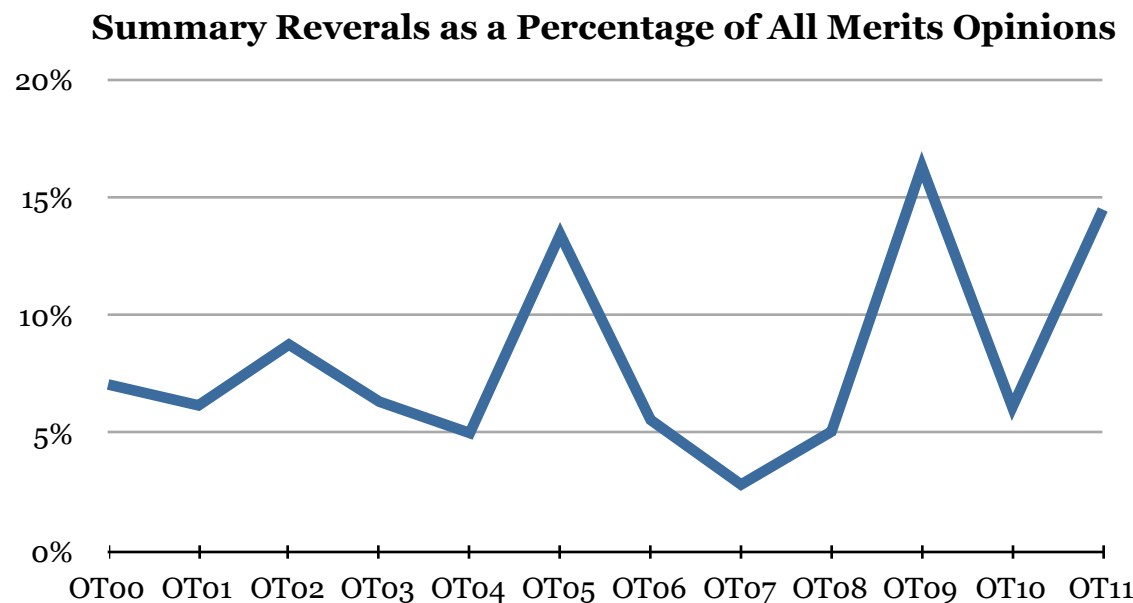


Summary Reversals

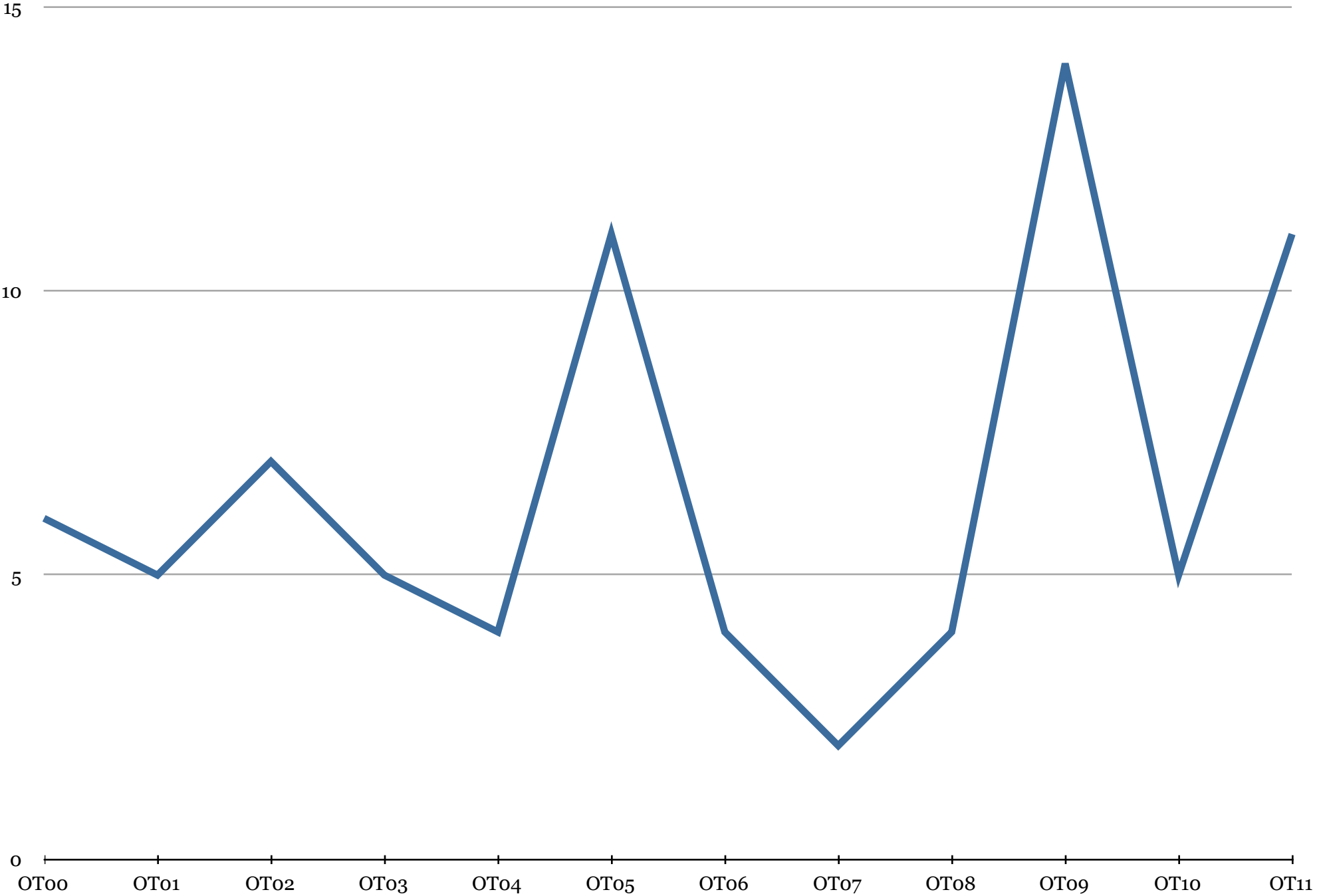
Term	Signed Opinions after Oral Argument	Summary Reversals	Total
OT00	79	6	85
OT01	76	5	81
OT02	73	7	80
OT03	74	5	79
OT04	76	4	80
OT05	71	11	82
OT06	68	4	72
OT07	69	2	71
OT08	75	4	79
OT09	72	14	86
OT10	77	5	82
OT11	65	11	76
Average	73	7	79



Term	Summary Reversals	Summary Reversals as a Percentage of All Merits Opinions
OT00	6	7%
OT01	5	6%
OT02	7	9%
OT03	5	6%
OT04	4	5%
OT05	11	13%
OT06	4	6%
OT07	2	3%
OT08	4	5%
OT09	14	16%
OT10	5	6%
OT11	11	14%
Average	7	8%



Summary Reversals



Majority Opinion Authorship

Majority Opinions Authored

	Total	9-0	8-1	7-2	6-3	5-4	Average Strength of the Majority*
Roberts	7	2	2	1	1	1	7.4
Scalia	8	6	1	-	1	-	8.5
Kennedy	9	2	-	1	2	4	6.3
Thomas	6	3	-	-	3	-	7.5
Ginsburg	7	3	1	2	1	-	7.9
Breyer	7	1	1	1	1	3	6.4
Alito	7	2	-	1	1	3	6.7
Sotomayor	6	1	2	-	1	2	6.8
Kagan	7	5	1	-	-	1	8.3
Total	64	25	8	6	11	14	7.4

Unanimous Judgment	Divided Judgment
29%	71%
75%	25%
22%	78%
50%	50%
43%	57%
14%	86%
29%	71%
17%	83%
71%	29%
39%	61%

Authorship as a Percentage of Similar Opinions

	9-0	8-1	7-2	6-3	5-4
Roberts	8%	25%	17%	9%	7%
Scalia	24%	13%	-	9%	-
Kennedy	8%	-	17%	18%	29%
Thomas	12%	-	-	27%	-
Ginsburg	12%	13%	33%	9%	-
Breyer	4%	13%	17%	9%	21%
Alito	8%	-	17%	9%	21%
Sotomayor	4%	25%	-	9%	14%
Kagan	20%	13%	-	-	7%
	100% (25)	100% (8)	100% (6)	100% (11)	100% (14)

Days Between Argument and Opinion

Majority Opinion Author	Days
Ginsburg	75d
Scalia	79d
Sotomayor	85d
Kagan	91d
Roberts	94d
Breyer	98d
Thomas	98d
Kennedy	125d
Alito	132d
Overall	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.

Strength of the Majority

Argument Sitting	Decided	9-0	8-1	7-2	6-3	5-4	Average Strength of the Majority	Number of Opinions Per Case
October	12	5	1	4	-	2	7.6	2.3
November	12	3	5	-	2	2	7.4	2.4
December	11	6	-	1	1	3	7.5	1.9
January	11	6	1	1	1	2	7.7	2.5
February	8	3	-	-	5	-	7.1	2.0
March	5	2	-	-	1	2	6.8	2.8
April	6	1	1	-	1	3	6.3	2.2
Summary Reversal	11	8	-	-	2	1	8.1	1.3
	76	34	8	6	13	15	7.4	2.1

Cases Affirmed by an Equally Divided Court

Term	Total
OT00	-
OT01	-
OT02	2
OT03	-
OT04	-
OT05	-
OT06	-
OT07	2
OT08	-
OT09	-
OT10	2
OT11	-
Average	0.50

Solo Dissents

	Total (OT11)	Average* (OT00-OT10)
Ginsburg	3	0.5
Sotomayor	2	0.5
Scalia	1	0.8
Thomas	1	1.8
Breyer	1	0.5
Roberts	0	0.0
Kennedy	0	0.2
Alito	0	0.3
Kagan	0	0.0
	8	6.4

Rehnquist	N/A	0.2
O'Connor	N/A	0.0
Souter	N/A	0.2
Stevens	N/A	2.3

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

Frequency in the Majority

The following charts measure how frequently each Justice has voted with the majority during OT 2011. The charts include summary reversals but do not include cases that were dismissed.

All Cases

Justice	Votes	Frequency in Majority		OT10	OT09	OT08	OT07
Kennedy	75	70	93%	94%	91%	92%	86%
Roberts	75	69	92%	91%	91%	81%	90%
Thomas	76	65	86%	88%	83%	81%	75%
Alito	76	63	83%	86%	87%	81%	82%
Kagan	72	59	82%	81%	-	-	-
Scalia	76	62	82%	86%	87%	84%	81%
Sotomayor	75	60	80%	81%	84%	-	-
Breyer	76	58	76%	79%	78%	75%	79%
Ginsburg	76	53	70%	74%	80%	70%	75%

Divided Cases

Justice	Votes	Frequency in Majority		OT10	OT09	OT08	OT07
Kennedy	42	37	88%	88%	83%	89%	79%
Roberts	42	36	86%	83%	83%	72%	73%
Thomas	42	31	74%	76%	67%	72%	85%
Alito	42	29	69%	74%	76%	72%	75%
Scalia	42	28	67%	74%	76%	76%	65%
Kagan	39	26	67%	67%	-	-	-
Sotomayor	42	27	64%	64%	69%	-	-
Breyer	42	24	57%	60%	58%	62%	68%
Ginsburg	42	19	45%	50%	63%	55%	65%

Five-to-Four Decisions

Alignment of the Majority

Majority*	Total (15)	Cases
Roberts, Scalia, Kennedy, Thomas, Alito	5	<i>Coleman, Federal Aviation Administration, Florence, Christopher, American Tradition Partnership (PC)</i>
Kennedy, Ginsburg, Breyer, Sotomayor, Kagan	5	<i>Douglas, Frye, Lafler, Dorsey, Miller</i>
Roberts, Scalia, Thomas, Breyer, Alito	1	<i>Home Concrete & Supply</i>
Roberts, Scalia, Thomas, Alito, Sotomayor	1	<i>Hall</i>
Roberts, Ginsburg, Breyer, Sotomayor, Kagan	1	<i>National Federation Independent Businesses</i>
Roberts, Kennedy, Thomas, Breyer, Alito	1	<i>Williams</i>
Scalia, Kennedy, Thomas, Sotomayor, Kagan	1	<i>Salazar</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
OT00	26	31%	85%	64%	54%	7	0.27
OT01	21	26%	57%	67%	38%	8	0.38
OT02	15	16%	67%	60%	40%	7	0.47
OT03	21	24%	76%	63%	48%	8	0.38
OT04	24	20%	50%	42%	21%	14	0.58
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%	67%	50%	33%	7	0.47
Average	19	22%	70%	62%	44%	7	0.41

* Only one Justice has been recused in a 5-4 decision this Term: Justice Kagan in *Federal Aviation Administration v. Cooper*.

** 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 Justices Rehnquist or Roberts and Justices Scalia, Kennedy, Thomas, and O'Connor or Alito.

Five-to-Four Cases

(continued)

Membership in a Five-to-Four Majority

Justice	Cases Decided	Frequency in Majority		OT10	OT09	OT08	OT07	OT06
Kennedy	15	12	80%	88%	69%	78%	67%	100%
Roberts	15	10	67%	63%	56%	48%	58%	67%
Thomas	15	10	67%	75%	69%	65%	67%	61%
Scalia	15	9	60%	69%	69%	70%	58%	58%
Alito	15	9	60%	63%	63%	52%	50%	71%
Breyer	15	7	47%	31%	38%	39%	45%	46%
Sotomayor	15	7	47%	38%	43%	-	-	-
Kagan	14	6	40%	38%	-	-	-	-
Ginsburg	15	5	33%	38%	25%	52%	50%	33%

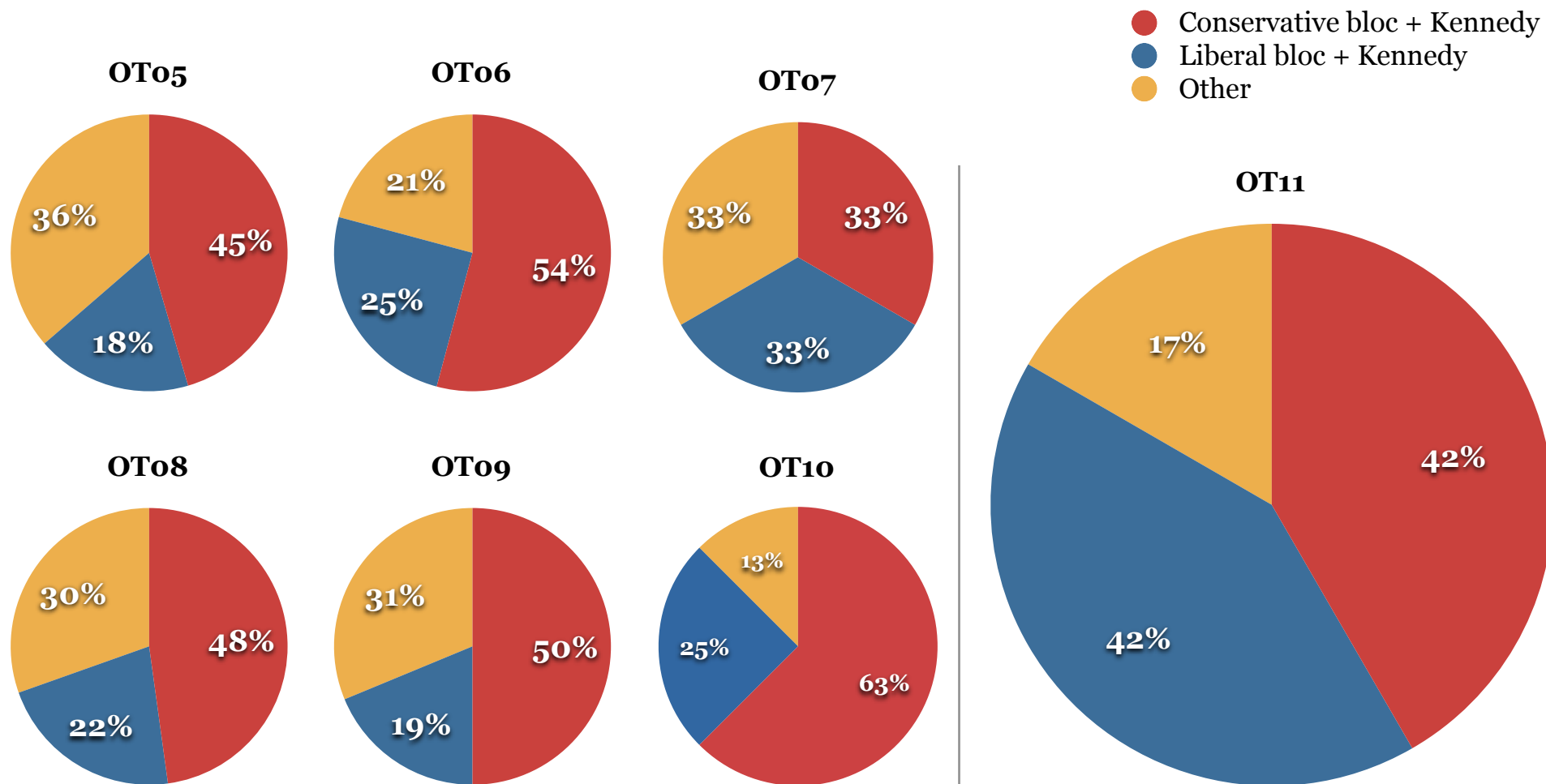
Five-to-Four Majority Opinion Authorship

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	OT10	OT09	OT08	OT07	OT06
Breyer	15	7	3	43%	20%	25%	0%	40%	18%
Kennedy	15	12	4	33%	21%	22%	28%	50%	25%
Alito	15	9	3	33%	0%	40%	8%	17%	24%
Sotomayor	15	7	2	29%	17%	0%	-	-	-
Kagan	14	6	1	17%	0%	-	-	-	-
Roberts	15	10	1	10%	30%	22%	18%	14%	19%
Scalia	15	9	0	0%	9%	18%	33%	29%	0%
Thomas	15	10	0	0%	33%	9%	13%	13%	29%
Ginsburg	15	5	0	0%	33%	50%	27%	0%	13%

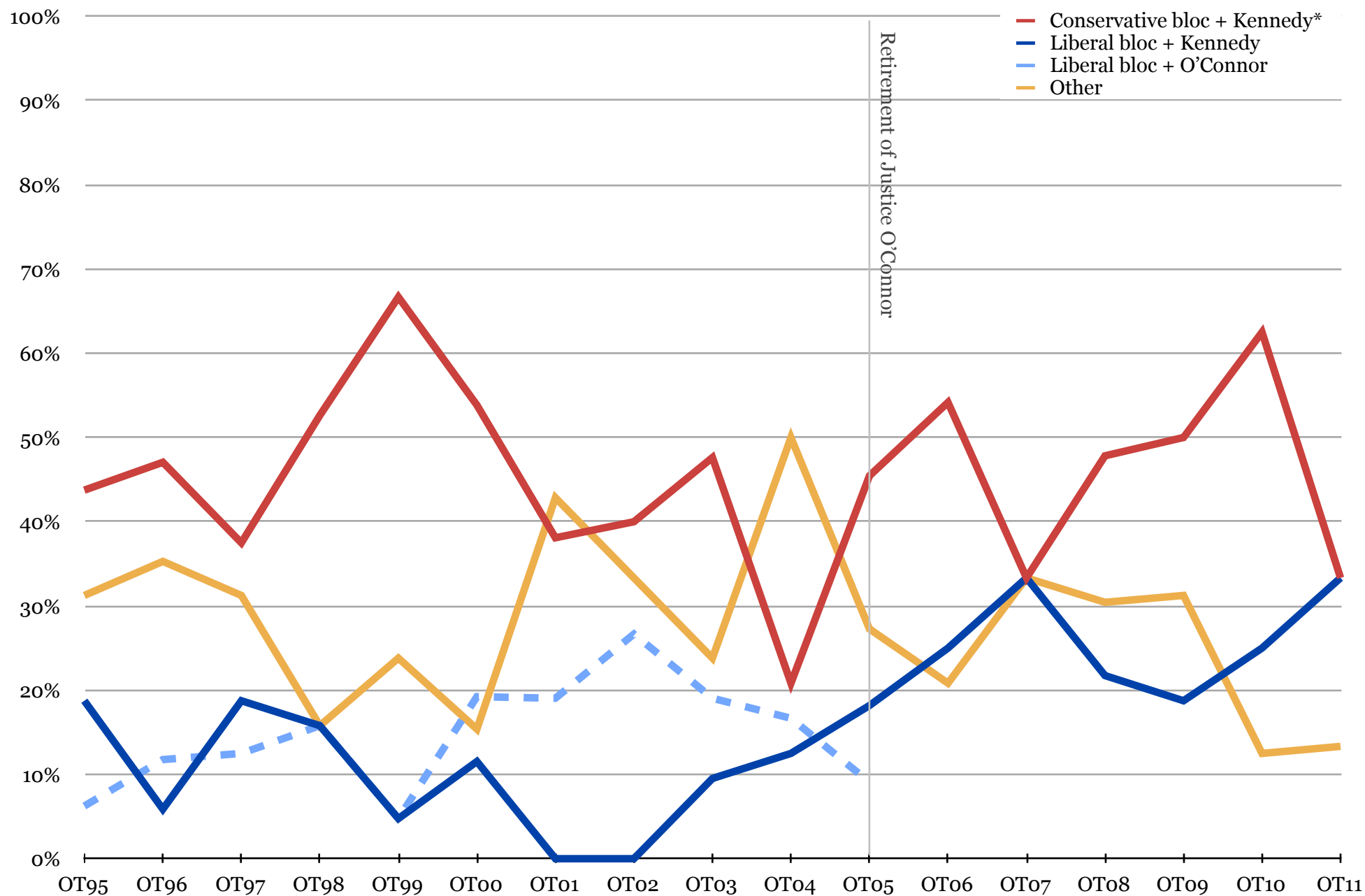
* Percentages represent the number of majority opinions authored divided by the number of times a Justice was in the majority for a *signed* opinion. As such, 5-4 *per curiam* opinions are omitted entirely.

Composition of 5-4 Majorities (OT2005-2011)



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

5-4 Majority Make-up



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

Oral Argument

The number of “questions” per argument is simply the number of times a given Justice’s name appears in the argument transcript in capital letters. In order to account for the Chief Justice’s administrative comments, his tally for each case has been uniformly reduced by three questions in each case.

Average Number of Questions

	Average
Scalia	23.8
Sotomayor	21.3
Breyer	20.3
Roberts	20.2
Ginsburg	12.6
Kagan	12.2
Kennedy	11.0
Alito	11.0
Thomas	0.0

Frequency as a Top or Top 3 Questioner

	Freq. Top 1	Freq. Top 3
Scalia	32%	63%
Roberts	24%	66%
Sotomayor	22%	63%
Breyer	16%	54%
Ginsburg	4%	21%
Alito	4%	16%
Kagan	2%	17%
Kennedy	1%	18%
Thomas	0%	0%

Average Number of Questions

Arranged by Vote Split

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

Frequency as the First Questioner

	Frequency	
Sotomayor	18 /67	27%
Ginsburg	15 /68	22%
Roberts	10 /67	15%
Scalia	9 /68	13%
Kagan	7 /64	11%
Kennedy	5 /67	7%
Alito	3 /68	4%
Breyer	1 /68	1%
Thomas	0 /68	0%

Oral Argument - Advocates

Overview

	OT11	OT10
Number of total appearances	182	196
Number of advocates	118	143
Appearances by the Office of the Solicitor General	58 (32%)	57 (29%)
Appearances by advocates who argued more than once	98 (54%)	81 (41%)
Appearances by advocates from Washington, DC	122 (67%)	106 (54%)

Most Popular Advocate Origins*

State	Total
Washington, DC**	122
California	12
Illinois	7
Michigan	5
Alabama	4
Colorado	4
Pennsylvania	4
Texas	4
Arizona	3
Virginia	3
Arkansas	2
Massachusetts	2

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

** If attorneys from the Office of the Solicitor General are omitted, Washington, DC-based lawyers argued 64 times during OT11 and 49 times during OT10

Advocates Who Appeared More than Once During OT11

Rank	Name	Appearances	Position	OT10
1	Paul D. Clement	9	Bancroft PLLC	1
	Donald B. Verrilli, Jr.	9	Solicitor General	0
3	Carter G. Phillips	5	Sidley Austin LLP	5
4	Michael R. Dreeben	4	Deputy Solicitor General	2
	Gregory G. Garre	4	Latham & Watkins LLP	1
	Edwin S. Kneedler	4	Deputy Solicitor General	4
7	Curtis E. Gannon	3	Assistant to the Solicitor General	3
	Eric D. Miller	3	Assistant to the Solicitor General	3
	Patricia A. Millett	3	Akin, Gump, Strauss, Hauer & Feld LLP	0
	Nicole A. Saharsky	3	Assistant to the Solicitor General	3
	Sri Srinivasan	3	Principal Deputy Solicitor General	0
	Malcolm L. Stewart	3	Deputy Solicitor General	4
	Anthony A. Yang	3	Assistant to the Solicitor General	3
14	Ginger D. Anders	2	Assistant to the Solicitor General	2
	John J. Bursch	2	Solicitor General of Michigan	1
	Eric J. Feigin	2	Assistant to the Solicitor General	1
	Jeffrey L. Fisher	2	Stanford Supreme Court Clinic	2
	David C. Frederick	2	Kellogg, Huber, Hansen, Todd, Evans & Figel PLLC	5
	Thomas C. Goldstein	2	Goldstein & Russell PC	1
	Sarah E. Harrington	2	Assistant to the Solicitor General	2
	Benjamin J. Horwich	2	Assistant to the Solicitor General	2
	William M. Jay	2	Assistant to the Solicitor General	3
	Leondra R. Kruger	2	Assistant to the Solicitor General	4
	John C. Neiman, Jr.	2	Solicitor General of Alabama	0
	Scott L. Nelson	2	Public Citizen Litigation Group	0
	Ann O'Connell	2	Assistant to the Solicitor General	1
	Joseph R. Palmore	2	Assistant to the Solicitor General	2
	Aaron M. Panner	2	Kellogg, Huber, Hansen, Todd, Evans & Figel PLLC	1
	Charles A. Rothfeld	2	Mayer Brown LLP	1
	Pratik A. Shah	2	Assistant to the Solicitor General	3
	Melissa Arbus Sherry	2	Assistant to the Solicitor General	2
	Bryan A. Stevenson	2	Equal Justice Initiative	0
	Jeffrey B. Wall	2	Assistant to the Solicitor General	2
	Seth P. Waxman	2	Wilmer, Cutler, Pickering, Hale, and Dorr LLP	3
34		98		

Justice Agreement - All Cases

	Scalia	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Total
Roberts	56 75%	61 82%	56 75%	40 53%	44 59%	59 79%	44 59%	45 63%	75
	62 83%	62 84%	63 84%	43 57%	49 65%	64 85%	49 66%	48 68%	
	65 87%	62 84%	66 88%	48 64%	53 71%	68 91%	53 72%	52 73%	
	10 13%	12 16%	9 12%	27 36%	22 29%	7 9%	21 28%	19 27%	
Scalia		52 69%	61 80%	33 43%	34 45%	55 72%	36 48%	39 54%	76
		54 72%	68 89%	36 47%	39 51%	62 82%	42 56%	43 60%	
		57 76%	71 93%	43 57%	44 58%	67 88%	48 64%	48 67%	
		18 24%	5 7%	33 43%	32 42%	9 12%	27 36%	24 33%	
Kennedy			52 69%	48 64%	49 65%	52 69%	49 66%	53 75%	75
			58 77%	50 67%	54 72%	56 75%	54 73%	55 77%	
			61 81%	55 73%	58 77%	59 79%	58 78%	59 83%	
			14 19%	20 27%	17 23%	16 21%	16 22%	12 17%	
Thomas				32 42%	36 47%	52 68%	36 48%	41 57%	76
				36 47%	42 55%	60 79%	42 56%	45 63%	
				43 57%	48 63%	67 88%	48 64%	50 69%	
				33 43%	28 37%	9 12%	27 36%	22 31%	
Ginsburg					55 72%	34 45%	54 72%	53 74%	76
					61 80%	38 50%	60 80%	58 81%	
					63 83%	44 58%	63 84%	61 85%	
					13 17%	32 42%	12 16%	11 15%	
Breyer						43 57%	51 68%	54 75%	76
						49 64%	57 76%	59 82%	
						51 67%	60 80%	61 85%	
						25 33%	15 20%	11 15%	
Alito							36 48%	44 61%	76
							42 56%	47 65%	
							48 64%	51 71%	
							27 36%	21 29%	
Sotomayor								51 72%	75
								56 79%	
								60 85%	
								11 15%	
Kagan									72

Key

Fully Agree

Agree in Full or Part

Agree in Full, Part, or Judgment Only

Disagree in Judgment

Justice Agreement - Non-Unanimous Cases

	Scalia	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Total
Roberts	26 62%	29 69%	26 62%	13 31%	16 38%	30 71%	17 40%	15 38%	42
	31 74%	30 71%	32 76%	14 33%	19 45%	33 79%	18 43%	17 44%	
	32 76%	30 71%	33 79%	15 36%	20 48%	35 83%	21 50%	20 51%	
	10 24%	12 29%	9 21%	27 64%	22 52%	7 17%	21 50%	19 49%	
Scalia		22 52%	31 74%	8 19%	7 17%	26 62%	11 26%	11 28%	42
		23 55%	36 86%	8 19%	10 24%	30 71%	12 29%	13 33%	
		24 57%	37 88%	9 21%	10 24%	33 79%	15 36%	15 38%	
		18 43%	5 12%	33 79%	32 76%	9 21%	27 64%	24 62%	
Kennedy			22 52%	21 50%	21 50%	23 55%	22 52%	23 59%	42
			27 64%	21 50%	24 57%	25 60%	23 55%	24 62%	
			28 67%	22 52%	25 60%	26 62%	26 62%	27 69%	
			14 33%	20 48%	17 40%	16 38%	16 38%	12 31%	
Thomas				7 17%	10 24%	24 57%	11 26%	12 31%	42
				8 19%	13 31%	30 71%	12 29%	15 38%	
				9 21%	14 33%	33 79%	15 36%	17 44%	
				33 79%	28 67%	9 21%	27 64%	22 56%	
Ginsburg					26 62%	7 17%	27 64%	25 64%	42
					28 67%	8 19%	29 69%	27 69%	
					29 69%	10 24%	30 71%	28 72%	
					13 31%	32 76%	12 29%	11 28%	
Breyer						14 33%	23 55%	24 62%	42
						17 40%	26 62%	26 67%	
						17 40%	27 64%	28 72%	
						25 60%	15 36%	11 28%	
Alito							11 26%	13 33%	42
							12 29%	15 38%	
							15 36%	18 46%	
							27 64%	21 54%	
Sotomayor								24 62%	42
								26 67%	
								28 72%	
								11 28%	
Kagan									39

Key

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

Justice Agreement - 5-4 Decisions

	Scalia	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Total
Roberts	7 47%	5 33%	8 53%	1 7%	2 13%	11 73%	1 7%	0 0%	15
	11 73%	6 40%	12 80%	2 13%	4 27%	13 87%	2 13%	1 7%	
	12 80%	6 40%	13 87%	2 13%	4 27%	14 93%	2 13%	1 7%	
	3 20%	9 60%	2 13%	13 87%	11 73%	1 7%	13 87%	13 93%	
Scalia		6 40%	9 60%	1 7%	0 0%	8 53%	3 20%	2 14%	15
		6 40%	13 87%	1 7%	1 7%	11 73%	3 20%	2 14%	
		7 47%	14 93%	1 7%	1 7%	13 87%	3 20%	2 14%	
		8 53%	1 7%	14 93%	14 93%	2 13%	12 80%	12 86%	
Kennedy			4 27%	7 47%	5 33%	6 40%	6 40%	8 57%	15
			7 47%	7 47%	7 47%	7 47%	7 47%	8 57%	
			8 53%	7 47%	7 47%	7 47%	7 47%	8 57%	
			7 47%	8 53%	8 53%	8 53%	8 53%	6 43%	
Thomas				1 7%	2 13%	7 47%	1 7%	2 14%	15
				1 7%	2 13%	11 73%	1 7%	2 14%	
				1 7%	3 20%	13 87%	1 7%	2 14%	
				14 93%	12 80%	2 13%	14 93%	12 86%	
Ginsburg					11 73%	1 7%	11 73%	11 79%	15
					13 87%	1 7%	13 87%	13 93%	
					13 87%	1 7%	13 87%	13 93%	
					2 13%	14 93%	2 13%	1 7%	
Breyer						2 13%	9 60%	9 64%	15
						3 20%	11 73%	11 79%	
						3 20%	11 73%	11 79%	
						12 80%	4 27%	3 21%	
Alito							2 13%	1 7%	15
							2 13%	1 7%	
							2 13%	1 7%	
							13 87%	13 93%	
Sotomayor								11 79%	15
								13 93%	
								13 93%	
								1 7%	
Kagan									14

Key

Fully Agree

Agree in Full or Part

Agree in Full, Part, or Judgment Only

Disagree in Judgment

Justice Agreement - Highs and Lows - All Cases

The following tables list the Justice pairs with the highest, and lowest, agreement rates in *all cases* (drawn from the chart on page 20). Both tables consider the level of *agreement in full, in part, or in judgment only*.

Highest Agreement

	Pair	Average
1	Scalia - Thomas	93.4%
2	Roberts - Alito	90.7%
3	Scalia - Alito	88.2%
4	Thomas - Alito	88.2%
5	Roberts - Thomas	88.0%
6	Roberts - Scalia	86.7%
7	Ginsburg - Kagan	84.7%
8	Breyer - Kagan	84.7%
9	Sotomayor - Kagan	84.5%
10	Ginsburg - Sotomayor	84.0%

Lowest Agreement

	Pair	Average
1	Scalia - Ginsburg	56.6%
2	Thomas - Ginsburg	56.6%
3	Scalia - Breyer	57.9%
4	Ginsburg - Alito	57.9%
5	Thomas - Breyer	63.2%
6	Roberts - Ginsburg	64.0%
7	Scalia - Sotomayor	64.0%
8	Thomas - Sotomayor	64.0%
9	Alito - Sotomayor	64.0%
10	Scalia - Kagan	66.7%

Justice Agreement - Highs and Lows - Non-Unanimous Cases

The following tables list the Justice pairs with the highest, and lowest, agreement rates in *non-unanimous cases* (drawn from the chart on page 21). Both tables consider the level of *agreement in full, in part, or in judgment only*.

Highest Agreement

	Pair	Average
1	Scalia - Thomas	88.1%
2	Roberts - Alito	83.3%
3	Roberts - Thomas	78.6%
4	Scalia - Alito	78.6%
5	Thomas - Alito	78.6%
6	Roberts - Scalia	76.2%
7	Ginsburg - Kagan	71.8%
8	Breyer - Kagan	71.8%
9	Sotomayor - Kagan	71.8%
10	Roberts - Kennedy	71.4%

Lowest Agreement

	Pair	Average
1	Scalia - Ginsburg	21.4%
2	Thomas - Ginsburg	21.4%
3	Scalia - Breyer	23.8%
4	Ginsburg - Alito	23.8%
5	Thomas - Breyer	33.3%
6	Roberts - Ginsburg	35.7%
7	Scalia - Sotomayor	35.7%
8	Thomas - Sotomayor	35.7%
9	Alito - Sotomayor	35.7%
10	Scalia - Kagan	38.5%

Justice Agreement - Highs and Lows - 5-4 Decisions

The following tables list the Justice pairs with the highest, and lowest, agreement rates in *5-4 decisions* (drawn from the chart on page 22). Both tables consider the level of *agreement in full, in part, or in judgment only*.

Highest Agreement

	Pair	Average
1	Roberts - Alito	93.3%
2	Scalia - Thomas	93.3%
3	Ginsburg - Kagan	92.9%
4	Sotomayor - Kagan	92.9%
5	Roberts - Thomas	86.7%
6	Scalia - Alito	86.7%
7	Thomas - Alito	86.7%
8	Ginsburg - Breyer	86.7%
9	Ginsburg - Sotomayor	86.7%
10	Roberts - Scalia	80.0%

Lowest Agreement

	Pair	Average
1	Scalia - Ginsburg	6.7%
2	Scalia - Breyer	6.7%
3	Thomas - Ginsburg	6.7%
4	Thomas - Sotomayor	6.7%
5	Ginsburg - Alito	6.7%
6	Roberts - Kagan	7.1%
7	Alito - Kagan	7.1%
8	Roberts - Ginsburg	13.3%
9	Roberts - Sotomayor	13.3%
10	Alito - Sotomayor	13.3%

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 OT11.

Argued	Avg. Days
October	203d
November	185d
December	163d
January	143d
February	134d
March	123d
April	131d
Overall	160d

Average	160d
Median	155d
St. Dev.	46d

Longest	<i>Lafler</i>	297d
Shortest	<i>Perez</i>	31d

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

	Rank		Days	Granted	Argued
Longest	1	<i>Lafler v. Cooper</i>	297d	Jan 7	Oct 31
	1	<i>Missouri v. Frye</i>	297d	Jan 7	Nov 1
	3	<i>Douglas v. Ind. Living Center</i>	258d	Jan 18	Oct 3
	4	<i>Howes v. Fields</i>	253d	Jan 24	Oct 4
	5	<i>Reynolds v. U.S.</i>	252d	Jan 24	Oct 3
	6	<i>Pacific Op. v. Valladolid</i>	231d	Feb 22	Mar 28
	7	<i>Rehberg v. Paulk</i>	225d	Mar 21	Nov 1
	8	<i>Golan v. Holder</i>	212d	Mar 7	Oct 5
	9	<i>Coleman v. Maryland</i>	198d	Jun 27	Jan 11
	10	<i>Maples v. Thomas</i>	197d	Mar 21	Oct 4

	Rank		Days	Granted	Argued
Shortest	1	<i>Perry v. Perez</i>	31d	Dec 9	Nov 2
	2	<i>Salazar v. Ramah Navajo</i>	103d	Jan 6	Jan 9
	3	<i>Roberts v. Sea-Land</i>	106d	Sep 27	Oct 3
	4	<i>Reichle v. Howards</i>	107d	Dec 5	Mar 21
	4	<i>Armour v. Indianapolis</i>	107d	Nov 14	Feb 29
	6	<i>Southern Union v. U.S.</i>	112d	Nov 28	Mar 19
	6	<i>U.S. v. Home Concrete</i>	112d	Sep 27	0
	6	<i>Filarsky v. Delia</i>	112d	Sep 27	Jan 17
	9	<i>Holder v. Gutierrez</i>	113d	Sep 27	Mar 20
	9	<i>Vartelas v. Holder</i>	113d	Sep 27	Jan 18

* 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 released 65 signed opinions after argument during October Term 2011.

Argued	Avg.	Total	Remain
October	110d	12	-
November	102d	12	-
December	114d	12	-
January	94d	11	-
February	89d	9	-
March	84d	7	-
April	57d	6	-
Overall	97d	69	0

Average	97d
Median	92d
St. Dev.	38d

Longest	<i>Williams</i>	195d
Shortest	<i>Perez</i>	11d

Averages

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

	Rank			Author	Vote	Argued	Decided
Longest	1	<i>Williams v. Illinois</i>	195d	Alito	5-4	Dec 6	Jun 18
	2	<i>Florence v. Bd. of Chosen Freeholders</i>	173d	Kennedy	5-4	Oct 12	Apr 2
	3	<i>Martinez v. Ryan</i>	168d	Kennedy	7-2	Oct 4	Mar 20
	4	<i>Hall v. U.S.</i>	167d	Sotomayor	5-4	Nov 29	May 14
	5	<i>Knox v. SEIU</i>	163d	Alito	7-2	Jan 10	Jun 21
	5	<i>FCC v. Fox</i>	163d	Kennedy	8-0	Jan 10	Jun 21
	7	<i>Rehberg v. Paulk</i>	153d	Alito	9-0	Nov 1	Apr 2
	8	<i>Douglas v. Ind. Living Center</i>	142d	Breyer	5-4	Oct 3	Feb 22
	8	<i>Lafler v. Cooper</i>	142d	Kennedy	5-4	Oct 31	Mar 21
	8	<i>Missouri v. Frye</i>	142d	Kennedy	5-4	Oct 31	Mar 21

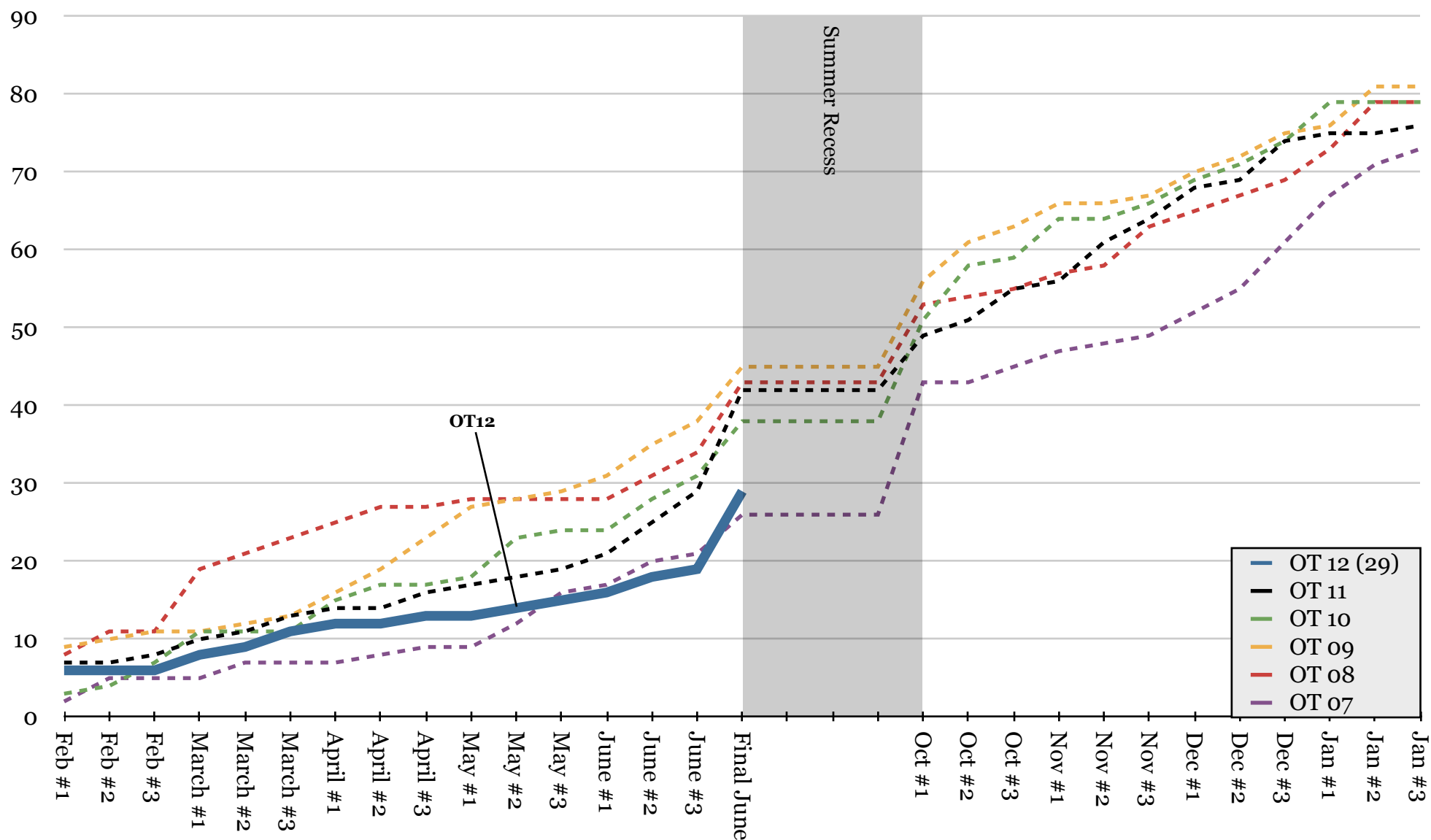
	Rank			Author	Vote	Argued	Decided
Shortest	1	<i>Perry v. Perez</i>	11d	Per Curiam	9-0	Jan 9	Jan 20
	2	<i>Greene v. Fisher</i>	28d	Scalia	9-0	Oct 11	Nov 8
	3	<i>RadLAX v. Amalgamated Bank</i>	36d	Scalia	8-0	Apr 23	May 29
	4	<i>Mohamad v. Palestinian Authority</i>	50d	Sotomayor	9-0	Feb 28	Apr 18
	5	<i>Mims v. Arrow Financial</i>	51d	Ginsburg	9-0	Nov 28	Jan 18
	6	<i>Match-E-Be-Nash-She-Wish v. Patchak</i>	55d	Kagan	8-1	Apr 24	Jun 18
	7	<i>Wood v. Milyard</i>	57d	Ginsburg	9-0	Feb 27	Apr 24
	8	<i>Arizona v. U.S.</i>	61d	Kennedy	5-3	Apr 25	Jun 25
	8	<i>Salazar v. Ramah Navajo</i>	61d	Sotomayor	5-4	Apr 18	Jun 18
	8	<i>Judulang v. Holder</i>	61d	Kagan	9-0	Oct 12	Dec 12

	9-0 (34)	8-1 (8)	7-2 (6)	6-3 (13)	5-4 (15)
Average # Days	86d	78d	122d	97d	116d

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

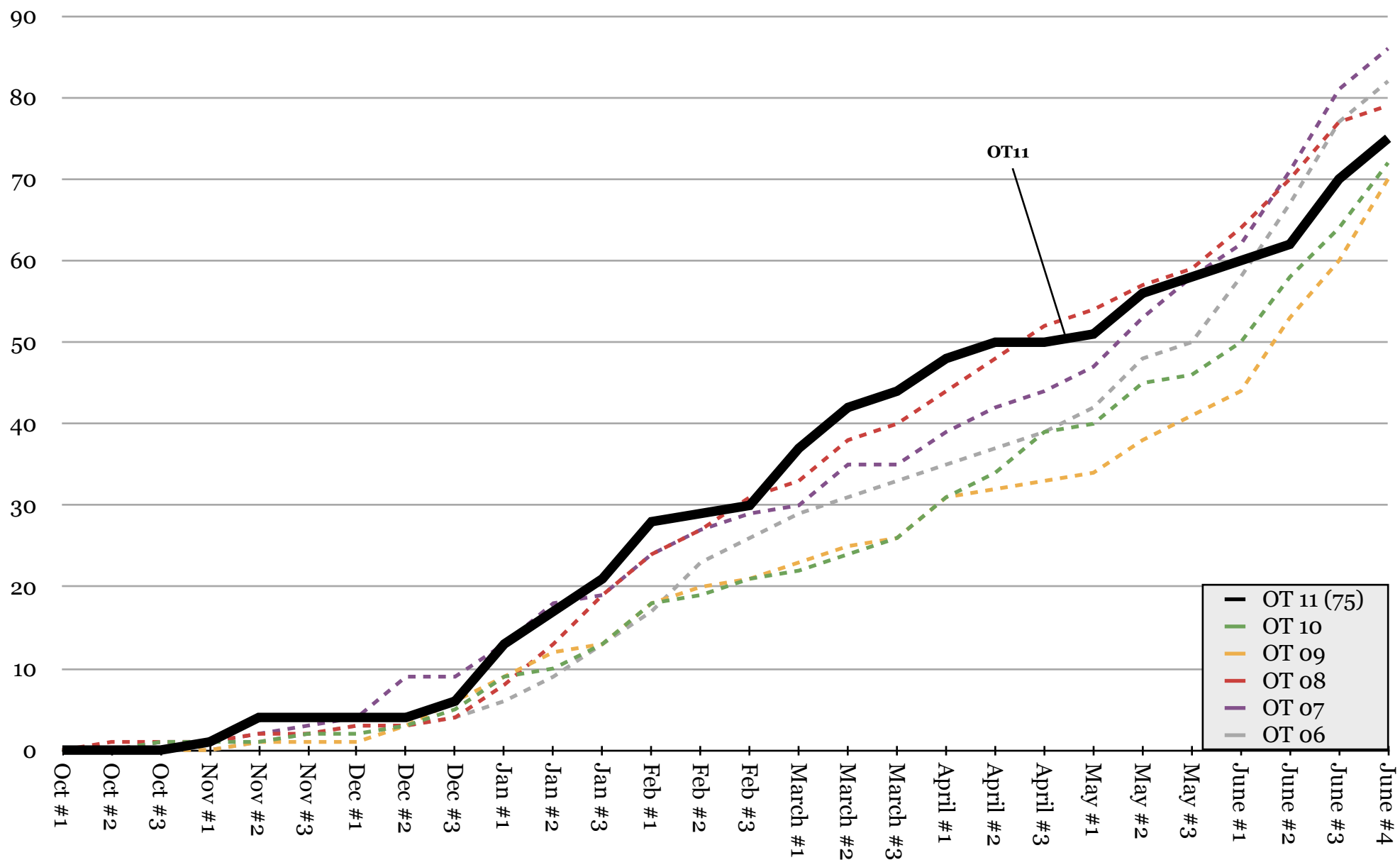
Pace of Grants

The following chart plots the pace at which the Court fills its merits docket for a given Term. Each date marker represents the conference within a given sitting. For instance, Feb #3 is the third February conference, which actually took place on March 5, 2012. 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, opinions for Feb. #3 could be released during the first week of March.



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									
Douglas	SGB	5-4	142d	R	CA9	JGR	1	98d		Lafler	AMK	5-4	142d	R	CA6	JGR	2	102d		First American	-	-	-	-	CA0	JGR	1	79d	
Reynolds	SGB	7-2	112d	R	CA3	AS	2	60d		Frye	AMK	5-4	142d	R	ST	AS	1	76d		Mims	RBG	9-0	51d	R	CA9	AS	2	119d	
Howes	SAA	9-0	140d	R	CA6	AMK	2	171d		Rehberg	SAA	9-0	153d	A	CA11	AMK	2	142d		Hall	SMS	5-4	167d	A	CA9	AMK	1	77d	
Maples	RBG	7-2	106d	R	CA11	CT	1	92d		Minneeci	SGB	8-1	70d	R	CA9	CT	2	109d		Credit Suisse	AS	8-0	118d	R	CA9	CT	0		
Martinez	AMK	7-2	168d	R	CA9	RBG	2	106d		Perry	RBG	8-1	70d	A	ST	RBG	1	70d		Setser	AS	6-3	119d	A	CA5	RBG	1	51d	
Golan	RBG	6-2	105d	A	CA10	SGB	2	127d		Gonzalez	SMS	8-1	69d	A	CA5	SGB	1	70d		Cooper	SAA	5-3	119d	R	CA9	SGB	1	104d	
Hosanna-Tabor	JGR	9-0	98d	R	CA6	SAA	1	140d		Zivotofsky	JGR	8-1	140d	R	CADC	SAA	1	153d		Messerschmidt	JGR	7-2	79d	R	CA9	SAA	2	157d	
Pacific Operators	CT	9-0	92d	A	CA9	SMS	0			Kawashima	CT	6-3	106d	A	CA9	SMS	1	69d		Caraco	EK	9-0	134d	R	CAFC	SMS	1	167d	
Greene	AS	9-0	28d	A	CA3	EK	1	61d		Cain	JGR	8-1	63d	R	ST	EK	1	75d		Martel	EK	9-0	90d	R	CA9	EK	2	112d	
CompuCredit	AS	8-1	91d	R	CA9	Total	12			Jones	AS	9-0	76d	A	CADC	Total	12			Williams	SAA	5-4	195d	A	ST	Total	11		
Florence	AMK	5-4	173d	A	CA3	Expect.	12			Kurns	CT	6-3	112d	A	CA3	Expect.	12			Mayo	SGB	9-0	104d	R	CAFC	Expect.	11		
Judulang	EK	9-0	61d	R	CA9	Avg.	110d			Nat'l Meat Ass'n	EK	9-0	75d	R	CA9	Avg.	102d			PPL Montana	AMK	9-0	77d	R	ST	Avg.	114d		
January										February										March									
Sackett	AS	9-0	72d	R	CA9	JGR	1	91d		Taniguchi	SAA	6-3	90d	R	CA9	JGR	1	92d		Astrue	RBG	9-0	63d	R	CA3	JGR	1	92d	
Hyatt	CT	9-0	100d	A	CAFC	AS	1	72d		Freeman	AS	9-0	93d	A	CA5	AS	1	93d		Southern Union	SMS	6-3	94d	R	CA1	AS	0		
Perez	PC	9-0	11d	R	USDC	AMK	2	116d		Blueford	JGR	6-3	92d	A	ST	AMK	1	127d		Miller	EK	5-4	97d	R	ST	AMK	0		
Knox	SAA	7-2	163d	R	CA9	CT	1	100d		Alvarez	AMK	6-3	127d	A	CA9	CT	1	105d		Hobbs	-	-	-	-	ST	CT	1	75d	
Fox	AMK	8-0	163d	R	CA2	RBG	1	70d		Wood	RBG	9-0	57d	R	CA10	RBG	1	57d		Vasquez	-	-	-	-	CA7	RBG	1	63d	
Coleman	AMK	5-4	69d	A	CA4	SGB	1	99d		Elgin	CT	6-3	105d	A	CA1	SGB	1	96d		Reichle	CT	8-0	75d	R	CA10	SGB	0		
Sea-Land	SMS	8-1	69d	A	CA9	SAA	1	163d		Kiobel	-	-	-	-	CA2	SAA	1	90d		NFIB	JGR	5-4	92d	R	CA11	SAA	0		
Filarsky	JGR	9-0	91d	R	CA9	SMS	1	69d		Mohamad	SMS	9-0	50d	A	CADC	SMS	1	50d								SMS	1	94d	
Home Concrete	SGB	5-4	99d	A	CA4	EK	1	124d		Armour	SGB	6-3	96d	A	St	EK	0									EK	1	97d	
Vartelas	RBG	6-3	70d	R	CA2	Total	11									Total	8									Total	5		
Gutierrez	EK	9-0	124d	R	CA9	Expect.	11									Expect.	8									Expect.	5		
						Avg.	94d									Avg.	89d									Avg.	84d		
April										Summary Reversal										Total									
Christopher	SAA	5-4	63d	A	CA9	JGR	0			Cavazos	PC	6-3	-	R	CA9					Roberts	7	94d							
Dorsey	SGB	5-4	65d	R	CA7	AS	1	36d		KPMG	PC	9-0	-	R	CA6					Scalia	8	79d							
Navajo	SMS	5-4	61d	A	CA10	AMK	1	61d		Bobby	PC	9-0	-	R	ST					Kennedy	9	125d							
RadLAX	AS	8-0	36d	A	CA7	CT	0			Hardy	PC	9-0	-	R	CA7					Thomas	6	98d							
Patchak	EK	8-1	55d	A	CADC	RBG	0			Ryburn	PC	9-0	-	R	CA9					Ginsburg	7	75d							
Arizona	AMK	5-3	61d	A	CA9	SGB	1	65d		Wetzel	PC	6-3	-	R	CA3					Breyer	7	98d							
						SAA	1	63d		Marmet	PC	9-0	-	R	ST					Alito	7	132d							
						SMS	1	61d		Johnson	PC	9-0	-	R	CA3					Sotomayor	6	85d							
						EK	1	55d		Parker	PC	9-0	-	R	CA6					Kagan	7	91d							
						Total	6			Bullock	PC	5-4	-	R	ST					Summary Rev.	11								
						Expect.	6			Tennant	PC	9-0	-	R	USDC					Total Decided	76								
						Avg.	57d													Expected	76								
																				Percent Decided	100%								
																				Avg.		106d							

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	OT11	Total	Percentage
Granted	63	76	58	197	24.1%
Denied	197	205	217	619	75.9%
Pending	0	0	11	11	
Total Listed	260	281	286	827	

Percentage of paid merits cases which appeared as a Petition to Watch prior to being granted	OT10	93% (62/67)
	OT11	80% (53/66)
	OT12	70% (23/33)

Recent Conferences				
	Conference	Listed	Granted	Pending
OT 11	January 20	7	1	-
	February 17	20	3	-
	February 24	5	0	-
	March 2	4	0	1
	March 16	7	1	-
	March 23	10	0	2
	March 30	3	1	-
	April 13	8	1	-
	April 20	5	0	-
	April 27	4	1	-
	May 10	7	1	-
	May 17	4	2	-
	May 24	7	1	-
	May 31	7	1	1
	June 7	11	2	-
	June 14	13	2	3
	June 21	17	3	1
	June 28	6	0	2

* 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 & Russell, P.C. 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 and OT11 petitions. You can read more about the Petitions to Watch feature here: <http://www.scotusblog.com/2010/11/tracking-petitions-on-scotusblog-4-0/>.

OT11 Case List

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

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
<i>I. October (12)</i>							
09-958	Douglas v. Independent Living Center	CA9	Oct 3, 2011	Feb 22, 2012	5-4	Breyer	Vacated and remanded; The parties will argue before the Ninth Circuit in the first instance whether the respondents may maintain Supremacy Clause actions in light of the approval by the Centers for Medicare & Medicaid Services of the challenged California statutes that reduce the amount of Medicaid reimbursement.
10-6549	Reynolds v. United States	CA3	Oct 3, 2011	Jan 23, 2012	7-2	Breyer	Reversed and remanded; The Sex Offender Registration and Notification Act does not require pre-Act offenders to register before the Attorney General validly specifies that the Act's registration provisions apply to them.
10-680	Howes v. Fields	CA6	Oct 4, 2011	Feb 21, 2012	9-0	Alito	Reversed; The Sixth Circuit's categorical rule – that an interrogation is per se custodial, for purposes of <i>Miranda v. Arizona</i> , when a prisoner is questioned in private about events occurring outside the prison – is not clearly established by Supreme Court precedent. And by a vote of six to three, the Court held that the Sixth Circuit's rule is also wrong.
10-63	Maples v. Thomas	CA11	Oct 4, 2011	Jan 18, 2012	7-2	Ginsburg	Reversed and remanded; Death row inmate Cory Maples has shown the requisite “cause” to excuse his procedural default, which occurred when his lawyer missed a filing deadline in state court.
10-1001	Martinez v. Ryan	CA9	Oct 4, 2011	Mar 20, 2012	7-2	Kennedy	Reversed and remanded; Where, under state law, ineffective-assistance-of-trial-counsel claims must be raised in an initial-review collateral proceeding, a procedural default will not bar a federal habeas court from hearing those claims if, in the initial-review collateral proceeding, there was no counsel or counsel in that proceeding was ineffective.

OT11 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
10-545	Golan v. Holder	CA10	Oct 5, 2011	Jan 18, 2012	6-2	Ginsburg	Affirmed; Section 514 of the Uruguay Round Agreements Act does not exceed Congress's authority under the Copy-right Clause.
10-553	Hosanna-Tabor Evangelical Lutheran Church v. EEOC	CA6	Oct 5, 2011	Jan 11, 2012	9-0	Roberts	Reversed; The Establishment and Free Exercise Clauses of the First Amendment bar suits brought on behalf of ministers against their churches, claiming termination in violation of employment discrimination laws. Moreover, because the respondent in this case was a minister within the meaning of the ministerial exception, the First Amendment requires dismissal of her employment discrimination suit against her religious employer.
10-507	Pacific Operators Offshore v. Valladolid	CA9	Oct 11, 2011	Jan 11, 2012	9-0	Thomas	Affirmed and remanded; The Outer Continental Shelf Lands Act extends coverage for injury occurring as the result of operations conducted on the outer continental shelf to an employee who can establish a substantial nexus between his injury and his employer's extractive operations on the shelf.
10-637	Greene v. Fisher	CA3	Oct 11, 2011	Nov 8, 2011	9-0	Scalia	Affirmed; For purposes of the Antiterrorism and Effective Death Penalty Act, "clearly established federal law" is limited to the Supreme Court's decisions "as of the time of the relevant state-court adjudication on the merits."
10-948	CompuCredit v. Greenwood	CA9	Oct 11, 2011	Jan 10, 2012	8-1	Scalia	Reversed and remanded; Because the Credit Repair Organizations Act is silent on whether claims can proceed in an arbitrable forum, the Federal Arbitration Act requires the arbitration agreement to be enforced according to its terms.
10-945	Florence v. Board of Chosen Freeholders	CA3	Oct 12, 2011	Apr 2, 2012	5-4	Kennedy	Affirmed; Jail strip searches do not require reasonable suspicion, at least so long as the arrestee is being admitted into the general jail population.

OT11 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
10-694	Judulang v. Holder	CA9	Oct 12, 2011	Dec 12, 2011	9-0	Kagan	Reversed and remanded; The policy used by the Board of Immigration Appeals to determine whether a resident alien is eligible to ask the Attorney General for relief from deportation under a provision of the immigration laws that has been repealed is “arbitrary and capricious” under the Administrative Procedure Act, 5 U.S.C. § 706(2)(A).

II. November (12)

10-209	Lafler v. Cooper	CA6	Oct 31, 2011	Mar 21, 2012	5-4	Kennedy	Vacated and remanded; Where counsel’s ineffective advice led to an offer’s rejection, and where the prejudice alleged is having to stand trial, a defendant must show that but for the ineffective advice, there is a reasonable probability that the plea offer would have been presented to the court, that the court would have accepted its terms, and that the conviction or sentence, or both, under the offer’s terms would have been less severe than under the actual judgment and sentence imposed.
10-444	Missouri v. Frye	State	Oct 31, 2011	Mar 21, 2012	5-4	Kennedy	Vacated and remanded; The Sixth Amendment right to effective assistance of counsel extends to the consideration of plea offers that lapse or are rejected, and that right applies to “all ‘critical’ stages of the criminal proceedings.”
10-788	Rehberg v. Paulk	CA11	Nov 1, 2011	Apr 2, 2012	9-0	Alito	Affirmed; A witness in a grand jury proceeding is entitled to the same absolute immunity from suit under Section 1983 as a witness who testifies at trial.
10-1104	Minneeci v. Pollard	CA9	Nov 1, 2011	Jan 10, 2012	8-1	Breyer	Reversed; Because state tort law authorizes adequate alternative damages actions in this case, no Bivens remedy can be implied.

OT11 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
10-8974	Perry v. New Hampshire	State	Nov 2, 2011	Jan 11, 2012	8-1	Ginsburg	Affirmed; The Due Process Clause does not require an inquiry into the reliability of an eyewitness identification when the identification was not procured under unnecessarily suggestive circumstances by law enforcement.
10-895	Gonzalez v. Thaler	CA5	Nov 2, 2011	Jan 10, 2012	8-1	Sotomayor	Affirmed; Section 2253(c)(3) is a mandatory but nonjurisdictional rule. The failure of a certificate of appealability to “indicate” a constitutional issue does not deprive a court of appeals of jurisdiction to adjudicate the appeal. Moreover, for a state prisoner who does not seek review in a state’s high-est court, the judgment becomes “final” for purposes of Section 2244(d)(1)(A) upon “expiration of the time for seeking such review.” The petitioner’s appeal in this case was therefore untimely.
10-699	Zivotofsky v. Clinton	CADC	Nov 7, 2011	Mar 26, 2012	8-1	Roberts	Vacated and remanded; The political question doctrine does not bar courts from deciding whether § 214(d) of the Foreign Relations Authorization Act, which permits U.S. citizens born in Jerusalem to request that their passports state “Israel” as their place of birth, impermissibly intrudes on the President’s powers under the Constitution.
10-577	Kawashima v. Holder	CA9	Nov 7, 2011	Feb 21, 2012	6-3	Thomas	Affirmed; Violations of 26 U.S.C. §§ 7206(1) and (2), which preclude making (or assisting in the making of) a false tax return, are crimes “involv[ing] fraud or deceit” under 8 U.S.C. § 1101(a)(43)(M)(i) and are therefore aggravated felonies for purposes of the Immigration and Nationality Act, 8 U.S.C. § 1101 et seq., when the loss to the govern-ment exceeds \$10,000.
10-8145	Smith v. Cain	State	Nov 8, 2011	Jan 10, 2012	8-1	Roberts	Reversed and remanded; The substantial Brady claims in the case require a reversal of the petitioner’s conviction.
10-1259	United States v. Jones	CADC	Nov 8, 2011	Jan 23, 2012	9-0	Scalia	Affirmed; Attaching a GPS device to a vehicle and then using the device to monitor the vehicle’s movements constitutes a search under the Fourth Amendment.

OT11 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
10-879	Kurns v. Railroad Friction Products	CA3	Nov 9, 2011	Feb 29, 2012	6-3	Thomas	Affirmed; Petitioners' state-law design-defect and failure-to-warn claims fall within the field of locomotive equipment regulation pre-empted by the Locomotive Inspection Act, as that field was defined in <i>Napier v. Atlantic Coast Line R. Co.</i>
10-224	National Meat Association v. Harris	CA9	Nov 9, 2011	Jan 23, 2012	9-0	Kagan	Reversed and remanded; The Federal Meat Inspection Act expressly preempts a California law regulating the treatment of non-ambulatory pigs at federally inspected slaughterhouses.

III. December (12)

10-708	First American Financial v. Edwards	CA9	Nov 28, 2011	Jun 28, 2012			Dismissed; Dismissed as improvidently granted.
10-1195	Mims v. Arrow Financial Services	CA11	Nov 28, 2011	Jan 18, 2012	9-0	Ginsburg	Reversed and remanded; The Telephone Consumer Protection Act's grant of jurisdiction to state courts does not deprive the federal district courts of federal-question jurisdiction over private lawsuits seeking to enforce the Act.
10-875	Hall v. United States	CA9	Nov 29, 2011	May 14, 2012	5-4	Sotomayor	Affirmed; The federal income tax liability resulting from petitioners' post-petition farm sale is not "incurred by the estate" under §503(b) of the Bankruptcy Code and thus is neither collectible nor dischargeable in the Chapter 12 plan.

OT11 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
10-1261	Credit Suisse Securities v. Simmonds	CA9	Nov 29, 2011	Mar 26, 2012	8-0	Scalia	Vacated and remanded; Normal equitable tolling principles apply to the statute of limitations for lawsuits under § 16 of the Securities Exchange Act of 1934. Section 16(a) requires corporate insiders to disclose personal transactions involving the corporation's securities.
10-7387	Setser v. United States	CA5	Nov 30, 2011	Mar 28, 2012	6-3	Scalia	Affirmed; A federal district court has the discretion to order a federal criminal sentence to run after a state criminal sentence that is anticipated but has not yet been imposed.
10-1024	Federal Aviation Administration v. Cooper	CA9	Nov 30, 2011	Mar 28, 2012	5-3	Alito	Reversed and remanded; The authorization of suits against the government for "actual damages" in the Privacy Act of 1974 is not sufficiently clear to constitute a waiver of sovereign immunity from suits for mental and emotional distress.
10-704	Messerschmidt v. Millender	CA9	Dec 5, 2011	Feb 22, 2012	7-2	Roberts	Reversed; The officers in the case are entitled to qualified immunity for executing a search warrant for firearms and evidence of gang activity in a home after a victim reported that the suspect had threatened her with a gun.
10-844	Caraco Pharmaceutical Laboratories v. Novo Nordisk A/S	CAFC	Dec 5, 2011	Apr 17, 2012	9-0	Kagan	Reversed and remanded; A generic drug manufacturer may employ the counterclaim provision of the Hatch-Waxman Act to force correction of a use code that inaccurately describes the brand's patent as covering a particular method of using a drug.
10-1265	Martel v. Clair	CA9	Dec 6, 2011	Mar 5, 2012	9-0	Kagan	Reversed and remanded; When evaluating motions to substitute counsel in capital cases under 18 U. S. C. § 3599, courts should employ the same "interests of justice" standard that applies in non-capital cases under 18 U.S.C. § 3006A. In this case, the district court did no abuse its discretion when, using the "interests of justice" standard, it denied Clair's second request for new counsel. The Ninth Circuit erred in overturning that denial.

OT11 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
10-8505	Williams v. Illinois	State	Dec 6, 2011	Jun 18, 2012	5-4	Alito	Affirmed; The admission of expert testimony about the results of DNA testing performed by non-testifying analysts did not violate the Confrontation Clause.
10-1150	Mayo Collaborative Services v. Prometheus Labs	CAFC	Dec 7, 2011	Mar 20, 2012	9-0	Breyer	Reversed; The process patent that Prometheus Laboratories had obtained for correlations between blood test results and patient health is not eligible for a patent because it incorporates laws of nature.
10-218	PPL Montana v. Montana	State	Dec 7, 2011	Feb 22, 2012	9-0	Kennedy	Reversed and remanded; The Montana Supreme Court's ruling that the state of Montana owns and may charge for use of the riverbeds at issue was based on an infirm legal understanding of the Court's rules of navigability for title under the equal-footing doctrine.

IV. January

10-1219	Kappos v. Hyatt	CAFC	Jan 9, 2012	Apr 18, 2012	9-0	Thomas	Affirmed and remanded; There are no limitations on a patent applicant's ability to introduce new evidence in a 35 U.S.C. § 145 proceeding beyond those already present in the Federal Rules of Evidence and the Federal Rules of Civil Procedure. If new evidence is presented on a disputed question of fact, the district court must make de novo factual findings that take account of both the new evidence and the administrative record before the Patent and Trademark Office.
11-713	Perry v. Perez	5th District C	Jan 9, 2012	Jan 20, 2012	9-0	<i>Per Curiam</i>	Vacated and remanded; Because it is unclear whether the U.S. District Court for the Western District of Texas followed the appropriate standards in drawing interim maps for the 2012 Texas elections, the orders implementing those maps are vacated, and the cases are remanded for further proceedings consistent with this opinion.

OT11 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
10-1121	Knox v. Service Employees International Union	CA9	Jan 10, 2012	Jun 21, 2012	7-2	Alito	Reversed and remanded; The case is not moot, and the First Amendment does not permit a public-sector union to impose a special assessment without the affirmative consent of a member upon whom it is imposed.
10-1293	Federal Communications Commission v. Fox	CA2	Jan 10, 2012	Jun 21, 2012	8-0	Kennedy	Vacated and remanded; Because the FCC failed to give Fox and ABC fair notice prior to the broadcasts in question that fleeting expletives and momentary nudity could be found actionably indecent, the FCC's standards as applied to these broadcasts were vague.
10-1016	Coleman v. Court of Appeals of Maryland	CA4	Jan 11, 2012	Mar 20, 2012	5-4	Kennedy	Affirmed; Suits against the states under the self-care provision of the Family and Medical Leave Act are barred by sovereign immunity.
10-1399	Roberts v. Sea-Land Services	CA9	Jan 11, 2012	Mar 20, 2012	8-1	Sotomayor	Affirmed; An employee is "newly awarded compensation" for purposes of the Longshore and Harbor Workers' Compensation Act when he first becomes disabled and thereby becomes statutorily entitled to benefits, no matter whether, or when, a compensation order issues on his be-half.
10-1018	Filarsky v. Delia	CA9	Jan 17, 2012	Apr 17, 2012	9-0	Roberts	Reversed; A private individual temporarily retained by the government to carry out its work is entitled to seek qualified immunity from suit under 42 U. S. C. § 1983.
11-139	United States v. Home Concrete & Supply	CA4	Jan 17, 2012	Apr 25, 2012	5-4	Breyer	Affirmed; Section 6501(e)(1)(A) of the Internal Revenue Code, which extends the limitations period for the government to assess a deficiency against a taxpayer, does not apply when a taxpayer overstates the basis in property that he has sold, thereby understating the gain received from the sale.

OT11 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
10-1211	Vartelas v. Holder	CA2	Jan 18, 2012	Mar 28, 2012	6-3	Ginsburg	Reversed and remanded; Because the Illegal Immigration Reform and Immigrant Responsibility Act burdens lawful activity on the basis of nothing more than past criminal activity, it was retroactive within the meaning of the Court's precedents.
10-1542	Holder v. Gutierrez	CA9	Jan 18, 2012	May 21, 2012	9-0	Kagan	Reversed and remanded; The position of the Board of Immigration Appeals that an alien seeking cancellation of removal must individually satisfy the requirements of 8 U.S.C. § 1229b(a) – lawful permanent resident status for at least five years and at least seven years of continuous residence in the United States after a lawful admission – rather than relying on a parent's years of continuous residence or lawful permanent resident status – is based on a permissible construction of the statute.
10-1472	Taniguchi v. Kan Pacific Saipan	CA9	Feb 21, 2012	May 21, 2012	6-3	Alito	Vacated and remanded; Because the ordinary meaning of “interpreter” is someone who translates orally from one language to another, the category “compensation of interpreters” in 28 U.S.C. § 1920(6), which includes that category among the costs that may be awarded to prevailing parties in federal court lawsuits, does not include the cost of document translation.

V. February (9)

10-1472	Taniguchi v. Kan Pacific Saipan	CA9	Feb 21, 2012	May 21, 2012	6-3	Alito	Vacated and remanded; Because the ordinary meaning of “interpreter” is someone who translates orally from one language to another, the category “compensation of interpreters” in 28 U.S.C. § 1920(6), which includes that category among the costs that may be awarded to prevailing parties in federal court lawsuits, does not include the cost of document translation.
10-1042	Freeman v. Quicken Loans	CA5	Feb 21, 2012	May 24, 2012	9-0	Scalia	Affirmed; To establish a violation of 12 U.S.C. § 2607(b) – which provides that “[n]o person shall give and no person shall accept any portion, split, or percentage of any charge made or received for the rendering of a real estate settlement service . . . other than for services actually performed” – a plaintiff must demonstrate that a charge for settlement services was divided between two or more persons.

OT11 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
10-1320	Blueford v. Arkansas	State	Feb 22, 2012	May 24, 2012	6-3	Roberts	Affirmed; The Double Jeopardy Clause does not bar the state from retrying Blueford on charges of capital murder and first-degree murder after the jury in Blueford's original trial told the trial court that it had voted unanimously against those charges but was deadlocked on the manslaughter charge against him and eventually failed to reach a verdict, causing the court to declare a mistrial.
11-210	United States v. Alvarez	CA9	Feb 22, 2012	Jun 28, 2012	6-3	Kennedy	Affirmed; The Stolen Valor Act, 18 U.S.C. § 704(b), which makes it a crime to falsely represent that you have been awarded any decoration or medal authorized by Congress for the Armed Forces of the United States, is facially invalid under the Free Speech Clause of the First Amendment as it is currently drafted.
10-9995	Wood v. Milyard	CA10	Feb 27, 2012	Apr 24, 2012	9-0	Ginsburg	Reversed and remanded; Courts of appeals, like district courts, have the authority – but not the obligation – to raise a forfeited timeliness defense on their own initiative in exceptional cases. Because the state in this case had deliberately waived the statute of limitations defense, the court of appeals abused its discretion when it dismissed Wood's habeas petition as untimely.
11-45	Elgin v. Department of Treasury	CA1	Feb 27, 2012	Jun 11, 2012	6-3	Thomas	Affirmed; The Civil Service Reform Act provides the exclusive avenue to judicial review when a qualifying federal employee challenges an adverse employment action by arguing that a federal statute is unconstitutional.
10-1491	Kiobel v. Royal Dutch Petroleum	CA2	Feb 28, 2012	Mar 5, 2012			Returned to the calendar for rebriefing and rearguments
11-88	Mohamad v. Palestinian Authority	CADC	Feb 28, 2012	Apr 18, 2012	9-0	Sotomayor	Affirmed; As it is used in the Torture Victim Protection Act, the term "individual" encompasses only natural persons and therefore does not impose liability on organizations.

OT11 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
11-161	Armour v. Indianapolis	State	Feb 29, 2012	Jun 4, 2012	6-3	Breyer	Affirmed; Because the city had a rational basis for its distinction between homeowners who had paid their taxes in a lump sum and those who paid over time by installments, the city's refusal to provide a refund to those who paid in a lump sum did not violate the Equal Protection Clause.

VI. March (7)

11-159	Astrue v. Capato	CA3	Mar 19, 2012	May 21, 2012	9-0	Ginsburg	Reversed and remanded; The Social Security Administration interprets the Social Security Act to allow children conceived after their father's death to qualify for Social Security survivors benefits only if they could inherit from their father under state intestacy law. That reading, the Court held, is better attuned to the statute's text and its design to benefit primarily those supported by the deceased wage earner in his or her lifetime. Moreover, even if the SSA's longstanding interpretation is not the only reasonable one, it is at least a permissible construction entitled to deference under <i>Chevron</i> .
11-94	Southern Union Co. v. United States	CA1	Mar 19, 2012	Jun 21, 2012	6-3	Sotomayor	Reversed and remanded; The rule established in <i>Apprendi v. New Jersey</i> – in which the Court held that the Sixth Amendment's jury-trial guarantee requires that any fact (other than the fact of a prior conviction) which increases the maximum punishment authorized for a particular crime be proved to a jury beyond a reasonable doubt – applies to the imposition of criminal fines.
10-9646	Miller v. Alabama	State	Mar 20, 2012	Jun 25, 2012	5-4	Kagan	Reversed and remanded; The Eighth Amendment prohibits a sentencing scheme that requires life in prison without the possibility of parole for juvenile homicide offenders.
10-9647	Jackson v. Hobbs	State	Mar 20, 2012	Jun 25, 2012			Reversed and remanded; The Eighth Amendment prohibits a sentencing scheme that requires life in prison without the possibility of parole for juvenile homicide offenders (consolidated with <i>Miller v. Alabama</i>).

OT11 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
11-199	Vasquez v. United States	CA7	Mar 21, 2012	Apr 2, 2012		<i>Per Curiam</i>	Dismissed; Dismissed as improvidently granted.
11-262	Reichle v. Howards	CA10	Mar 21, 2012	Jun 4, 2012	8-0	Thomas	Reversed and remanded; The petitioners – two Secret Service agents -- are entitled to qualified immunity from suit involving a claim that they arrested the respondent in retaliation for remarks he had made about then-Vice President Cheney because, at the time of the arrest, it was not clearly established that an arrest supported by probable cause could give rise to a First Amendment violation.
11-400	National Federation of Independent Businesses v. Sebelius	CA11	Mar 28, 2012	Jun 28, 2012	5-4	Roberts	Affirmed in part, reversed in part; (1) The minimum care provision of the Affordable Care Act is constitutional as an application of Congress's power to "lay and collect taxes" under Article I, Section 8, Clause 1 of the Constitution; and (2) provisions of the Act that coerce states into expanding Medicaid entitlements or risk losing funding are unconstitutionally coercive of state sovereignty.
VII. April							
11-204	Christopher v. SmithKline Beecham	CA9	Apr 16, 2012	Jun 18, 2012	5-4	Alito	Affirmed; The petitioners – pharmaceutical sales representatives whose primary duty is to obtain nonbinding commitments from physicians to prescribe their employer's prescription drugs in appropriate cases – qualify as outside salesmen under the most reasonable interpretation of the Department of Labor's regulations.
11-5683	Dorsey v. United States	CA7	Apr 17, 2012	Jun 21, 2012	5-4	Breyer	Vacated and remanded; The more lenient mandatory minimum provisions of the Fair Sentencing Act – which reduced the disparity between sentences for crack and powder cocaine offenses – apply to defendants who committed a crack cocaine crime before the Act went into effect but were sentenced after its effective date in 2010.

OT11 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
11-551	Salazar v. Ramah Navajo Chapter	CA10	Apr 18, 2012	Jun 18, 2012	5-4	Sotomayor	Affirmed; The federal government must pay in full each tribe's contract support costs incurred by a tribal contractor under the Indian Self-Determination and Education Assistance Act, 25 U.S.C. § 450, even if Congress has failed to appropriate sufficient funds to cover all of the contract support costs owed to all tribal contractors collectively.
11-166	RadLAX Gateway Hotel v. Amalgamated Bank	CA7	Apr 23, 2012	May 29, 2012	8-0	Scalia	Affirmed; Debtors may not obtain confirmation of a Chapter 11 bankruptcy "cramdown" plan that proposes to sell substantially all of the debtors' property at an auction, free and clear of the Bank's lien, using the sale proceeds to repay the Bank, but that does not permit the Bank to credit-bid at the sale.
11-246	Match-E-Be-Nash-She-Wish Band v. Patchak	CADC	Apr 24, 2012	Jun 18, 2012	8-1	Kagan	Affirmed and remanded; The federal government has waived its sovereign immunity from the respondent's suit under the Administrative Procedure Act, in which he alleges that Section 465 of the Indian Reorganization Act did not authorize the Secretary of the Interior to acquire into trust property that the Band intended to use for "gaming purposes" because the Band was not a federally recognized tribe when the Indian Reorganization Act was enacted in 1934. Moreover, the respondent has prudential standing to challenge the Secretary's acquisition of the land in question.
11-182	Arizona v. United States	CA9	Apr 25, 2012	Jun 25, 2012	5-3	Kennedy	Affirmed in part, reversed in part, and remanded; The lower courts erred in holding that Section 2(B) of Senate Bill 1070 - which requires police to check the immigration status of persons whom they detain before releasing them and which allows police to stop and detain anyone suspected of being an undocumented immigrant - should not go into effect while its lawfulness is being litigated because it is not sufficiently clear that the provision is preempted. Section 3 - which makes it a state crime for someone to be in the United States without proper authorization - is preempted because Congress left no room for states to regulate in that field, or even to enhance federal prohibitions. Section 5(C) -which makes it a state crime for undocumented immigrants to apply for a job or work in Arizona - is preempted as imposing an obstacle to the federal regulatory system. Section 6 - which authorizes state law enforcement officials to arrest without a warrant any individual otherwise lawfully in the country, if they have probable cause to believe that the individual has committed a deportable offense - is preempted because whether and when to arrest someone for being unlawfully in the country is a question solely for the federal government.

OT11 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
VIII. Summary Reversals							
10-1115	Cavazos v. Smith	CA9	-	Oct 31, 2011	6-3	<i>Per Curiam</i>	Reversed and remanded; The Ninth Circuit exceeded its authority under 28 U.S.C. § 2254(d) when it substituted its own judgment for that of a California jury on the question whether the prosecution's or the defense's expert witnesses more persuasively explained the cause of a death.
10-1521	KPMG v. Cocchi	CA6	-	Nov 7, 2011	9-0	<i>Per Curiam</i>	Vacated and remanded; Remanded to Florida state court for consideration of whether arbitration is required for some of the claims alleged.
10-1540	Bobby v. Dixon	State	-	Nov 7, 2011	9-0	<i>Per Curiam</i>	Reversed and remanded; The two-step interrogation technique used in this case did not undermine defendant's Miranda warning, thereby rendering admissible his statements following the recital of his Miranda rights.
11-74	Hardy v. Cross	CA7	-	Dec 12, 2011	9-0	<i>Per Curiam</i>	Reversed; The lower court's ruling overturning a decision of an Illinois state court was inconsistent with the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA), 28 U.S.C. § 2254, which "imposes a highly deferential standard for evaluating state-court rulings and demands that state-court decisions be given the benefit of the doubt."
11-208	Ryburn v. Huff	CA9	-	Jan 23, 2012	9-0	<i>Per Curiam</i>	Reversed and remanded; Police officers acted reasonably when they made a warrantless entry of plaintiff's home because plaintiff's behavior gave them a reasonable basis to conclude that there was an imminent threat of violence.


















































































OT11 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
11-38	Wetzel v. Lambert	CA3	-	Feb 21, 2012	6-3	<i>Per Curiam</i>	Vacated and remanded; The Third Circuit had failed to address the state court's determination that the notations on the police activity sheet were "not exculpatory or impeaching" but instead "entirely ambiguous."
11-394	Marmet Health Care Center v. Brown	State	-	Feb 21, 2012	9-0	<i>Per Curiam</i>	Vacated and remanded; West Virginia's categorical prohibition of pre-dispute agreements to arbitrate personal-injury or wrongful-death claims against nursing homes is contrary to the terms and coverage of the FAA.
11-1053	Coleman v. Johnson	CA3	-	May 29, 2012	9-0	<i>Per Curiam</i>	Reversed and remanded; Evidence at trial was not nearly sparse enough to sustain a due process challenge.
11-845	Parker v. Williams	CA6	-	Jun 11, 2012	9-0	<i>Per Curiam</i>	Reversed and remanded; The Sixth Circuit's decision setting aside two twenty-nine-year-old murder convictions is reversed because it is a textbook example of the use of federal habeas corpus review to second-guess the reasonable decisions of state courts, which the Antiterrorism and Effective Death Penalty Act of 1996 (AEDPA) proscribes.
11-1179	American Tradition Partnership v. Bullock	State	-	Jun 25, 2012	5-4	<i>Per Curiam</i>	Reversed; Montana's argument in support of the judgment below was either already rejected in <i>Citizens United v. FEC</i> or fails to meaningfully distinguish that case.
11-1184	Tennant v. Jefferson County Commission	Three-Judge District Court Panel	-	Sep 25, 2012	9-0	<i>Per Curiam</i>	Reversed; In holding that West Virginia's 2011 congressional redistricting plan violates the principle of "one person, one vote," the district court misapplied the standard, set out in <i>Karcher v. Daggett</i> , for evaluating challenges to redistricting plans and failed to afford appropriate deference to West Virginia's reasonable exercise of its political judgment. Although West Virginia could have adopted a plan with lower variations in population among the districts, the state carried its burden to show that population deviations were necessary to achieve legitimate state objectives, such as avoiding contests between incumbents and not splitting political subdivisions.

















































































Voting Alignment - All Cases

Cases are sorted by date of decision. Dissenting Justices are shaded in gray 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
Cavazos v. Smith	October 31, 2011	6-3	<i>Per Curiam</i>									
KPMG v. Cocchi	November 7, 2011	9-0	<i>Per Curiam</i>									
Bobby v. Dixon	November 7, 2011	9-0	<i>Per Curiam</i>									
Greene v. Fisher	November 8, 2011	9-0	Scalia									
Judulang v. Holder	December 12, 2011	9-0	Kagan									
Hardy v. Cross	December 12, 2011	9-0	<i>Per Curiam</i>									
Smith v. Cain	January 10, 2012	8-1	Roberts									
CompuCredit v. Greenwood	January 10, 2012	8-1	Scalia									
Minneci v. Pollard	January 10, 2012	8-1	Breyer									












































































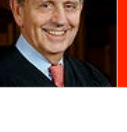





Voting Alignment - All Cases

(continued)

Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Gonzalez v. Thaler	January 10, 2012	8-1	Sotomayor									
Hosanna-Tabor Evangelical Lutheran Church v. EEOC	January 11, 2012	9-0	Roberts									
Pacific Operators Offshore v. Valladolid	January 11, 2012	9-0	Thomas									
Perry v. New Hampshire	January 11, 2012	8-1	Ginsburg									
Maples v. Thomas	January 18, 2012	7-2	Ginsburg									
Golan v. Holder	January 18, 2012	6-2	Ginsburg			Recused						
Mims v. Arrow Financial Services	January 18, 2012	9-0	Ginsburg									
Perry v. Perez	January 20, 2012	9-0	<i>Per Curiam</i>									
United States v. Jones	January 23, 2012	9-0	Scalia									




































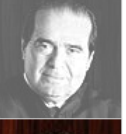








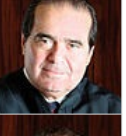




































Voting Alignment - All Cases

(continued)

Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Reynolds v. United States	January 23, 2012	7-2	Breyer									
National Meat Association v. Harris	January 23, 2012	9-0	Kagan									
Ryburn v. Huff	January 23, 2012	9-0	<i>Per Curiam</i>									
Kawashima v. Holder	February 21, 2012	6-3	Thomas									
Howes v. Fields	February 21, 2012	9-0	Alito									
Wetzel v. Lambert	February 21, 2012	6-3	<i>Per Curiam</i>									
Marmet Health Care Center v. Brown	February 21, 2012	9-0	<i>Per Curiam</i>									
Messerschmidt v. Millender	February 22, 2012	7-2	Roberts									
PPL Montana v. Montana	February 22, 2012	9-0	Kennedy									


































































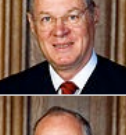













Voting Alignment - All Cases

(continued)

Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Douglas v. Independent Living Center	February 22, 2012	5-4	Breyer									
Kurns v. Railroad Friction Products	February 29, 2012	6-3	Thomas									
Martel v. Clair	March 5, 2012	9-0	Kagan									
Martinez v. Ryan	March 20, 2012	7-2	Kennedy									
Coleman v. Court of Appeals of Maryland	March 20, 2012	5-4	Kennedy									
Mayo Collaborative Services v. Prometheus Labs	March 20, 2012	9-0	Breyer									
Roberts v. Sea-Land Services	March 20, 2012	8-1	Sotomayor									
Sackett v. Environmental Protection Agency	March 21, 2012	9-0	Scalia									
Missouri v. Frye	March 21, 2012	5-4	Kennedy									




















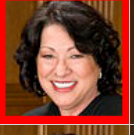


























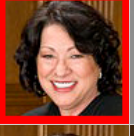



























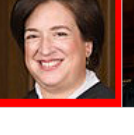






Voting Alignment - All Cases

(continued)

Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Lafler v. Cooper	March 21, 2012	5-4	Kennedy									
Zivotofsky v. Clinton	March 26, 2012	8-1	Roberts									
Credit Suisse Securities v. Simmonds	March 26, 2012	8-0	Scalia						Recused			
Setser v. United States	March 28, 2012	6-3	Scalia									
Vartelas v. Holder	March 28, 2012	6-3	Ginsburg									
Federal Aviation Administration v. Cooper	March 28, 2012	5-3	Alito			Recused						
Florence v. Board of Chosen Freeholders	April 2, 2012	5-4	Kennedy									
Rehberg v. Paulk	April 2, 2012	9-0	Alito									
Filarsky v. Delia	April 17, 2012	9-0	Roberts									



































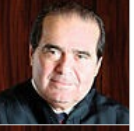
















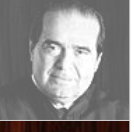








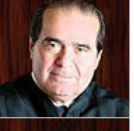


















Voting Alignment - All Cases

(continued)

Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Caraco Pharmaceutical Laboratories v. Novo Nordisk A/S	April 17, 2012	9-0	Kagan									
Kappos v. Hyatt	April 18, 2012	9-0	Thomas									
Mohamad v. Palestinian Authority	April 18, 2012	9-0	Sotomayor									
Wood v. Milyard	April 24, 2012	9-0	Ginsburg									
United States v. Home Concrete & Supply	April 25, 2012	5-4	Breyer									
Hall v. United States	May 14, 2012	5-4	Sotomayor									
Astrue v. Capato	May 21, 2012	9-0	Ginsburg									
Taniguchi v. Kan Pacific Saipan	May 21, 2012	6-3	Alito									
Holder v. Gutierrez	May 21, 2012	9-0	Kagan									


















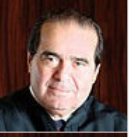








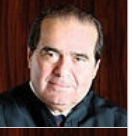

























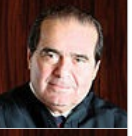


























Voting Alignment - All Cases

(continued)

Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Blueford v. Arkansas	May 24, 2012	6-3	Roberts									
Freeman v. Quicken Loans	May 24, 2012	9-0	Scalia									
RadLAX Gateway Hotel v. Amalgamated Bank	May 29, 2012	8-0	Scalia					Recused				
Coleman v. Johnson	May 29, 2012	9-0	<i>Per Curiam</i>									
Reichle v. Howards	June 4, 2012	8-0	Thomas			Recused						
Armour v. Indianapolis	June 4, 2012	6-3	Breyer									
Elgin v. Department of Treasury	June 11, 2012	6-3	Thomas									
Parker v. Williams	June 11, 2012	9-0	<i>Per Curiam</i>									
Williams v. Illinois	June 18, 2012	5-4	Alito									









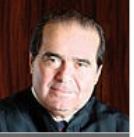








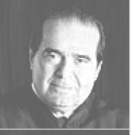


















Voting Alignment - All Cases

(continued)

Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Christopher v. SmithKline Beecham	June 18, 2012	5-4	Alito									
Salazar v. Ramah Navajo Chapter	June 18, 2012	5-4	Sotomayor									
Match-E-Be-Nash-She-Wish Band v. Patchak	June 18, 2012	8-1	Kagan									
Federal Communications Commission v. Fox	June 21, 2012	8-0	Kennedy		Recused							
Dorsey v. United States	June 21, 2012	5-4	Breyer									
Knox v. Service Employees International Union	June 21, 2012	7-2	Alito									
Southern Union Co. v. United States	June 21, 2012	6-3	Sotomayor									
Arizona v. United States	June 25, 2012	5-3	Kennedy			Recused						
Miller v. Alabama	June 25, 2012	5-4	Kagan									







































































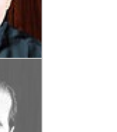


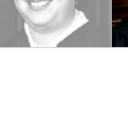


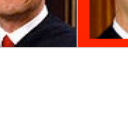
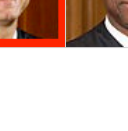

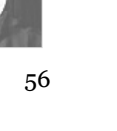
Voting Alignment - All Cases

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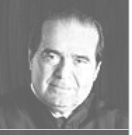


















Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
American Tradition Partnership v. Bullock	June 25, 2012	5-4	<i>Per Curiam</i>									
National Federation of Independent Businesses v. Sebelius	June 28, 2012	5-4	Roberts									
United States v. Alvarez	June 28, 2012	6-3	Kennedy									
Tennant v. Jefferson County Commission	September 25, 2012	9-0	<i>Per Curiam</i>									

Voting Alignment - 5-4 Decisions

Cases are sorted by date of decision. Dissenting Justices are shaded in gray 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
Douglas v. Independent Living Center	February 22, 2012	5-4	Breyer									
Coleman v. Court of Appeals of Maryland	March 20, 2012	5-4	Kennedy									
Missouri v. Frye	March 21, 2012	5-4	Kennedy									
Lafler v. Cooper	March 21, 2012	5-4	Kennedy									
Federal Aviation Administration v. Cooper	March 28, 2012	5-3	Alito			Recused						
Florence v. Board of Chosen Freeholders	April 2, 2012	5-4	Kennedy									
United States v. Home Concrete & Supply	April 25, 2012	5-4	Breyer									
Hall v. United States	May 14, 2012	5-4	Sotomayor									
Williams v. Illinois	June 18, 2012	5-4	Alito									

Voting Alignment - 5-4 Decisions (continued)

Case Name	Decided	Vote	Author	Ginsburg	Sotomayor	Kagan	Breyer	Kennedy	Roberts	Alito	Thomas	Scalia
Christopher v. SmithKline Beecham	June 18, 2012	5-4	Alito									
Salazar v. Ramah Navajo Chapter	June 18, 2012	5-4	Sotomayor									
Dorsey v. United States	June 21, 2012	5-4	Breyer									
Miller v. Alabama	June 25, 2012	5-4	Kagan									
American Tradition Partnership v. Bullock	June 25, 2012	5-4	Per Curiam									
National Federation of Independent Businesses v. Sebelius	June 28, 2012	5-4	Roberts	