

Stat Pack for October Term 2013

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Summary of the Term

Total Merits Opinions Released	70
+ Signed opinions after oral argument	65
+ Summary reversals	5
Total Merits Opinions Expected	72
+ Petitions granted and set for argument	75
+ Summary reversals	5
- Cases dismissed before oral argument	-5
- Cases dismissed after oral argument	-2
- Cases consolidated for decision	-1
Cases Set for Argument During OT14	24

* 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 combine 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 (4-4) Court. Cases that are dismissed as improvidently granted are not included in our tally of merits cases.

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Opinions by Sitting

Roberts	1	1	1	2	1	-	1	JGR	7						
Scalia	1	2	2	1	1	-	1	AS	8						
Kennedy	1	1	1	2	1	-	2	AMK	8						
Thomas	1	1	1	2	-	1	1	CT	7						
Ginsburg	1	2	1	1	-	1	1	RBG	7						
Breyer	1	1	1	1	1	1	1	SGB	7						
Alito	2	1	1	-	1	-	1	SAA	6						
Sotomayor	1	1	1	1	2	1	1	SMS	8						
Kagan	1	1	2	1	-	1	1	EK	7						
	October	November	December	January	February	March	April	Total	68						
	Decided: 11 Remain: 0		Decided: 12 Remain: 0		Decided: 11 Remain: 1		Decided: 7 Remain: 0		Decided: 5 Remain: 1		Decided: 11 Remain: 0		Args	70	
	Troice	SGB	Sandifer	AS	BG Group	SGB	Law	AS	Utility Air	AS	Clark	SMS	POM	AMK	
	Madigan		Walden	CT	Bay Mills	EK	Noel Canning	SGB	Robers	SGB	Hobby Lobby		NML Capital	AS	
	McCutcheon	JGR	Bond	JGR	Northwest	SAA	Exec. Benefits	CT	Highmark	SMS	Wood	RBG	SBA List	CT	
	Burt	SAA	Sprint	RBG	Lexmark Int'l	AS	Brandt	JGR	Octane	SMS	Alice Corp.	CT	Aereo	SGB	
	Woods	AS	Medtronic	SGB	Apel	JGR	Quality Stores	AMK	Hall	AMK	Loughrin	EK	Clarke	EK	
	Atlantic Marine	SAA	Town of Greece	AMK	Air Wisconsin	SMS	Castleman	SMS	Plumhoff	SAA	Fifth Third	SGB	CTS	AMK	
	Schuette	AMK	AU Optronics	SMS	Ray Haluch	AMK	McCullen	JGR	Halliburton	JGR			Nautilus	RBG	
	Heimeshoff	CT	Burrage	AS	Scialabba	EK	Harris						Franks	SMS	
	Daimler AG	RBG	Lawson	RBG	EME Homer	RBG	Petrella	RBG					Riley	JGR	
	Cheever	SMS	Rosemond	EK	Lozano	CT	Navarette	CT					Warie		
	Kaley	EK	Fernandez	SAA	Woodall	AS	Abramski	EK					Limelight	SAA	
			Unite Here				Paroline	AMK							

Circuit Scorecard

October Term 2013

	Number	Percent	Decided	Aff'd	Rev'd	Aff'd %	Rev'd %
CA1	3	4%	3	0	3	0%	100%
CA2	5	7%	5	3	2	60%	40%
CA3	1	1%	1	0	1	0%	100%
CA4	2	3%	2	1	1	50%	50%
CA5	7	10%	7	1	6	14%	86%
CA6	11	15%	11	2	9	18%	82%
CA7	4	6%	3	3	0	100%	0%
CA8	2	3%	2	0	2	0%	100%
CA9	11	15%	11	1	10	9%	91%
CA10	4	6%	3	1	2	33%	67%
CA11	3	4%	3	1	2	33%	67%
CA DC	4	6%	4	2	2	50%	50%
CA Fed	6	8%	6	1	5	17%	83%
State	8	11%	8	2	6	25%	75%
Dist. Court	1	1%	1	0	1	0%	100%
Original	-	-	-	N/A	N/A	N/A	N/A
	72	100%	70	18	52	26%	74%

October Term 2014

	Number	Percent
CA1	-	-
CA2	1	4%
CA3	1	4%
CA4	2	8%
CA5	1	4%
CA6	2	8%
CA7	-	-
CA8	4	17%
CA9	2	8%
CA10	1	4%
CA11	2	8%
CA DC	3	13%
CA Fed	2	8%
State	2	8%
Dist. Court	1	4%
Original	-	-
	24	100%

Circuit Scorecard

This chart features affirmance and reversal 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 vacate or reverse the decision below.

	Roberts	Scalia	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Total Votes	Overall Decisions
CA1	0 - 3	0 - 3	1 - 2	0 - 3	0 - 3	0 - 3	1 - 2	1 - 2	0 - 3	3 - 24	0 - 3
CA2	3 - 2	4 - 1	3 - 2	4 - 1	3 - 2	4 - 1	4 - 1	3 - 1	4 - 1	32 - 12	3 - 2
CA3	0 - 1	0 - 1	0 - 1	0 - 1	0 - 1	0 - 1	0 - 1	0 - 1	0 - 1	0 - 9	0 - 1
CA4	0 - 2	0 - 2	1 - 1	0 - 2	2 - 0	2 - 0	0 - 2	1 - 1	1 - 1	7 - 11	1 - 1
CA5	2 - 5	2 - 5	0 - 7	2 - 5	1 - 6	1 - 6	0 - 7	2 - 5	1 - 6	11 - 52	1 - 6
CA6	2 - 9	1 - 10	2 - 9	1 - 10	3 - 8	3 - 8	1 - 10	4 - 7	2 - 7	19 - 78	2 - 9
CA7	3 - 0	3 - 0	3 - 0	3 - 0	3 - 0	3 - 0	3 - 0	3 - 0	3 - 0	27 - 0	3 - 0
CA8	0 - 2	0 - 2	0 - 2	0 - 2	0 - 2	0 - 2	0 - 2	0 - 2	0 - 2	0 - 18	0 - 2
CA9	2 - 9	1 - 10	2 - 9	2 - 9	1 - 10	3 - 7	2 - 9	2 - 9	1 - 10	16 - 82	1 - 10
CA10	1 - 2	1 - 2	1 - 2	2 - 1	1 - 2	1 - 2	2 - 1	2 - 1	1 - 2	12 - 15	1 - 2
CA11	0 - 3	1 - 2	1 - 2	1 - 2	1 - 2	0 - 3	1 - 2	0 - 3	1 - 2	6 - 21	1 - 2
CA DC	3 - 1	3 - 1	3 - 1	2 - 2	2 - 2	2 - 2	1 - 2	2 - 2	2 - 2	20 - 15	2 - 2
CA Fed.	1 - 5	1 - 5	1 - 5	1 - 5	1 - 5	1 - 5	1 - 5	1 - 5	1 - 5	9 - 45	1 - 5
State Ct.	3 - 5	2 - 6	2 - 6	3 - 5	0 - 8	2 - 6	3 - 5	0 - 8	0 - 8	15 - 57	2 - 6
Dist. Court	0 - 1	0 - 1	0 - 1	0 - 1	1 - 0	1 - 0	0 - 1	1 - 0	1 - 0	4 - 5	0 - 1
Original	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0	0 - 0
	20 - 50	19 - 51	20 - 50	21 - 49	19 - 51	23 - 46	19 - 50	22 - 47	18 - 50	181 - 444	18 - 52

Merits Cases by Vote Split

9-0 45 (66%)	8-1 2 (3%)	7-2 7 (10%)	6-3 6 (9%)	5-4 8 (12%)	
Stanton v. Sims (PC)	Brandt v. U.S.	Chadbourn v. Troice	Fernandez v. California	McCutcheon v. FEC	
Burt v. Titlow	Argentina v. NML Capital (7-1)	BG Group v. Argentina	Kaley v. U.S.	Navarette v. California	
Ford v. U.S. (PC)		Rosemond v. U.S.	Lawson v. FMR	Paroline v. U.S.	
U.S. v. Woods		Schuette v. Coalition to Defend (6-2)	White v. Woodall	Town of Greece v. Galloway	
Atlantic Marine v. U.S. Dist. Ct.		EPA v. EME Homer City (6-2)	Petrella v. MGM	Hall v. Florida	
Sprint v. Jacobs		CTS v. Waldberger	ABC v. Aereo	Michigan v. Bay Mills	
Kansas v. Cheever		Utility Air v. EPA		Scialabba v. de Osorio	
Heimeshoff v. Hartford Life Ins.				Abramski v. U.S.	
Daimler AG v. Bauman					
Mississippi v. AU Optronics					
Ray Haluch Gravel v. Central Pension					
Medtronic v. Mirowski Ventures					
Burrage v. U.S.					
Sandifer v. U.S. Steel Corp.					
Air Wisconsin v. Hooper					
Hinton v. Alabama (PC)					
Walden v. Fiore					
U.S. v. Apel					
Law v. Siegel					
Lozano v. Alvarez					
Lexmark Int'l v. Static Control					
U.S. v. Quality Stores (8-0)					
U.S. v. Castleman					
Northwest v. Ginsberg					
Octane Fitness v. Icon Health					
Highmark v. Allcare					
Roberts v. U.S.					
Tolan v. Cotton (PC)					
Wood v. Moss					
Plumhoff v. Rickard					
Martinez v. Illinois (PC)					
Bond v. United States					
Nautilus v. Biosig					
Limelight v. Akamai					
Exec. Benefits v. Arkison					
POM v. Coca-Cola (8-0)					
Clark v. Rameker					
SBA List v. Driehaus					
Alice Corp. v. CLS Bank					
Lane v. Franks					
U.S. v. Clarke					
Halliburton v. Erica P. John					
Loughrin v. U.S.					
Riley v. California					
Fifth Third v. Dudenhoeffer					
McCullen v. Coakley					
NLRB v. Noel Canning					

Not Included Above		
<i>Cline v. Okla. Coalition</i>	Dismissed as Improvidently Granted	Before Arguments
<i>Unite Here v. Mulhall</i>	Dismissed as Improvidently Granted	After Arguments
<i>Madigan v. Levin</i>	Dismissed	After Arguments
<i>Mt. Holly v. Mt. Holly Gardens</i>	Dismissed	Before Arguments
<i>U.S. Forest Serv. v. Pac. Rivers Council</i>	Dismissed	Before Arguments
<i>UBS v. Union de Empleados de Muelles</i>	Dismissed	Before Arguments
<i>Burnside v. Walters</i>	Vacated and Remanded	Before Arguments

Past Terms					
	9-0	8-1	7-2	6-3	5-4
OT08	33%	5%	16%	16%	29%
OT09	46%	10%	15%	11%	18%
OT10	48%	13%	15%	5%	20%
OT11	44%	11%	8%	17%	20%
OT12	49%	5%	9%	8%	29%
Avg.	44%	9%	13%	11%	23%

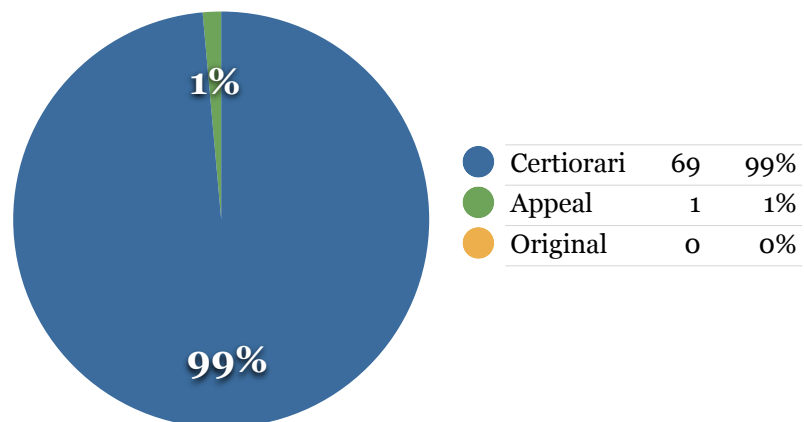
* We treat cases with eight or fewer votes as if they were decided by the full Court. For example, we treat *United States v. Quality Stores*, which had only eight Justices voting, as a 9-0 case throughout much of this Stat Pack. For 8-0, 7-1, and 6-2 decisions, we simply assume that the recused Justice would have joined the majority. In cases that are decided 5-3, we would look 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. 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, and 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.

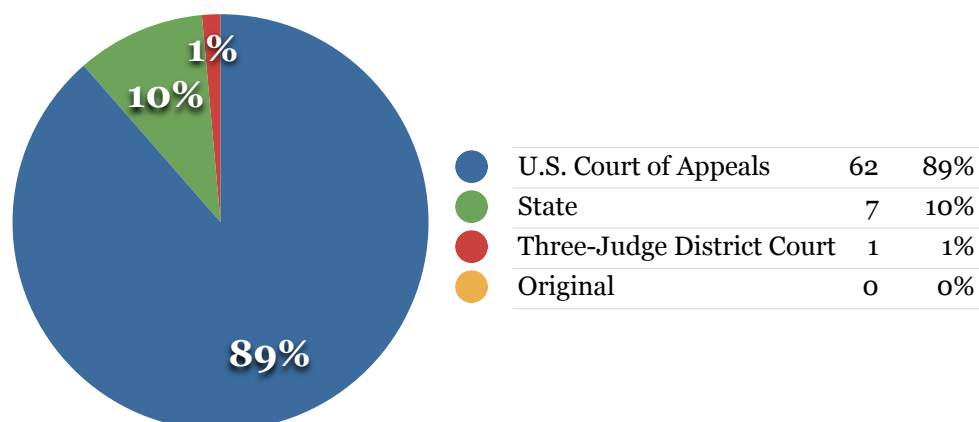
Make-Up of the Merits Docket

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.

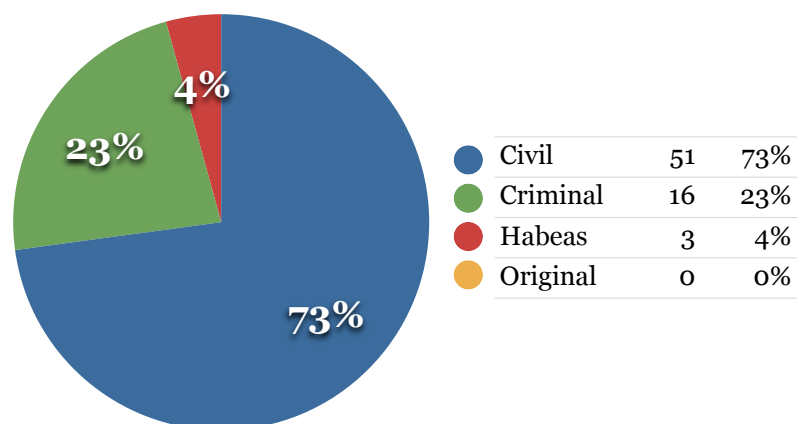
Source of Jurisdiction



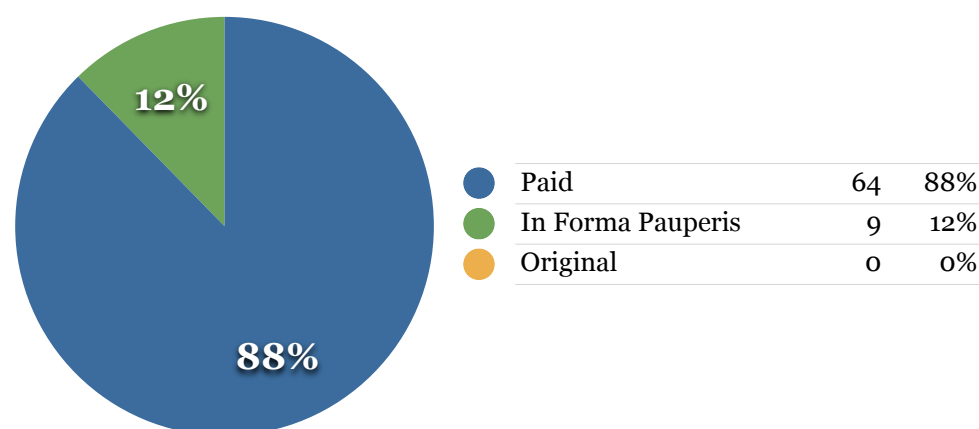
Court Below



Nature



Docket*



* Technically, all paid and *in forma pauperis* cases have been on the same docket since 1971, 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 13-1 and the first IFP case was numbered 13-5001. 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

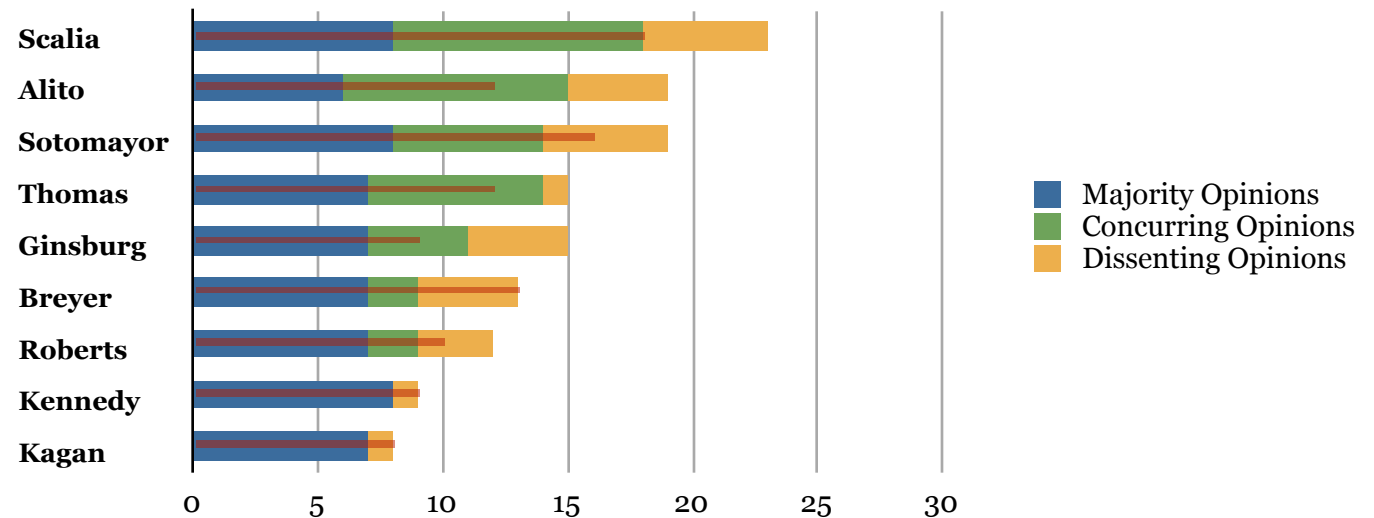
This chart includes a summary of the cases for the Term including (1) majority opinion author, (2) vote, (3) days between argument and opinion, (4) judgment, and (5) court below. For each sitting, the chart provides the number of majority opinions written by each Justice and the average number of days between argument and opinion for that Justice's majority opinions.

October										November										December									
1	Troice	SGB	7-2	142d	A	CA5	JGR	1	176d	Sandifer	AS	9-0	84d	A	CA7	JGR	1	209d	BG Group	SGB	7-2	93d	R	CADC	JGR	1	84d		
2	Madigan				-		AS	1	55d	Walden	CT	9-0	113d	R	CA9	AS	2	80d	Bay Mills	EK	5-4	176d	A	CA6	AS	2	123d		
3	McCutcheon	JGR	5-4	176d	R	USDC	AMK	1	189d	Bond	JGR	9-0	209d	R	CA3	AMK	1	180d	Northwest	SAA	9-0	120d	R	CA9	AMK	1	37d		
4	Burt	SAA	9-0	28d	R	CA6	CT	1	62d	Sprint	RBG	9-0	35d	R	CA8	CT	1	113d	Lexmark Int'l	AS	9-0	112d	A	CA6	CT	1	84d		
5	Woods	AS	9-0	55d	R	CA5	RBG	1	91d	Medtronic	SGB	9-0	78d	R	CAFC	RBG	2	74d	Apel	JGR	9-0	84d	R	CA9	RBG	1	140d		
6	Atlantic Marine	SAA	9-0	55d	R	CA5	SGB	1	142d	Town of Greece	AMK	5-4	180d	R	CA2	SGB	1	78d	Air Wisconsin	SMS	9-0	49d	R	ST	SGB	1	93d		
7	Schuetz	AMK	6-2	189d	R	CA6	SAA	2	42d	AU Optronics	SMS	9-0	69d	R	CA5	SAA	1	104d	Ray Haluch	AMK	9-0	37d	R	CA1	SAA	1	120d		
8	Heimeshoff	CT	9-0	62d	A	CA2	SMS	1	56d	Burrage	AS	9-0	76d	R	CA8	SMS	1	69d	Scialabba	EK	5-4	181d	R	CA9	SMS	1	49d		
9	Daimler AG	RBG	9-0	91d	R	CA9	EK	1	132d	Lawson	RBG	6-3	112d	R	CA1	EK	1	113d	EME Homer	RBG	6-2	140d	R	CADC	EK	2	179d		
10	Cheever	SMS	9-0	56d	R	ST	Total	11		Rosemond	EK	7-2	113d	R	CA10	Total	12		Lozano	CT	9-0	84d	A	CA2	Total	11			
11	Kaley	EK	6-3	132d	A	CA11	Expect.	11		Fernandez	SAA	6-3	104d	A	ST	Expect.	12		Woodall	AS	6-3	133d	R	CA6	Expect.	11			
12							Avg.	99d		Unite Here			-			Avg.	107d								Avg.	110d			
January										February										March									
1	Law	AS	9-0	50d	R	CA9	JGR	2	109d	Utility Air	AS	7-2	119d	A	CADC	JGR	1	110d	Clark	SMS	9-0	80d	A	CA7	JGR	0			
2	Noel Canning	SGB	9-0	164d	A	CADC	AS	1	50d	Robers	SGB	9-0	69d	A	CA7	AS	1	119d	Hobby Lobby					CA10	AS	0			
3	Exec. Benefits	CT	9-0	146d	A	CA9	AMK	2	81d	Highmark	SMS	9-0	62d	R	CAFC	AMK	1	85d	Wood	RBG	9-0	62d	R	CA9	AMK	0			
4	Brandt	JGR	8-1	55d	R	CA10	CT	2	119d	Octane	SMS	9-0	62d	R	CAFC	CT	0		Alice Corp.	CT	9-0	80d	A	CAFC	CT	1	80d		
5	Quality Stores	AMK	8-0	70d	R	CA6	RBG	1	118d	Hall	AMK	5-4	85d	R	ST	RBG	0		Loughrin	EK	9-0	83d	A	CA10	RBG	1	62d		
6	Castleman	SMS	9-0	70d	R	CA6	SGB	1	164d	Plumhoff	SAA	9-0	84d	R	CA6	SGB	1	69d	Fifth Third	SGB	9-0	84d	R	CA6	SGB	1	84d		
7	McCullen	JGR	9-0	162d	R	CA1	SAA	0		Halliburton	JGR	9-0	110d	R	CA5	SAA	1	84d							SAA	0			
8	Harris					CA7	SMS	1	70d							SMS	2	62d							SMS	1	80d		
9	Petrella	RBG	6-3	118d	R	CA9	EK	1	145d							EK	0								EK	1	83d		
10	Navarette	CT	5-4	91d	A	ST	Total	11								Total	7								Total	5			
11	Abramski	EK	5-4	145d	A	CA4	Expect.	12								Expect.	7								Expect.	6			
12	Paroline	AMK	5-4	91d	R	CA5	Avg.	106d								Avg.	84d								Avg.	78d			
April										Summary Reversal										Total									
1	POM	AMK	8-0	52d	R	CA9	JGR	1	57d	Stanton	PC	9-0	-	R	CA9				Roberts	7	122d			Cases Dismissed	2				
2	NML Capital	AS	7-1	56d	A	CA2	AS	1	56d	Ford	PC	9-0	-	R	CA6				Scalia	8	86d								
3	SBA List	CT	9-0	55d	R	CA6	AMK	2	50d	Hinton	PC	9-0	-	R	ST				Kennedy	8	94d								
4	Aereo	SGB	6-3	64d	R	CA2	CT	1	55d	Tolan	PC	9-0	-	R	CA5				Thomas	7	90d								
5	Clarke	EK	9-0	57d	R	CA11	RBG	1	35d	Martinez	PC	9-0	-	R	ST				Ginsburg	7	85d								
6	CTS	AMK	7-2	47d	R	CA4	SGB	1	64d										Breyer	7	99d								
7	Nautilus	RBG	9-0	35d	R	CAFC	SAA	1	33d										Alito	6	71d								
8	Franks	SMS	9-0	52d	R	CA11	SMS	1	52d										Sotomayor	8	63d								
9	Riley	JGR	9-0	57d	R	ST	EK	1	57d										Kagan	7	127d								
10	Wurie						Total	10											Summary Rev.	5									
11	Limelight	SAA	9-0	33d	R	CAFC	Expect.	11											Cases Disposed	72									
12							Avg.	51d											Expected	75									
13																			Percent Decided	96%									
14																			Average Time	93d									

Total Opinion Authorship

The number of opinions five pages or longer is included in parentheses and represented by a red line in the chart below.

	Total Opinions	Majority Opinions	Concurring Opinions	Dissenting Opinions
Roberts	12 (10)	7 (7)	2 (0)	3 (3)
Scalia	23 (18)	8 (8)	10 (6)	5 (4)
Kennedy	9 (9)	8 (8)	- (-)	1 (1)
Thomas	15 (12)	7 (7)	7 (4)	1 (1)
Ginsburg	15 (9)	7 (7)	4 (0)	4 (2)
Breyer	13 (13)	7 (7)	2 (2)	4 (4)
Alito	19 (12)	6 (6)	9 (3)	4 (3)
Sotomayor	19 (16)	8 (8)	6 (3)	5 (5)
Kagan	8 (8)	7 (7)	- (-)	1 (1)
Per Curiam	5 (4)	5 (4)	- (-)	- (-)
	138 (111)	70 (69)	40 (18)	28 (24)



Opinions Authored by Each Justice

		Roberts	Scalia	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Per Curiam	
Majority Opinions	1	Apel	Woods	Ray Haluch	Heimeshoff	Sprint	Medtronic	Burt	Cheever	Kaley	Stanton	70
	2	Brandt	Burrage	Quality Stores	Walden	Daimler AG	Troice	Atlantic Marine	AU Optronics	Rosemond	Ford	
	3	McCutcheon	Sandifer	Schuetz	Lozano	Lawson	BG Group	Fernandez	Air Wisconsin	Bay Mills	Hinton	
	4	Bond	Law	Paroline	Navarette	EME Homer	Roberts	Northwest	Castleman	Scialabba	Tolan	
	5	Halliburton	Lexmark Int'l	Town of Greece	Exec. Benefits	Petrella	Burrage	Plumhoff	Octane	Abramski	Martinez	
	6	Riley	Woodall	Hall	SBA List	Wood	Aereo	Limelight	Highmark	Clarke		
	7	McCullen	NML Capital	CTS	Alice Corp.	Nautilus	Noel Canning		Clark	Loughrin		
	8		Utility Air	POM					Franks			
	9											
	10											
Concurring Opinions	1	Schuetz	Air Wisconsin		Fernandez	Burt	Schuetz	Apel	Burt			40
	2	Scialabba	Fernandez		Troice	Burrage	Utility Air	Lozano	Daimler AG			
	3		Lawson		McCutcheon	Apel		Castleman	BG Group			
	4		Castleman		Town of Greece	Halliburton		Town of Greece	Roberts			
	5		Schuetz		Bond			Tolan	Bay Mills			
	6		Bond		Franks			Bond	Alice Corp.			
	7		CTS		Halliburton			Loughrin				
	8		Loughrin					Riley				
	9		McCullen					McCullen				
	10		Noel Canning									
	11											
	12											
Dissenting Opinions	1	Kaley	Navarette	Troice	Bay Mills	Fernandez	McCutcheon	Rosemond	Lawson	Town of Greece		28
	2	BG Group	EME Homer			Bay Mills	Woodall	Hall	Brandt			
	3	Paroline	Bay Mills			CTS	Town of Greece	Scialabba	Schuetz			
	4		Abramski			NML Capital	Petrella	Utility Air	Paroline			
	5		Aereo						Scialabba			
	6											
	7											
	8											
	9											
	10											
	11											
	12											
Total		12	23	9	15	15	13	19	19	8	5	138

Workload - Opinions Released Each Week

The chart below demonstrates how many opinions were released by each Justice during each opinion week.

		October			November			December			January			February			March			April			May			June				Total
		#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#4				
JGR	Majority												1		1		1								3		7			
	Concurring																		1							2				
	Dissenting												1	1					1							3				
	Total												2	1	1		1		2			1	1		3	12				
AS	Majority							1				2		1		1		1						1	1		8			
	Concurring										1		1	1		1		1				1			3	10				
	Dissenting																	1	1			1		1		5				
	Total							1				3	1	2		2		3	1		1	1	1	2	5	23				
AMK	Majority									1						1		2		1		1		2			8			
	Concurring																									0				
	Dissenting												1													1				
	Total									1			1			1		2		1		1		2		9				
CT	Majority									1			1	1				1					1	2			7			
	Concurring												2				1							1	1	7				
	Dissenting																				1					1				
	Total									1			3	1			1		1		1	1	1	3	1	15				
RBG	Majority									1				1				1			1	1	1				7			
	Concurring																								1	4				
	Dissenting												1								1					4				
	Total						1			1		1	2	1				1		1	2	1	1	1	1	15				
SGB	Majority									1			1	1						1					3		7			
	Concurring																								1	2				
	Dissenting																1		1		1					4				
	Total									1			1	1			1		2		2	1			4	13				
SAA	Majority				1			1				1				1				1	1						6			
	Concurring											1		1											3	9				
	Dissenting																				1					4				
	Total				1			1				2	2			1	1		2		2	2	1		4	19				
SMS	Majority							1		1		1						2					1	1			8			
	Concurring									1																6				
	Dissenting												1	1												5				
	Total							1		2		2	1		1			2	2	1		1		2	2	19				
EK	Majority											1	1							1			1	2	1		7			
	Concurring																									0				
	Dissenting																									1				
	Total											1	1						1		1		1	2	1	8				

Workload - Opinions Outstanding At Any Given Time

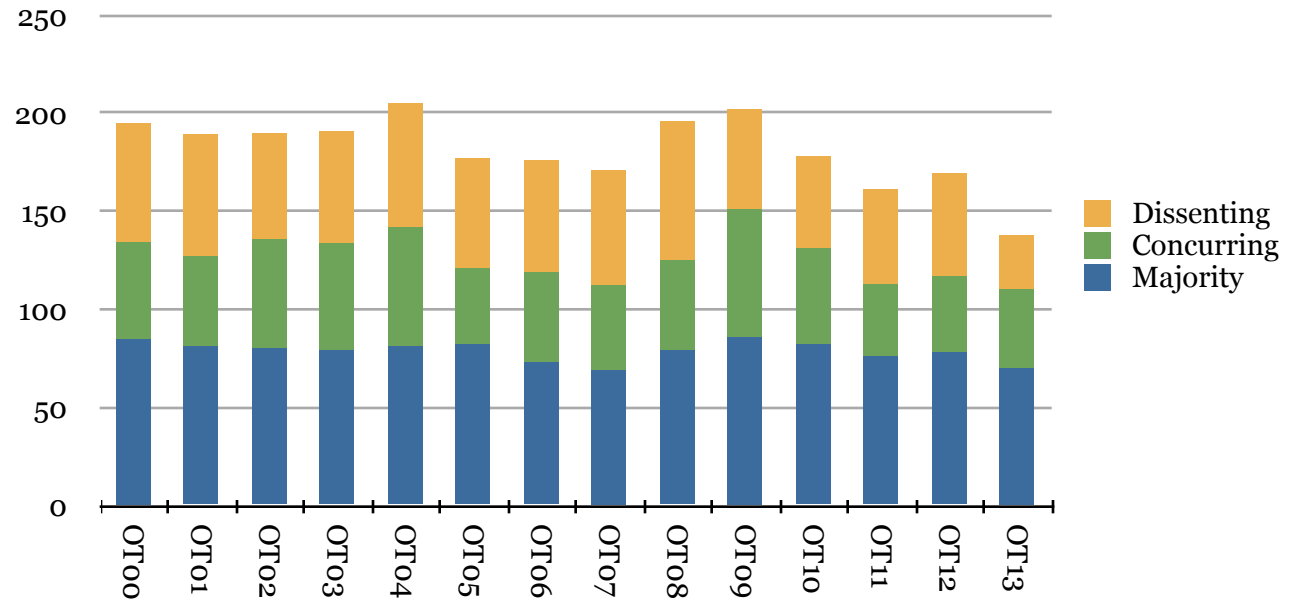
		October			November			December			January			February			March			April			May			June				Total
		#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#4				
JGR	Majority	1	1	1	2	2	2	3	3	3	5	5	5	5	5	5	4	4	3	3	4	4	4	4	4	3	3	3	7	
	Concurring		1	1	1	1	1	1	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1	1	1		2		
	Dissenting		1	1	1	1	1	1	2	2	2	2	3	3	3	2	1	1	1	1								3		
	Total	1	3	3	4	4	4	6	7	7	9	10	10	10	9	8	7	7	6	6	5	5	5	5	5	4	3	3	12	
AS	Majority	1	1	1	2	3	3	4	4	4	5	5	5	4	4	3	3	2	2	3	2	2	2	2	2	2	1	8		
	Concurring		1	1	2	4	4	4	5	5	8	8	8	7	6	5	5	5	5	6	5	5	5	5	5	4	3	3	10	
	Dissenting							1	2	2	2	4	4	4	4	4	4	4	4	5	4	3	3	3	2	2	2	1	5	
	Total	1	2	2	4	7	7	9	11	11	15	17	17	15	14	12	12	11	11	14	11	10	10	10	9	8	7	5	23	
AMK	Majority		1	1	2	2	2	2	3	3	4	4	4	4	5	5	5	4	4	6	4	4	3	3	2	2		8		
	Concurring																											0		
	Dissenting	1	1	1	1	1	1	1	1	1	1	1	1	1														1		
	Total	1	2	2	3	3	3	3	4	4	5	5	5	5	5	5	5	4	4	6	4	4	3	3	2	2		9		
CT	Majority		1	1	2	2	2	2	3	3	3	4	4	4	3	2	2	3	3	4	3	3	3	3	3	3	2	7		
	Concurring	2	2	2	4	5	5	5	5	5	5	5	5	5	4	4	4	4	4	3	3	4	4	3	3	3	2	2	1	7
	Dissenting							1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1				1		
	Total	2	3	3	6	7	7	8	9	9	9	10	10	10	8	7	7	8	7	8	8	8	7	7	6	5	4	1	15	
RBG	Majority		1	1	2	3	3	3	4	3	3	3	3	3	3	2	3	3	3	3	4	3	3	2	1			7		
	Concurring	1	1	1	1	1	1	2	2	2	2	2	2	1	1	1	1	1	1	1	1	1	1	1	1	1	1	4		
	Dissenting					1	1	2	2	2	2	2	2	2	1	1	1	1	1	3	3	3	3	3	2	2	1	4		
	Total	1	2	2	3	5	5	7	8	7	7	7	7	6	5	4	5	5	5	7	8	7	7	6	4	3	2	1	15	
SGB	Majority	1	1	1	2	2	2	3	3	3	4	4	3	4	3	2	2	3	3	4	4	4	3	3	3	3	3	7		
	Concurring		1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2	2	2	1	1	1	1	1	1	1	2		
	Dissenting	1	1	1	2	2	2	2	3	3	3	3	4	4	4	4	4	4	3	3	2	2	1					4		
	Total	2	3	3	5	5	5	6	7	7	8	9	8	10	9	8	8	9	8	9	7	7	5	4	4	4	4	13		
SAA	Majority	2	2	2	2	2	2	3	2	2	2	2	2	2	2	2	2	2	1	1	2	2	2	2	1			6		
	Concurring				2	2	2	3	4	4	6	6	6	6	5	4	4	4	4	4	5	5	4	4	4	3	3	3	9	
	Dissenting					1	1	1	2	2	2	2	2	3	4	3	3	3	3	3	3	3	3	2	2	1	1	4		
	Total	2	2	2	4	5	5	7	8	8	10	10	10	11	11	9	9	9	8	8	10	10	9	9	7	5	4	4	19	
SMS	Majority		1	1	2	2	2	2	3	2	2	2	2	3	3	3	4	3	3	3	4	2	2	2	2	2	1	8		
	Concurring	1	2	2	2	1	1	3	3	3	3	2	2	3	3	2	2	3	3	3	3	3	2	2	1	1	1	6		
	Dissenting		1	1	1	2	2	2	3	3	3	4	5	5	5	4	3	3	3	3	1	1	1	1	1	1		5		
	Total	1	4	4	5	5	5	7	9	8	10	9	9	11	11	9	9	9	9	9	8	6	5	5	4	4	2	19		
EK	Majority		1	1	1	2	2	3	4	4	4	5	5	5	4	3	3	4	4	5	5	5	5	5	4	4	3	1	7	
	Concurring																											0		
	Dissenting				1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1					1		
	Total		1	1	2	3	3	4	5	5	5	6	6	6	5	4	4	5	5	6	6	6	5	5	4	4	3	1	8	

Workload - Slip Pages Released Each Week

		October			November			December			January			February			March			April			May			June				Total
		#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#1	#2	#3	#4				
JGR	Majority												13		17		40					21			81			172		
	Concurring																		2						4		6			
	Dissenting												18	17					10								45			
	Total											31	17	17		40		12			21		4		81		223			
AS	Majority						17					30		12		22		12						12	29		134			
	Concurring										6		2	2		11		18			17	1		68		125				
	Dissenting																	11	21				15	13		61				
	Total						17				36	2	14		33		41	21			1	17	1	27	110		320			
AMK	Majority								13						15		44		24		22		34			152				
	Concurring												18													18				
	Total								13			18			15		44		24		22		34			170				
CT	Majority							16				14	16				11					13	35			105				
	Concurring											4				5			8				2	18		53				
	Dissenting																				18					18				
	Total						16				18	16			5		11		8		18	16	13	37	18		176			
RBG	Majority							12		24				29				32		22	18	14				151				
	Concurring			2							1	2												1		6				
	Dissenting											11								2			5	2		20				
	Total			2			12		24		1	13	29				32		22	20	14		5	2	1		177			
SGB	Majority								11			19	19					7						79		135				
	Concurring																		6					12		18				
	Dissenting													43				6		6	13					68				
	Total								11			19	19		43		12		13	13				91		221				
SAA	Majority				11		17					15			15					15	11					84				
	Concurring											1	7		1						2					38				
	Dissenting													9										12		39				
	Total				11		17					16	16		1	15			15		35	13	2		20		161			
SMS	Majority						10		14		18				16			17					11	17		103				
	Concurring			2					19				5							3		11		1		41				
	Dissenting												21	8				76					22			127				
	Total			2			10		33		18		26	8	16		76	17	3		11		33	18		271				
EK	Majority											21	19								21		33	32	15		141			
	Concurring																									-				
	Dissenting																		25							25				
	Total											21	19						25		21		33	32	15		166			

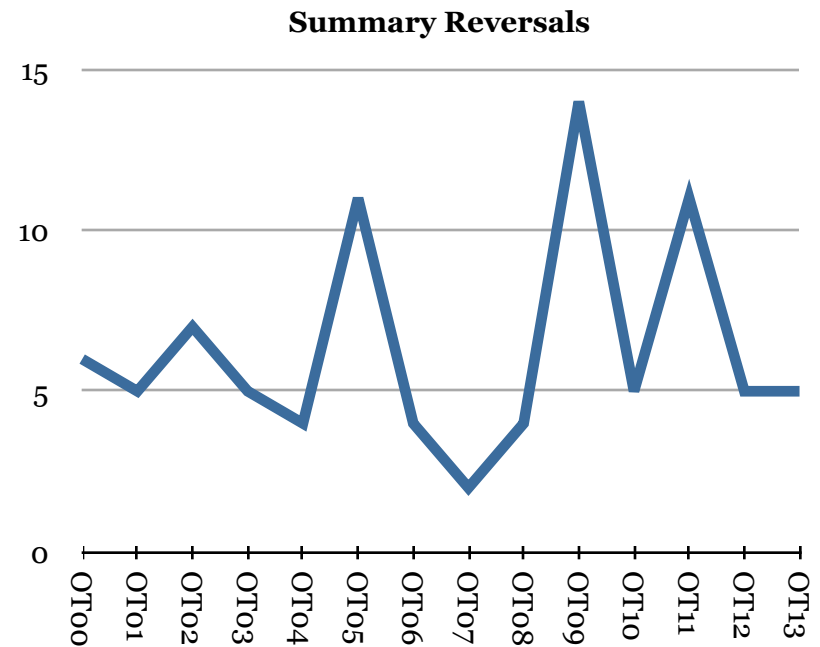
Total Opinions Over Time

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	76	37	48	161
OT12	78	39	52	169
OT13	70	40	28	138
Average	79	48	55	181



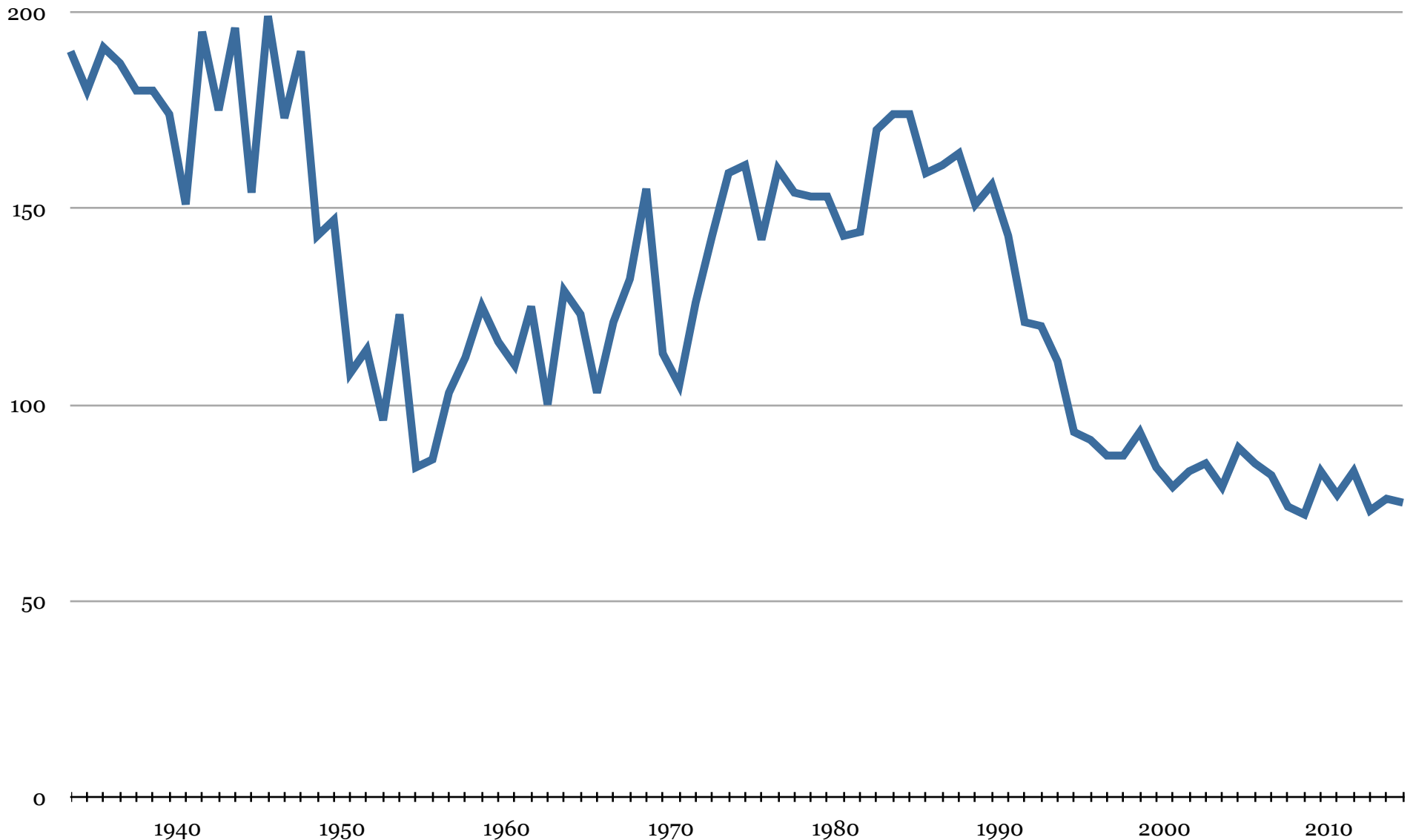
Summary Reversals

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
OT12	73	5	78
OT13	65	5	70
Average	72	6	79



Merits Opinions

This chart places the number of merits opinions from OT13 into historical perspective. The Court has released seventy merits opinions, including sixty-five signed opinions, which is a dramatic decline from only a few decades ago. Except for the data from OT13, the data in this chart is drawn from the Supreme Court's annual Journals, which have included useful statistics since the 1930s. This chart displays the number of cases disposed of by signed opinion and, unlike most of the tables and graphs in our Stat Pack, counts cases consolidated as separate decisions. The chart runs from October Term 1932 to October Term 2013.

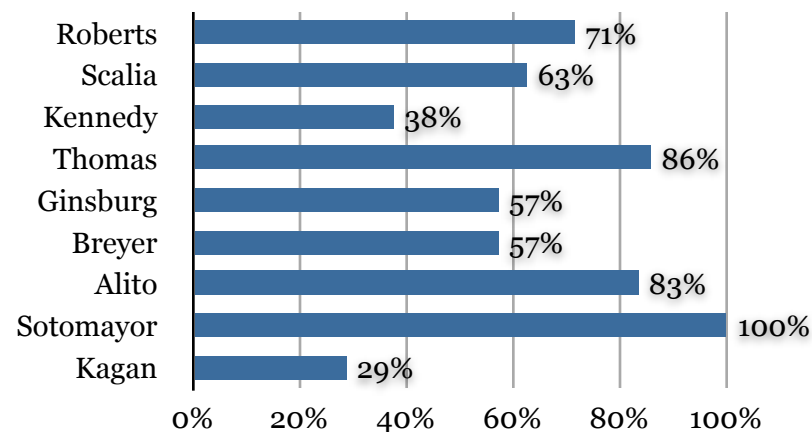


Majority Opinion Authorship

Majority Opinions Authored

	Total	9-0	8-1	7-2	6-3	5-4	Average Strength of the Majority*
Roberts	7	5	1	-	-	1	8.3
Scalia	8	5	1	1	1	-	8.3
Kennedy	8	3	-	2	-	3	7.0
Thomas	7	6	-	-	-	1	8.4
Ginsburg	7	4	-	1	2	-	7.9
Breyer	7	4	-	2	1	-	8.0
Alito	6	5	-	-	1	-	8.5
Sotomayor	8	8	-	-	-	-	9.0
Kagan	7	2	-	1	1	3	6.6
	65	42	2	7	6	8	8.1

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	12%	50%	-	-	13%
Scalia	12%	50%	14%	17%	-
Kennedy	7%	-	29%	-	38%
Thomas	14%	-	-	-	13%
Ginsburg	10%	-	14%	33%	-
Breyer	10%	-	29%	17%	-
Alito	12%	-	-	17%	-
Sotomayor	19%	-	-	-	-
Kagan	5%	-	14%	17%	38%
	100% (42)	100% (2)	100% (7)	100% (6)	100% (8)

Days Between Argument and Opinion

Majority Opinion Author	Days
Sotomayor	63d
Alito	71d
Ginsburg	85d
Scalia	86d
Thomas	90d
Kennedy	94d
Breyer	99d
Roberts	122d
Kagan	127d
	106d

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	10	6	-	2	1	1	7.9	2.2
November	11	7	-	1	2	1	7.9	2.3
December	11	6	-	2	1	2	7.6	2.4
January	11	6	1	-	1	3	7.5	2.0
February	7	5	-	1	-	1	8.1	1.9
March	5	5	-	-	-	-	9.0	1.6
April	10	7	1	1	1	-	8.4	1.6
Summary Reversal	5	5	-	-	-	-	9.0	1.2
	70	47	2	7	6	8	8.1	2.0

Cases Affirmed by an Equally Divided Court

Term	Total
OT06	-
OT07	2
OT08	-
OT09	-
OT10	2
OT11	-
OT12	-
Average	0.67

Recusals

Justice	Total
Alito	2
Kagan	2
Breyer	1
Sotomayor	1
Roberts	-
Scalia	-
Kennedy	-
Thomas	-
Ginsburg	-
	4

Solo Dissents

Justice	Total (OT13)	Average* (OT06-OT12)
Ginsburg	1	1.1
Sotomayor	1	0.8
Roberts	-	0.0
Scalia	-	1.0
Kennedy	-	0.1
Thomas	-	2.0
Breyer	-	0.4
Alito	-	0.6
Kagan	-	0.0
	2	6.4

* Averages consider only the Terms 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 October Term 2013. The charts include summary reversals but do not include cases that were dismissed.

All Cases

Justice	Votes	Frequency in Majority		OT12	OT11	OT10	OT09	OT08	OT07
Kennedy	70	66	94%	91%	93%	94%	91%	92%	86%
Kagan	68	64	94%	81%	82%	81%	-	-	-
Roberts	70	64	91%	86%	92%	91%	91%	81%	90%
Scalia	70	63	90%	78%	82%	86%	87%	84%	81%
Breyer	69	62	90%	83%	76%	79%	78%	75%	79%
Thomas	70	61	87%	79%	86%	88%	83%	81%	75%
Ginsburg	70	61	87%	79%	70%	74%	80%	70%	75%
Alito	69	60	87%	79%	83%	86%	87%	81%	82%
Sotomayor	69	58	84%	79%	80%	81%	84%	-	-

Divided Cases

Justice	Votes	Frequency in Majority		OT12	OT11	OT10	OT09	OT08	OT07
Kennedy	23	19	83%	83%	88%	88%	83%	89%	79%
Kagan	22	18	82%	63%	67%	67%	-	-	-
Roberts	23	17	74%	73%	86%	83%	83%	72%	73%
Scalia	23	16	70%	58%	67%	74%	76%	76%	65%
Breyer	23	16	70%	67%	57%	60%	58%	62%	68%
Thomas	23	14	61%	60%	74%	76%	67%	72%	85%
Ginsburg	23	14	61%	60%	45%	50%	63%	55%	65%
Alito	22	13	59%	59%	69%	74%	76%	72%	75%
Sotomayor	22	11	50%	59%	64%	64%	69%	-	-

5-4 Cases

Alignment of the Majority

Majority*	Total (8)	Cases
Roberts, Scalia, Kennedy, Thomas, Alito	2	<i>McCutcheon v. FEC, Town of Greece v. Galloway</i>
Kennedy, Ginsburg, Breyer, Sotomayor, Kagan	2	<i>Hall v. Florida, Abramski v. United States</i>
Roberts, Kennedy, Thomas, Breyer, Alito	1	<i>Navarette v. California</i>
Roberts, Scalia, Kennedy, Ginsburg, Kagan	1	<i>Scialabba v. Cuellar de Osorio</i>
Roberts, Kennedy, Breyer, Sotomayor, Kagan	1	<i>Michigan v. Bay Mills</i>
Kennedy, Ginsburg, Breyer, Alito, Kagan	1	<i>Paroline v. United States</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
OT05	11	12%	73%	63%	45%	7
OT06	24	33%	79%	68%	54%	6
OT07	12	17%	67%	50%	33%	6
OT08	23	29%	70%	69%	48%	7
OT09	16	19%	69%	73%	50%	7
OT10	16	20%	88%	71%	63%	4
OT11	15	20%	67%	50%	33%	7
OT12	23	29%	17%	50%	9%	6
OT13	8	11%	50%	67%	25%	6
Average	16	21%	64%	62%	40%	6

* 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.

5-4 Cases

Membership in a Five-to-Four Majority

Justice	Cases Decided	Frequency in Majority		OT12	OT11	OT10	OT09	OT08	OT07
Kennedy	8	8	100%	87%	80%	88%	69%	78%	67%
Roberts	8	5	63%	61%	67%	63%	56%	48%	58%
Breyer	8	5	63%	48%	47%	31%	38%	39%	45%
Kagan	8	5	63%	43%	40%	38%	-	-	-
Ginsburg	8	4	50%	43%	33%	38%	25%	52%	50%
Alito	8	4	50%	57%	60%	63%	63%	52%	50%
Scalia	8	3	38%	60%	60%	69%	69%	70%	58%
Thomas	8	3	38%	65%	67%	75%	69%	65%	67%
Sotomayor	8	3	38%	39%	47%	38%	43%	-	-

Five-to-Four Majority Opinion Authorship

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

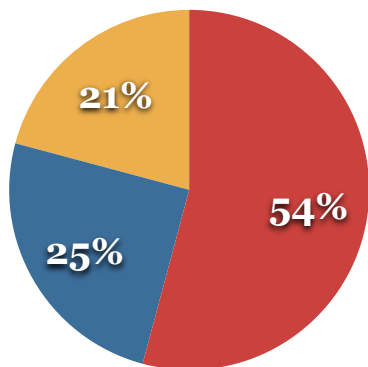
Justice	Cases Decided	Frequency in the Majority	Opinions Authored	Frequency as Author	OT12	OT11	OT10	OT09	OT08	OT07
Kagan	8	5	3	60%	10%	17%	0%	-	-	-
Kennedy	8	8	3	38%	20%	33%	21%	22%	28%	50%
Thomas	8	3	1	33%	13%	0%	33%	9%	13%	13%
Roberts	8	5	1	20%	14%	10%	30%	22%	18%	14%
Scalia	8	3	0	0%	23%	0%	9%	18%	33%	29%
Ginsburg	8	4	0	0%	10%	0%	33%	50%	27%	0%
Breyer	8	5	0	0%	18%	43%	20%	25%	0%	40%
Alito	8	4	0	0%	46%	33%	0%	40%	8%	17%
Sotomayor	8	3	0	0%	22%	29%	17%	0%	-	-

* Percentages represent the number of majority opinions authored divided by the number of times a Justice was in the majority for a *signed* opinion.

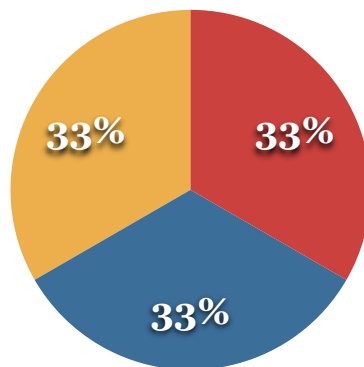
5-4 Case Majorities

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

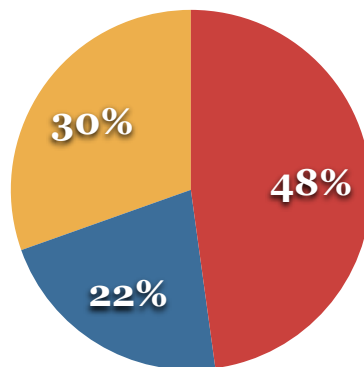
OT06



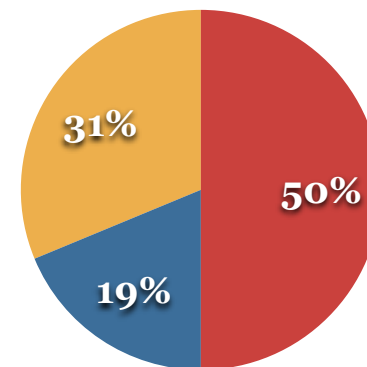
OT07



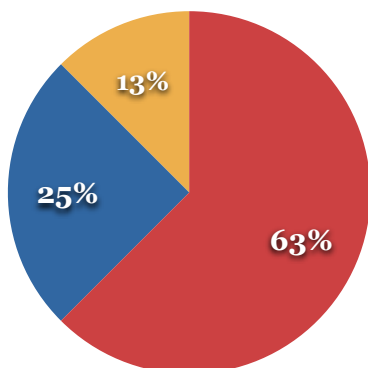
OT08



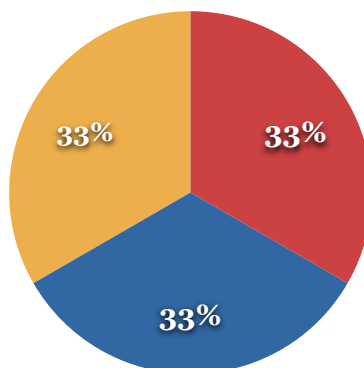
OT09



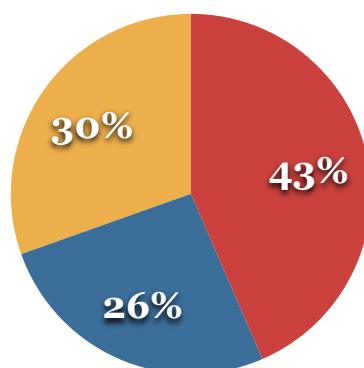
OT10



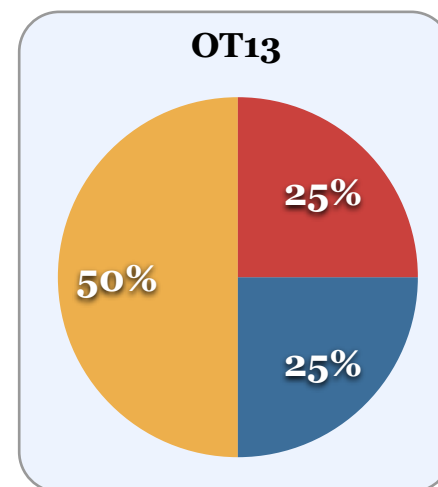
OT11



OT12

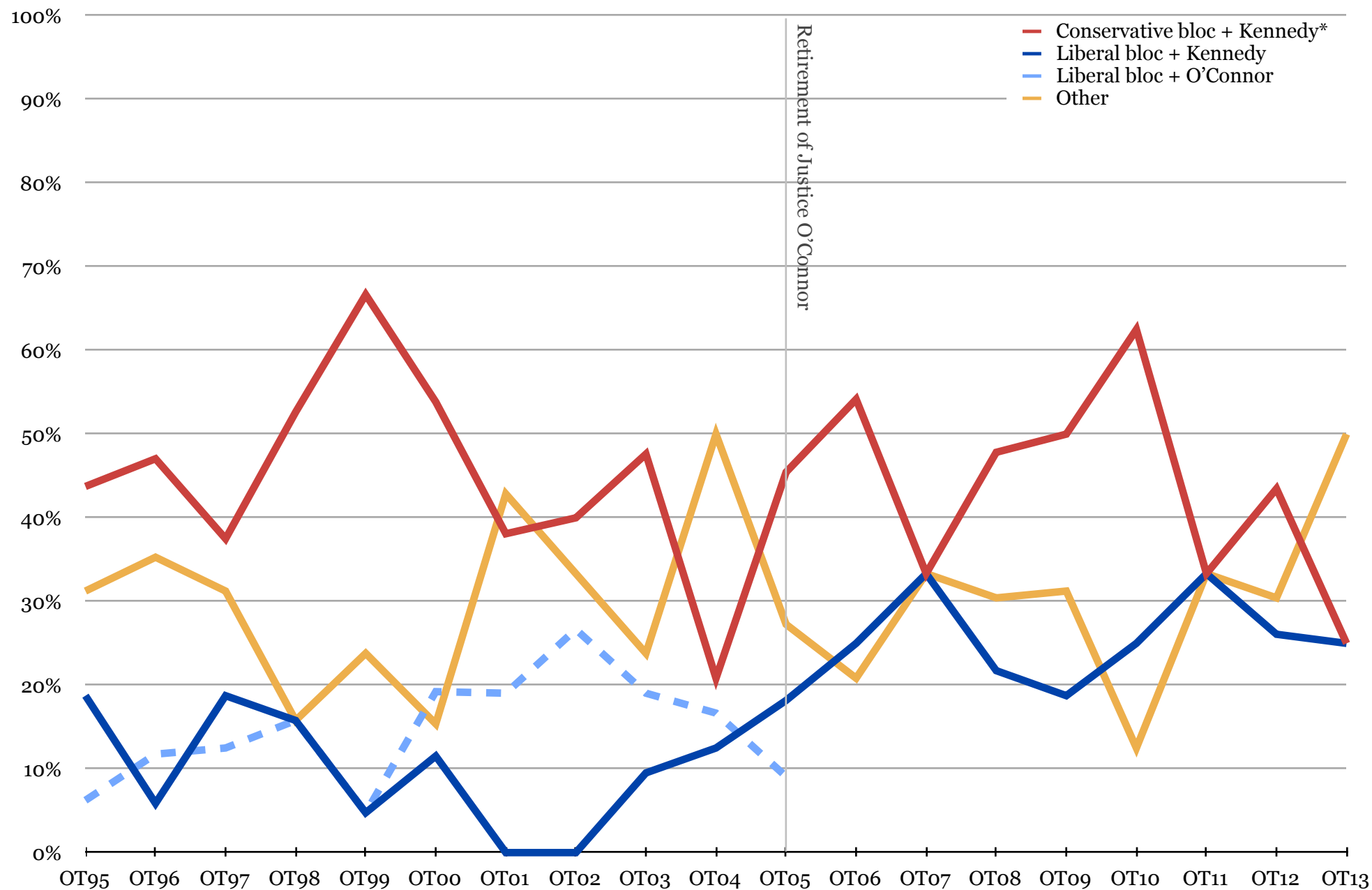


OT13



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

5-4 Case Majorities



*The conservative bloc is the combination of Rehnquist/Roberts, O'Connor/Alito, Scalia and Thomas; the liberal bloc is the combination of Stevens/Kagan, Souter/Sotomayor, Ginsburg, Breyer. All other alignments of five-Justice majorities are grouped into the "other" category.

Majority Opinion Distribution by Senior Justices - OT13

For each case decided with a merits opinion, the author of the majority opinion is selected by the most senior Justice who votes with the majority. For example, in *Abramski v. United States*, a 5-4 decision in which Justices Kennedy, Ginsburg, Breyer, Sotomayor, and Kagan voted in the majority, Justice Kennedy (the most senior Justice in the majority) assigned authorship duties to Justice Kagan (the author of the majority opinion). The tables below demonstrate how the five most senior Justices on the Court assigned majority opinions during OT13 when they had the chance.

All Cases

	Roberts		Scalia		Kennedy		Thomas		Ginsburg		Breyer		Alito		Sotomayor		Kagan	
Roberts (59)	7	12%	8	14%	6	10%	7	12%	6	10%	6	10%	6	10%	8	14%	5	8%
	Scalia (3)		0	0%	0	0%	0	0%	1	33%	1	33%	0	0%	0	0%	1	33%
	Kennedy (3)				2	67%	0	0%	0	0%	0	0%	0	0%	0	0%	1	33%
	Thomas (0)						0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
	Ginsburg (0)								0	0%	0	0%	0	0%	0	0%	0	0%

Divided Cases

	Roberts		Scalia		Kennedy		Thomas		Ginsburg		Breyer		Alito		Sotomayor		Kagan	
Roberts (17)	2	12%	3	18%	3	18%	1	6%	2	12%	2	12%	1	6%	0	0%	3	18%
	Scalia (3)		0	0%	0	0%	0	0%	1	33%	1	33%	0	0%	0	0%	1	33%
	Kennedy (3)				2	67%	0	0%	0	0%	0	0%	0	0%	0	0%	1	33%
	Thomas (0)						0	0%	0	0%	0	0%	0	0%	0	0%	0	0%
	Ginsburg (0)								0	0%	0	0%	0	0%	0	0%	0	0%

Majority Opinion Distribution by Senior Justice - OT10 through OT13

Like the tables on the previous page, the tables below show how each of the most senior Justices assigned majority opinion authorship duties when they were, in fact, the most senior Justice in the majority. Unlike the tables above, however, the information on this page covers OT10-OT13.

All Cases																		
Roberts (245)	Roberts		Scalia		Kennedy		Thomas		Ginsburg		Breyer		Alito		Sotomayor		Kagan	
	30	12%	30	12%	28	11%	29	12%	28	11%	23	9%	28	11%	24	10%	25	10%
	Scalia (11)		4	36%	0	0%	0	0%	2	18%	1	9%	0	0%	3	27%	1	9%
	Kennedy (19)				8	42%	0	0%	1	5%	5	26%	0	0%	2	11%	3	16%
	Thomas (2)						1	50%	1	50%	0	0%	0	0%	0	0%	0	0%
	Ginsburg (0)								0	0%	0	0%	0	0%	0	0%	0	0%

Divided Cases																		
Roberts (113)	Roberts		Scalia		Kennedy		Thomas		Ginsburg		Breyer		Alito		Sotomayor		Kagan	
	15	13%	11	10%	20	18%	13	12%	8	7%	12	11%	16	14%	8	7%	10	9%
	Scalia (9)		3	33%	0	0%	0	0%	2	22%	1	11%	0	0%	2	22%	1	11%
	Kennedy (19)				8	42%	0	0%	1	5%	5	26%	0	0%	2	11%	3	16%
	Thomas (2)						1	50%	1	50%	0	0%	0	0%	0	0%	0	0%
Ginsburg (0)									0	0%	0	0%	0	0%	0	0%	0	0%

Justice Agreement - All Cases

	Scalia		Kennedy		Thomas		Ginsburg		Breyer		Alito		Sotomayor		Kagan		Total
Roberts	49	70%	59	84%	48	69%	45	64%	53	77%	45	65%	42	61%	53	78%	70
	58	83%	61	87%	56	80%	51	73%	58	84%	53	77%	52	75%	56	82%	
	63	90%	64	91%	61	87%	55	79%	60	87%	58	84%	56	81%	58	85%	
	7	10%	6	9%	9	13%	15	21%	9	13%	11	16%	13	19%	10	15%	
Scalia			44	63%	58	83%	37	53%	37	54%	48	70%	32	46%	45	66%	70
			53	76%	65	93%	50	71%	49	71%	58	84%	47	68%	53	78%	
			59	84%	66	94%	58	83%	55	80%	62	90%	55	80%	59	87%	
			11	16%	4	6%	12	17%	14	20%	7	10%	14	20%	9	13%	
Kennedy					45	64%	48	69%	53	77%	46	67%	44	64%	57	84%	70
					52	74%	54	77%	58	84%	54	78%	53	77%	59	87%	
					57	81%	57	81%	60	87%	60	87%	56	81%	60	88%	
					13	19%	13	19%	9	13%	9	13%	13	19%	8	12%	
Thomas							37	53%	39	57%	52	75%	32	46%	45	66%	70
							47	67%	49	71%	60	87%	45	65%	50	74%	
							54	77%	55	80%	66	96%	53	77%	55	81%	
							16	23%	14	20%	3	4%	16	23%	13	19%	
Ginsburg									54	78%	36	52%	56	81%	56	82%	70
									59	86%	44	64%	60	87%	62	91%	
									61	88%	53	77%	62	90%	64	94%	
									8	12%	16	23%	7	10%	4	6%	
Breyer											39	57%	50	74%	54	81%	69
											45	66%	58	85%	60	90%	
											54	79%	60	88%	60	90%	
											14	21%	8	12%	7	10%	
Alito													33	49%	40	60%	68
													42	62%	47	70%	
													52	76%	54	81%	
													16	24%	13	19%	
Sotomayor															49	73%	69
															59	88%	
															61	91%	
															6	9%	
Kagan																	68

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 48%	14 61%	8 35%	6 26%	12 52%	9 41%	5 23%	9 41%	23
	15 65%	16 70%	13 57%	7 30%	13 57%	12 55%	8 36%	11 50%	
	16 70%	17 74%	14 61%	8 35%	14 61%	11 50%	9 41%	12 55%	
	7 30%	6 26%	9 39%	15 65%	9 39%	11 50%	13 59%	10 45%	
Scalia		6 26%	14 61%	6 26%	4 17%	11 50%	3 14%	8 36%	23
		10 43%	19 83%	10 43%	8 35%	15 68%	7 32%	12 55%	
		12 52%	19 83%	11 48%	9 39%	15 68%	8 36%	13 59%	
		11 48%	4 17%	12 52%	14 61%	7 32%	14 64%	9 41%	
Kennedy			5 22%	9 39%	12 52%	11 50%	7 32%	13 59%	23
			9 39%	10 43%	13 57%	14 64%	9 41%	14 64%	
			10 43%	10 43%	14 61%	13 59%	9 41%	14 64%	
			13 57%	13 57%	9 39%	9 41%	13 59%	8 36%	
Thomas				4 17%	4 17%	14 64%	1 5%	6 27%	23
				7 30%	8 35%	16 73%	5 23%	9 41%	
				7 30%	9 39%	19 86%	6 27%	9 41%	
				16 70%	14 61%	3 14%	16 73%	13 59%	
Ginsburg					14 61%	5 23%	14 64%	18 82%	23
					15 65%	6 27%	15 68%	18 82%	
					15 65%	6 27%	15 68%	18 82%	
					8 35%	16 73%	7 32%	4 18%	
Breyer						6 27%	11 50%	14 64%	23
						6 27%	14 64%	15 68%	
						8 36%	14 64%	15 68%	
						14 64%	8 36%	7 32%	
Alito							2 10%	7 33%	22
							4 19%	8 38%	
							5 24%	8 38%	
							16 76%	13 62%	
Sotomayor								13 62%	22
								15 71%	
								15 71%	
								6 29%	
Kagan									22

Key

Fully Agree

Agree in Full or Part

Agree in Full, Part, or Judgment Only

Disagree in Judgment

Justice Agreement - 5-4 Cases

	Scalia	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Total
Roberts	5 63%	4 50%	4 50%	0 0%	2 25%	4 50%	0 0%	1 13%	8
	6 75%	4 50%	5 63%	0 0%	2 25%	5 63%	1 13%	1 13%	
	6 75%	5 63%	6 75%	1 13%	2 25%	5 63%	2 25%	2 25%	
	2 25%	3 38%	2 25%	7 88%	6 75%	3 38%	6 75%	6 75%	
Scalia		1 13%	3 38%	1 13%	0 0%	3 38%	1 13%	1 13%	8
		2 25%	5 63%	2 25%	0 0%	5 63%	1 13%	1 13%	
		3 38%	6 75%	3 38%	0 0%	5 63%	2 25%	2 25%	
		5 63%	2 25%	5 63%	8 100%	3 38%	6 75%	6 75%	
Kennedy			1 13%	4 50%	5 63%	3 38%	2 25%	5 63%	8
			2 25%	4 50%	5 63%	4 50%	3 38%	5 63%	
			3 38%	4 50%	5 63%	4 50%	3 38%	5 63%	
			5 63%	4 50%	3 38%	4 50%	5 63%	3 38%	
Thomas				0 0%	1 13%	4 50%	0 0%	0 0%	8
				1 13%	2 25%	5 63%	1 13%	0 0%	
				1 13%	2 25%	7 88%	2 25%	0 0%	
				7 88%	6 75%	1 13%	6 75%	8 100%	
Ginsburg					4 50%	1 13%	5 63%	7 88%	8
					5 63%	2 25%	5 63%	7 88%	
					5 63%	2 25%	5 63%	7 88%	
					3 38%	6 75%	3 38%	1 13%	
Breyer						2 25%	4 50%	5 63%	8
						2 25%	6 75%	6 75%	
						3 38%	6 75%	6 75%	
						5 63%	2 25%	2 25%	
Alito							0 0%	1 13%	8
							0 0%	1 13%	
							1 13%	1 13%	
							7 88%	7 88%	
Sotomayor								5 63%	8
								6 75%	
								6 75%	
								2 25%	
Kagan									8

Key

Fully Agree

Agree in Full or Part

Agree in Full, Part, or Judgment Only

Disagree in Judgment

Justice Agreement - Highs and Lows

The following tables list the Justice pairs with the highest and lowest agreement rates based on our three metrics for Justice agreement—*i.e.*, all cases, non-unanimous cases, and 5-4 cases only—when Justices agree in full, part, or judgment only. Non-unanimous cases are those in which at least one Justice dissented; cases that produced only a majority opinion and one or more concurring opinions are not included in that measure.

	Highest Agreement		Lowest Agreement	
All Cases	1	Thomas - Alito 95.7%	1	Alito - Sotomayor 76.5%
	2	Scalia - Thomas 94.3%	2	Thomas - Sotomayor 76.8%
	3	Ginsburg - Kagan 94.1%	3	Ginsburg - Alito 76.8%
	4	Roberts - Kennedy 91.4%	4	Thomas - Ginsburg 77.1%
	5	Sotomayor - Kagan 91.0%	5	Roberts - Ginsburg 78.6%
	6	Roberts - Scalia 90.0%	6	Breyer - Alito 79.4%
	7	Scalia - Alito 89.9%	7	Scalia - Breyer 79.7%
	8	Ginsburg - Sotomayor 89.9%	8	Scalia - Sotomayor 79.7%
	9	Breyer - Kagan 89.6%	9	Thomas - Breyer 79.7%
	10	Ginsburg - Breyer 88.4%	10	Alito - Kagan 80.6%
Divided Cases	1	Thomas - Alito 86.4%	1	Alito - Sotomayor 23.8%
	2	Scalia - Thomas 82.6%	2	Thomas - Sotomayor 27.3%
	3	Ginsburg - Kagan 81.8%	3	Ginsburg - Alito 27.3%
	4	Roberts - Kennedy 73.9%	4	Thomas - Ginsburg 30.4%
	5	Sotomayor - Kagan 71.4%	5	Roberts - Ginsburg 34.8%
	6	Roberts - Scalia 69.6%	6	Scalia - Sotomayor 36.4%
	7	Scalia - Alito 68.2%	7	Breyer - Alito 36.4%
	8	Ginsburg - Sotomayor 68.2%	8	Alito - Kagan 38.1%
	9	Breyer - Kagan 68.2%	9	Scalia - Breyer 39.1%
	10	Ginsburg - Breyer 65.2%	10	Thomas - Breyer 39.1%
5-4 Cases	1	Thomas - Alito 87.5%	1	Scalia - Breyer 0.0%
	2	Ginsburg - Kagan 87.5%	2	Thomas - Kagan 0.0%
	3	Roberts - Scalia 75.0%	3	Roberts - Ginsburg 12.5%
	4	Roberts - Thomas 75.0%	4	Thomas - Ginsburg 12.5%
	5	Scalia - Thomas 75.0%	5	Alito - Sotomayor 12.5%
	6	Breyer - Sotomayor 75.0%	6	Alito - Kagan 12.5%
	7	Breyer - Kagan 75.0%	7	Roberts - Breyer 25.0%
	8	Sotomayor - Kagan 75.0%	8	Roberts - Sotomayor 25.0%
	9	Roberts - Kennedy 62.5%	9	Roberts - Kagan 25.0%
	10	Roberts - Alito 62.5%	10	Scalia - Sotomayor 25.0%

Time Between Cert. 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.

Argued	Avg. Days
October	211d
November	197d
December	175d
January	149d
February	130d
March	115d
April	103d
Overall	159d

Average	159d
Median	168d
St. Dev.	49d

Shortest	<i>Abramski</i>	99d
Longest	<i>Bond</i>	291d

Averages

OT03	172d
OT04	167d
OT05	165d
OT06	131d
OT07	134d
OT08	167d
OT09	168d
OT10	153d
OT11	160d
OT12	141d
OT13	159d

	Rank		Days	Granted	Argued
Shortest	1	<i>Abramski v. U.S.</i>	99d	Oct 15, 2013	Jan 22, 2014
	2	<i>Lane v. Franks</i>	101d	Jan 17, 2014	Apr 28, 2014
	2	<i>Argentina v. NML Capital</i>	101d	Jan 10, 2014	Apr 21, 2014
	2	<i>POM v. Coca-Cola</i>	101d	Jan 10, 2014	Apr 21, 2014
	5	<i>U.S. v. Wurie</i>	102d	Jan 17, 2014	Apr 29, 2014
	5	<i>Riley v. California</i>	102d	Jan 17, 2014	Apr 29, 2014
	5	<i>ABC v. Aereo</i>	102d	Jan 10, 2014	Apr 22, 2014
	5	<i>SBA List v. Driehaus</i>	102d	Jan 10, 2014	Apr 22, 2014
	9	<i>CTS v. Waldberger</i>	103d	Jan 10, 2014	Apr 23, 2014
	9	<i>U.S. v. Clarke</i>	103d	Jan 10, 2014	Apr 23, 2014

	Rank		Days	Granted	Argued
Longest	1	<i>Bond v. United States</i>	291d	Jan 18, 2013	Nov 5, 2013
	2	<i>Chadbourne v. Troice</i>	262d	Jan 18, 2013	Oct 7, 2013
	3	<i>Sandifer v. U.S. Steel Corp.</i>	258d	Feb 19, 2013	Nov 4, 2013
	4	<i>Walden v. Fiore</i>	245d	Mar 4, 2013	Nov 4, 2013
	5	<i>Kansas v. Cheever</i>	233d	Feb 25, 2013	Oct 16, 2013
	6	<i>McCutcheon v. FEC</i>	231d	Feb 19, 2013	Oct 8, 2013
	7	<i>Burt v. Titlow</i>	225d	Feb 25, 2013	Oct 8, 2013
	8	<i>Kaley v. U.S.</i>	212d	Mar 18, 2013	Oct 16, 2013
	9	<i>Law v. Siegel</i>	210d	Jun 17, 2013	Jan 13, 2014
	10	<i>Paroline v. U.S.</i>	209d	Jun 27, 2013	Jan 22, 2014

	Less than 100 days	100-124	125-149	150-174	175-199	200-224	225-249	More than 250
OT11	1	11	20	18	11	1	2	5
OT12	5	32	12	12	4	4	1	4
OT13	1	25	6	9	13	9	4	3

* 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 those decided on 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 sixty-five signed opinions after argument during October Term 2013.

Argued	Avg.	Total	Remain
October	99d	11	-
November	107d	12	-
December	110d	11	-
January	106d	12	1
February	84d	7	-
March	78d	6	1
April	51d	11	-
Overall	93d	70	2

Average	93d
Median	84d
St. Dev.	44d

Shortest	<i>Burt</i>	28d
Longest	<i>Bond</i>	209d

Averages

OT03	82d
OT04	91d
OT05	79d
OT06	96d
OT07	94d
OT08	94d
OT09	109d
OT10	106d
OT11	97d
OT12	95d
OT13	93d

	Rank			Author	Vote	Argued	Decided
Shortest	1	<i>Burt v. Titlow</i>	28d	Alito	9-0	Oct 8, 2013	Nov 5, 2013
	2	<i>Limelight v. Akamai</i>	33d	Alito	9-0	Apr 30, 2014	Jun 2, 2014
	3	<i>Nautilus v. Biosig</i>	35d	Ginsburg	9-0	Apr 28, 2014	Jun 2, 2014
	3	<i>Sprint v. Jacobs</i>	35d	Ginsburg	9-0	Nov 5, 2013	Dec 10, 2013
	5	<i>Ray Haluch Gravel v. Central Pension</i>	37d	Kennedy	9-0	Dec 9, 2013	Jan 15, 2014
	6	<i>CTS v. Waldberger</i>	47d	Kennedy	7-2	Apr 23, 2014	Jun 9, 2014
	7	<i>Air Wisconsin v. Hoeper</i>	49d	Sotomayor	9-0	Dec 9, 2013	Jan 27, 2014
	8	<i>Law v. Siegel</i>	50d	Scalia	9-0	Jan 13, 2014	Mar 4, 2014
	9	<i>Lane v. Franks</i>	52d	Sotomayor	9-0	Apr 28, 2014	Jun 19, 2014
	9	<i>POM v. Coca-Cola</i>	52d	Kennedy	8-0	Apr 21, 2014	Jun 12, 2014

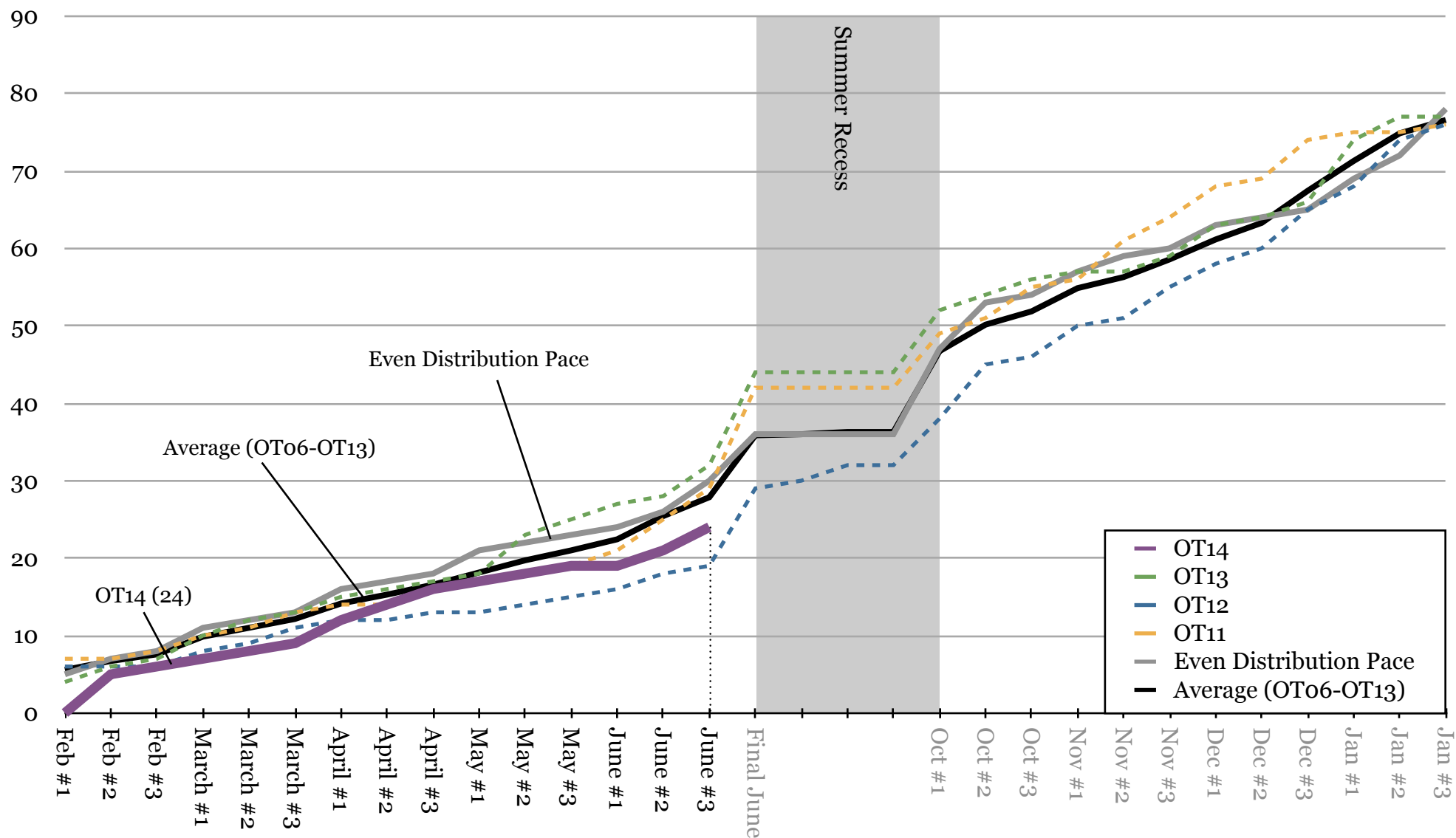
	Rank			Author	Vote	Argued	Decided
Longest	1	<i>Bond v. United States</i>	209d	Roberts	9-0	Nov 5, 2013	Jun 2, 2014
	2	<i>Schuette v. Coalition to Defend</i>	189d	Kennedy	6-2	Oct 15, 2013	Apr 22, 2014
	3	<i>Scialabba v. de Osorio</i>	181d	Kagan	5-4	Dec 10, 2013	Jun 9, 2014
	4	<i>Town of Greece v. Galloway</i>	180d	Kennedy	5-4	Nov 6, 2013	May 5, 2014
	5	<i>McCutcheon v. FEC</i>	176d	Roberts	5-4	Oct 8, 2013	Apr 2, 2014
	5	<i>Michigan v. Bay Mills</i>	176d	Kagan	5-4	Dec 2, 2013	May 27, 2014
	7	<i>NLRB v. Noel Canning</i>	164d	Breyer	9-0	Jan 13, 2014	Jun 26, 2014
	8	<i>McCullen v. Coakley</i>	162d	Roberts	9-0	Jan 15, 2014	Jun 26, 2014
	9	<i>Exec. Benefits v. Arkison</i>	146d	Thomas	9-0	Jan 14, 2014	Jun 9, 2014
	10	<i>Abramski v. U.S.</i>	145d	Kagan	5-4	Jan 22, 2014	Jun 16, 2014

	Less than 30 days	30-59	60-89	90-119	120-149	150-179	180-209	210-239	More than 240
OT11	2	5	19	24	8	6	1	0	0
OT12	1	15	21	20	8	4	2	1	1
OT13	1	17	20	12	7	4	4	0	0

	9-0	8-1	7-2	6-3	5-4
OT13	78d	56d	120d	111d	141d

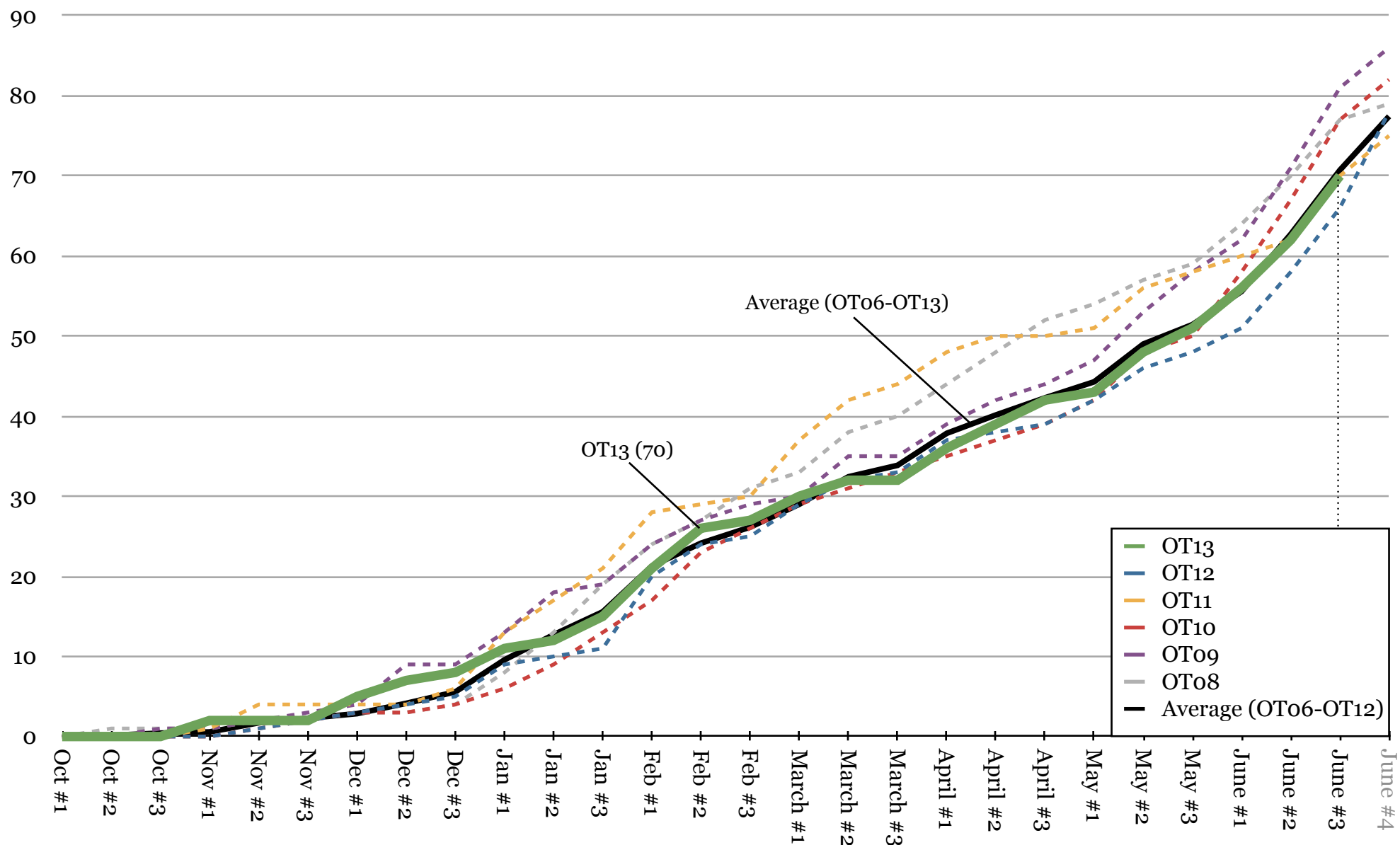
Pace of Grants

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 OT13, took place on March 7, 2013. Categorizing grants by their conference within a given sitting ensures more accurate cross-Term comparisons.



Pace of Opinions

The following chart plots the pace at which the Court releases merits opinions throughout the Term, beginning in October and ending in June. This chart includes both opinions released after full briefing and summary reversals. Here, as in the Pace of Grants chart, cases are categorized by their release within a given sitting, rather than by calendar month. For example, the opinion for Feb #3 of OT13 was actually released on March 10, 2014.



Grants Per Conference (OT03-Present)

	OT03	OT04	OT05	OT06	OT07	OT08	OT09	OT10	OT11	OT12	OT13	OT14	Average (OT03-OT13)		Range (OT03-OT13)	Calendar Weeks Covered	Grants Per Weeks Covered (OT03-OT13)
Feb #1	5	10	3	4	2	8	9	3	7	6	4	0	5.5	8.3	2 - 10	4	1.4
Feb #2	1	2	4	0	3	3	1	1	0	0	2	5	1.5		0 - 4	1	1.5
Feb #3	4	0	2	1	0	0	1	3	1	0	1	1	1.2		0 - 4	1	1.2
March #1	1	2	0	0	0	8	0	4	2	2	3	1	2.0	4.4	0 - 8	2	1.0
March #2	0	3	1	1	2	2	1	0	1	1	2	1	1.3		0 - 3	1	1.3
March #3	0	2	1	1	0	2	1	0	2	2	1	1	1.1		0 - 2	1	1.1
April #1	5	1	3	3	0	2	3	4	1	1	2	3	2.3	5.1	0 - 5	2	1.1
April #2	2	1	5	0	1	2	3	2	0	0	1	2	1.5		0 - 5	1	1.5
April #3	2	0	2	1	1	0	4	0	2	1	1	2	1.3		0 - 4	1	1.3
May #1	3	0	2	4	0	1	4	1	1	0	1	1	1.5	4.8	0 - 4	2	0.8
May #2	3	3	1	0	3	0	1	5	1	1	5	1	2.1		0 - 5	1	2.1
May #3	0	1	1	1	4	0	1	1	1	1	2	1	1.2		0 - 4	1	1.2
June #1	0	1	1	4	1	0	2	0	2	1	2	0	1.3	14.7	0 - 4	1	1.3
June #2	3	3	1	1	3	3	4	4	4	2	1	2	2.6		1 - 4	1	2.6
June #3	2	2	2	2	1	3	3	3	4	1	4	3	2.5		1 - 4	1	2.5
Final June	8	9	7	5	5	9	7	7	13	10	12		8.4		5 - 13	1	8.4
Oct #1	10	8	11	9	17	10	11	13	7	9	8		10.3	15.9	7 - 17	13	0.8
Oct #2	8	7	3	2	0	1	5	7	2	7	2		4.0		0 - 8	2	2.0
Oct #3	2	1	1	1	2	1	2	1	4	1	2		1.6		1 - 4	1	1.6
Nov #1	3	2	4	4	2	2	3	5	1	4	1		2.8	6.0	1 - 5	2	1.4
Nov #2	2	0	3	2	1	1	0	0	5	1	0		1.4		0 - 5	1	1.4
Nov #3	0	0	2	0	1	5	1	2	3	4	2		1.8		0 - 5	1	1.8
Dec #1	6	1	3	0	3	2	3	3	4	3	4		2.9	8.4	0 - 6	1	2.9
Dec #2	1	1	2	3	3	2	2	2	1	2	1		1.8		1 - 3	2	0.9
Dec #3	3	4	2	5	6	2	3	3	5	5	2		3.6		2 - 6	1	3.6
Jan #1	2	9	6	7	6	4	1	5	1	3	8		4.7	8.7	1 - 9	4	1.2
Jan #2	0	2	1	4	4	6	5	0	0	6	3		2.8		0 - 6	1	2.8
Jan #3	0	0	1	7	2	0	0	0	1	2	0		1.2		0 - 7	1	1.2
Total	76	75	75	72	73	79	81	79	76	76	77	24	76.3	76.3	72 - 81	52	

Opinions Per Week (OT06-Present)

	OT06	OT07	OT08	OT09	OT10	OT11	OT12	OT13	Average (OT06-OT12)		Range (OT06-OT12)
Oct #1	0	0	0	0	0	0	0	0	0.0	0.4	0 - 0
Oct #2	0	0	1	0	0	0	0	0	0.1		0 - 1
Oct #3	1	0	0	1	0	0	0	0	0.3		0 - 1
Nov #1	0	0	0	0	0	1	0	2	0.1	1.9	0 - 1
Nov #2	0	1	1	1	1	3	1	0	1.1		0 - 3
Nov #3	1	0	0	1	1	0	1	0	0.6		0 - 1
Dec #1	0	0	1	1	1	0	1	3	0.6	3.3	0 - 1
Dec #2	1	2	0	5	0	0	1	2	1.3		0 - 5
Dec #3	2	3	1	0	1	2	1	1	1.4		0 - 3
Jan #1	4	3	4	4	2	7	4	3	4.0	10.0	2 - 7
Jan #2	1	3	5	5	3	4	1	1	3.1		1 - 5
Jan #3	3	1	6	1	4	4	1	3	2.9		1 - 6
Feb #1	5	5	5	5	4	7	9	6	5.7	10.6	4 - 9
Feb #2	1	2	3	3	6	1	4	5	2.9		1 - 6
Feb #3	2	1	4	2	3	1	1	1	2.0		1 - 4
March #1	1	2	2	1	3	7	4	3	2.9	7.7	1 - 7
March #2	2	2	5	5	2	5	3	2	3.4		2 - 5
March #3	2	1	2	0	2	2	1	0	1.4		0 - 2
April #1	5	5	4	4	2	4	4	4	4.0	8.4	2 - 5
April #2	3	1	4	3	2	2	1	3	2.3		1 - 4
April #3	5	1	4	2	2	0	1	3	2.1		0 - 5
May #1	1	1	2	3	3	1	3	1	2.0	9.1	1 - 3
May #2	5	4	3	6	6	5	4	5	4.7		3 - 6
May #3	1	3	2	5	2	2	2	3	2.4		1 - 5
June #1	4	3	5	4	8	2	3	5	4.1	26.0	2 - 8
June #2	8	9	6	9	9	2	7	6	7.1		2 - 9
June #3	6	7	7	10	10	8	8	8	8.0		6 - 10
June #4	8	10	2	5	5	5	12		6.7		2 - 12
Total	72	70	79	86	82	75	78	70	77.4	77.4	70 - 86

Oral Argument - Justices

For our purposes, 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. To account for the Chief Justice’s administrative comments – such as his call for an advocate to begin – his tally for each case has been uniformly reduced by three “questions.”

Average Number of Questions Per Argument

	Average
Scalia	19.6
Breyer	17.5
Sotomayor	15.6
Roberts	14.3
Kagan	11.4
Alito	11.3
Kennedy	10.7
Ginsburg	9.3
Thomas	0.0

Frequency as the Top Questioner or as a Top 3 Questioner

	Freq. Top 1	Freq. Top 3
Scalia	36%	69%
Breyer	26%	62%
Sotomayor	13%	55%
Roberts	13%	47%
Kennedy	7%	21%
Alito	6%	22%
Kagan	3%	21%
Ginsburg	3%	20%
Thomas	0%	0%

Average Number of Questions Arranged by Vote Split

	9-0	8-1	7-2	6-3	5-4
Roberts	13	10	16	11	17
Scalia	19	30	22	14	26
Kennedy	10	11	13	11	13
Thomas	0	0	0	0	0
Ginsburg	9	13	8	8	9
Breyer	18	33	14	18	19
Alito	10	10	12	9	15
Sotomayor	16	11	14	16	16
Kagan	12	8	11	7	12
Overall					

Frequency as the First Questioner

	Frequency	
Ginsburg	22 /70	31%
Sotomayor	14 /69	20%
Scalia	13 /70	19%
Kennedy	9 /70	13%
Alito	4 /68	6%
Kagan	3 /68	4%
Roberts	3 /70	4%
Breyer	2 /69	3%
Thomas	0 /70	0%

Oral Argument - Advocates

Overview

	OT10	OT11	OT12	OT13
Number of different advocates	143	118	120	121
Number of total appearances	196	182	193	185

Appearances by Advocates Who...	OT10	OT11	OT12	OT13
...Are from the Office of the Solicitor General	57 (29%)	58 (32%)	64 (33%)	61 (33%)
...Have experience in the Office of the Solicitor General	<i>Not Available</i>	<i>Not Available</i>	<i>Not Available</i>	85 (47%)
...Have argued at least twice during the Term	81 (41%)	98 (54%)	104 (54%)	96 (52%)
...Are “expert” Supreme Court litigators*	<i>Not Available</i>	<i>Not Available</i>	137 (71%)	131 (71%)
...Are based in Washington, D.C.**	106 (54%)	122 (67%)	125 (65%)	119 (64%)
...Are female	33 (17%)	27 (15%)	33 (17%)	28 (15%)
...Are female and not from the Office of the Solicitor General***	19 (14%)	14 (11%)	17 (13%)	11 (9%)

Most Popular Advocate Origins

State	Total
Washington, D.C.	119
California	9
New York	8
Michigan	7
Texas	5

Most Popular Supreme Court Clerkships

Clerkship	Appearances	Advocates
Antonin Scalia	17	9
William Brennan	13	4
Stephen Breyer	12	5
John Paul Stevens	10	4
Ruth Bader Ginsburg	7	3

Most Popular Law Schools

Law School	Appearances	Advocates
Harvard	38	26
Yale	30	15
Chicago	14	9
Stanford	9	6
George Washington	7	5

* 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).

** 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 fifty times during OT13.

*** The percentage figures for this category omit all advocates from the Office of the Solicitor General. As such, they demonstrate the percentage of female advocates from positions other than those within the Office of the Solicitor General as a percentage of all men or women arguing from positions other than those within the Office of the Solicitor General.

Oral Argument - Advocates

Advocates Who Have Appeared More than Once During OT13

Rank	Name*	Appearances		Position	Law School	Supreme Court Clerkship	U.S. Solicitor General Experience**
		OT13	All-Time				
1	Donald B. Verrilli, Jr.	7	36	Solicitor General	Columbia	William Brennan	Yes
2	Michael R. Dreeben	5	93	Deputy Solicitor General	Duke	None	Yes
	Paul D. Clement	5	74	Bancroft PLLC	Harvard	Antonin Scalia	Yes
4	Edwin S. Kneedler	4	125	Deputy Solicitor General	Virginia	None	Yes
	Seth P. Waxman	4	69	WilmerHale LLP	Yale	None	Yes
	Malcolm L. Stewart	4	67	Deputy Solicitor General	Yale	William Brennan	Yes
	Neal K. Katyal	4	21	Hogan Lovells LLP	Yale	Stephen Breyer	Yes
	Ian H. Gershengorn	4	5	Principal Deputy Solicitor General	Harvard	John Paul Stevens	Yes
9	Thomas C. Goldstein	3	31	Goldstein & Russell PC	American	None	No
	Nicole A. Saharsky	3	20	Assistant to the Solicitor General	Minnesota	None	Yes
	Curtis E. Gannon	3	17	Assistant to the Solicitor General	Chicago	Antonin Scalia	Yes
	Anthony A. Yang	3	17	Assistant to the Solicitor General	Yale	None	Yes
	Ginger D. Anders	3	12	Assistant to the Solicitor General	Columbia	Ruth Bader Ginsburg	Yes
	Sarah E. Harrington	3	11	Assistant to the Solicitor General	Harvard	None	Yes
	Melissa A. Sherry	3	11	Assistant to the Solicitor General	Virginia	John Paul Stevens	Yes
	Joseph R. Palmore	3	10	Assistant to the Solicitor General	Virginia	Ruth Bader Ginsburg	Yes
	Kevin K. Russell	3	10	Goldstein & Russell PC	Yale	Stephen Breyer	No
	Eric J. Feigin	3	9	Assistant to the Solicitor General	Stanford	Stephen Breyer	Yes
	John J. Bursch	3	8	Solicitor General of Michigan	Minnesota	None	No
	Mark A. Perry	3	6	Gibson Dunn LLP	Chicago	Sandra Day O'Connor	No
21	Carter G. Phillips	2	78	Sidley Austin LLP	Northwestern	Warren Burger	Yes
	Jeffrey L. Fisher	2	23	Stanford Supreme Court Clinic	Michigan	John Paul Stevens	No
	Eric Schnapper	2	19	University of Washington	Yale	None	No
	Benjamin J. Horwich	2	10	Assistant to the Solicitor General	Stanford	Sandra Day O'Connor	Yes
	Ann O'Connell	2	8	Assistant to the Solicitor General	George Washington	John Roberts	Yes
	Peter Keisler	2	5	Sidley Austin LLP	Yale	Anthony Kennedy	No
	Elaine J. Goldenberg	2	4	Assistant to the Solicitor General	Harvard	None	Yes
	John F. Bash	2	3	Assistant to the Solicitor General	Harvard	Antonin Scalia	Yes
	Jonathan I. Blackman	2	2	Cleary Gottlieb Steen & Hamilton LLP	Harvard	None	No
	William L. Messenger	2	2	National Right to Work Foundation	George Washington	None	No
	Jonathan F. Mitchell	2	2	Solicitor General of Texas	Chicago	Antonin Scalia	No
	Total: 31	96	808			23	17

* Yellow indicates that an advocate currently works in the Office of the Solicitor General. Blue indicates that an advocate has prior experience in the Office of the Solicitor General.

** For the purposes of this category, we do not consider whether an advocate served as a Bristow Fellow.

OT13 Case List

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

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
I. October (11)							
12-79	Chadbourn & Parke LLP v. Troice	CA5	Oct 7, 2013	Feb 26, 2014	7-2	Breyer	Affirmed; The Securities Litigation Uniform Standards Act of 1988 does not preclude the plaintiffs' state-law class actions contending that the defendants assisted in perpetrating a Ponzi scheme by falsely representing that uncovered securities that plaintiffs were purchasing were backed by covered securities.
12-872	Madigan v. Levin		Oct 7, 2013	Oct 15, 2013			Dismissed
12-536	McCutcheon v. Federal Election Commission	USDC	Oct 8, 2013	Apr 2, 2014	5-4	Roberts	Reversed and Remanded; Because aggregate limits restricting how much money a donor may contribute to candidates for federal office, political parties, and political action committees do not further the government's interest in preventing quid pro quo corruption or the appearance of such corruption, while at the same time seriously restricting participation in the democratic process, they are invalid under the First Amendment.
12-414	Burt v. Titlow	CA6	Oct 8, 2013	Nov 5, 2013	9-0	Alito	Reversed; The Sixth Circuit failed to apply the "doubly deferential" standard of review recognized by the Court's case law when it refused to credit the state court's reasonable factual finding and assumed that counsel was ineffective where the record was silent.
12-562	United States v. Woods	CA5	Oct 9, 2013	Dec 3, 2013	9-0	Scalia	Reversed; The district court had jurisdiction to determine whether the partnerships' lack of economic substance could justify imposing a valuation-misstatement penalty on the partners.
12-929	Atlantic Marine Construction Company v. U.S. District Court	CA5	Oct 9, 2013	Dec 3, 2013	9-0	Alito	Reversed and Remanded; A forum-selection clause may be enforced by a motion to transfer under 28 U.S.C. § 1404(a), which provides that, "[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented."

OT13 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
12-682	Schuetz v. Coalition to Defend Affirmative Action	CA6	Oct 15, 2013	Apr 22, 2014	6-2	Kennedy	Reversed; An amendment to Michigan's constitution that prohibits state universities from considering race as part of its admissions process does not violate the Constitution's Equal Protection Clause.
12-729	Heimeshoff v. Hartford Life Insurance	CA2	Oct 15, 2013	Dec 16, 2013	9-0	Thomas	Affirmed; Absent a controlling statute to the contrary, a participant in an employee benefit plan covered by the Employee Retirement Income Security Act of 1974 and the plan may agree by contract to a particular limitations period, even one that starts to run before the cause of action accrues, as long as the period is reasonable.
11-965	Daimler AG v. Bauman	CA9	Oct 15, 2013	Jan 14, 2014	9-0	Ginsburg	Reversed; Daimler cannot be sued in California for injuries allegedly caused by conduct of its Argentinian subsidiary when that conduct took place entirely outside of the United States.
12-609	Kansas v. Cheever	ST	Oct 16, 2013	Dec 11, 2013	9-0	Sotomayor	Vacated and Remanded; When a defense expert who has examined the defendant testifies that the defendant lacked the requisite mental state to commit a crime, the prosecution may offer evidence from a court-ordered psychological examination for the limited purpose of rebutting the defendant's evidence.
12-464	Kaley v. United States	CA11	Oct 16, 2013	Feb 25, 2014	6-3	Kagan	Affirmed and Remanded; When challenging the legality of a pre-trial asset seizure under 21 U.S.C. § 853(e)(1), a criminal defendant who has been indicted is not constitutionally entitled to contest a grand jury's determination of probable cause to believe that he committed the crimes charged.

II. November (12)

12-417	Sandifer v. United States Steel Corporation	CA7	Nov 4, 2013	Jan 27, 2014	9-0	Scalia	Affirmed; The time petitioners spend donning and doffing their protective gear is not compensable by operation of the Fair Labor Standards Act, 29 U.S.C. § 203(o).
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OT13 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
12-574	Walden v. Fiore	CA9	Nov 4, 2013	Feb 25, 2014	9-0	Thomas	Reversed; When the conduct of the defendant, a Georgia police officer, occurred entirely in Georgia, the mere fact that his conduct affected plaintiffs with connections to Nevada does not authorize jurisdiction over him in Nevada.
12-158	Bond v. United States	CA3	Nov 5, 2013	Jun 2, 2014	9-0	Roberts	Reversed and Remanded; Section 229 of the Chemical Weapons Convention Implementation Act of 1998, which criminalizes, among other things, the possession or use of “chemical weapons,” does not reach Bond’s conviction for simple assault, arising from her efforts to poison her husband’s mistress by spreading chemicals on (among other things) her doorknob, causing only a minor burn that was easily treated with water.
12-815	Sprint Communications v. Jacobs	CA8	Nov 5, 2013	Dec 10, 2013	9-0	Ginsburg	Reversed; Sprint’s lawsuit against members of the Iowa Utilities Board, seeking a declaration that the Telecommunications Act of 1996 preempted a decision by the IUB holding that intrastate fees applied to long-distance Voice over Internet Protocol calls, does not fall within any of the three classes of exceptional cases for which Younger abstention is appropriate; federal court abstention is not in order simply because a pending state-court proceeding involves the same subject matter.
12-1128	Medtronic v. Mirowski Family Ventures LLC	CAFC	Nov 5, 2013	Jan 22, 2014	9-0	Breyer	Reversed and Remanded; When a licensee seeks a declaratory judgment against a patentee to establish that its products do not infringe the licensed patent, the patentee bears the burden of persuasion on the issue of infringement.
12-696	Town of Greece v. Galloway	CA2	Nov 6, 2013	May 5, 2014	5-4	Kennedy	Reversed; The town’s practice of opening its town board meetings with a prayer offered by members of the clergy does not violate the Establishment Clause when the practice is consistent with the tradition long followed by Congress and state legislatures, the town does not discriminate against minority faiths in determining who may offer a prayer, and the prayer does not coerce participation with non-adherents.
12-1036	Mississippi v. AU Optronics Corp.	CA5	Nov 6, 2013	Jan 14, 2014	9-0	Sotomayor	Reversed and Remanded; Under the Class Action Fairness Act, because Mississippi is the only named plaintiff, the suit does not qualify as a “mass actions” – that is, a civil action “in which monetary relief claims of 100 or more persons are proposed to be tried jointly on the ground that the plaintiff’s claims involve common questions of law or fact.”

OT13 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
12-7515	Burridge v. United States	CA8	Nov 12, 2013	Jan 27, 2014	9-0	Scalia	Reversed and Remanded; At least when the use of a drug distributed by the defendant is not an independently sufficient cause of the victim's death or serious bodily injury, a defendant cannot be liable for penalty enhancement under the penalty enhancement provision of the Controlled Substance Act unless such use is a but-for cause of the death or injury.
12-3	Lawson v. FMR LLC	CA1	Nov 12, 2013	Mar 4, 2014	6-3	Ginsburg	Reversed and Remanded; The anti-retaliation protection that the Sarbanes-Oxley Act of 2002 provides to whistleblowers applies to employees of a public company's private contractors and subcontractors.
12-895	Rosemond v. United States	CA10	Nov 12, 2013	Mar 5, 2014	7-2	Kagan	Vacated and Remanded; For purposes of "aiding and abetting" liability under 18 U.S.C. § 924(c), which prohibits "us[ing] or carr[ying] a firearm "during and in relation to any crime of violence or drug trafficking crime," the government must show that the defendant actively participated in the underlying drug trafficking or violent crime with advance knowledge that a confederate would use or carry a gun during the crime's commission. The Court vacated the decision below and remanded the case because the trial court failed to instruct the jury that the defendant must have "advance knowledge" – that is, knowledge sufficiently in advance to have some "realistic opportunity to quit the crime" – that the gun would be used or carried.
12-7822	Fernandez v. California	ST	Nov 13, 2013	Feb 25, 2014	6-3	Alito	Affirmed; The Court's decision in <i>Georgia v. Randolph</i> , holding that the consent of one occupant is insufficient to authorize police to search a premises if another occupant is present and objects to the search, does not apply when an occupant provides consent well after the objecting occupant has been removed from the premises.
12-99	Unite Here Local 355 v. Mulhall		Nov 13, 2013	Dec 10, 2013			Dismissed

OT13 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
III. December (11)							
12-138	BG Group v. Argentina	CADC	Dec 2, 2013	Mar 5, 2014	7-2	Breyer	Reversed; When reviewing an arbitration award made under an international treaty, U.S. courts should interpret and apply “threshold” provisions concerning arbitration using the framework developed for interpreting similar provisions in ordinary contracts. Under that framework, the local litigation requirement is a matter for arbitrators primarily to interpret and apply, and courts should review their interpretation with deference.
12-515	Michigan v. Bay Mills Indian Community	CA6	Dec 2, 2013	May 27, 2014	5-4	Kagan	Affirmed and Remanded; Michigan’s suit against the Bay Mills Indian Community to enjoin the tribe from operating a gaming facility on non-Indian lands is barred by tribal sovereign immunity.
12-462	Northwest v. Ginsberg	CA9	Dec 3, 2013	Apr 2, 2014	9-0	Alito	Reversed and Remanded; The Airline Deregulation Act preempts a state-law claim for breach of the implied covenant of good faith and fair dealing if it seeks to enlarge the contractual obligation that the parties voluntarily adopt.
12-873	Lexmark International v. Static Control Components	CA6	Dec 3, 2013	Mar 25, 2014	9-0	Scalia	Affirmed; Static Control has adequately pleaded the elements of a Lanham Act cause of action for false advertising; an injury to a commercial interest in sales or business reputation proximately caused by the defendant’s misrepresentation.
12-1038	United States v. Apel	CA9	Dec 4, 2013	Feb 26, 2014	9-0	Roberts	Vacated and Remanded; For purposes of 18 U.S.C. § 1382, which makes it a crime to re-enter a “military installation” after having been ordered not to do so, a portion of an Air Force base that contains a designated protest area and an easement for a public road qualifies as a “military installation.”
12-315	Air Wisconsin Airlines Corp. v. Hooper	ST	Dec 9, 2013	Jan 27, 2014	9-0	Sotomayor	Reversed and Remanded; Under the Aviation and Transportation Security Act, airlines and their employees are immune from civil liability for reporting suspicious behavior, but – pursuant to 49 U.S.C. § 44941(b) – that immunity is not available for disclosures “made with actual knowledge that the disclosure was false, inaccurate, or misleading” or “with reckless disregard as to the truth or falsity of that disclosure.” Immunity under the ATSA may not be denied under Section 44941(b) without a determination that a disclosure was materially false. applies to materially true statements.

OT13 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
12-992	Ray Haluch Gravel Company v. Central Pension Fund	CA1	Dec 9, 2013	Jan 15, 2014	9-0	Kennedy	Reversed and Remanded; A decision on the merits is a “final decision” even if the award or amount of attorney’s fees remains to be determined.
12-930	Scialabba v. Cuellar de Osorio	CA9	Dec 10, 2013	Jun 9, 2014	5-4	Kagan	Reversed and Remanded; The Board of Immigration Appeals has interpreted the Child Status Protection Act as providing a remedy only to “aged-out” non-citizens – that is, those who turned twenty-one while their visa application is pending – who qualified or could have qualified as principal beneficiaries of a visa petition, rather than only as derivative beneficiaries piggy-backing on a parent. That is a permissible construction of the statute.
12-1182	EPA v. EME Homer City	CADC	Dec 10, 2013	Apr 29, 2014	6-2	Ginsburg	Reversed and Remanded; The Clean Air Act directs the Environmental Protection Agency to establish national ambient air quality standards (NAAQS) for pollutants at levels that will protect public health. Once EPA settles on a NAAQS, the Agency must designate “nonattainment” areas, i.e., locations where the concentration of a regulated pollutant exceeds the NAAQS, and each state must submit a State Implementation Plan, or SIP, to EPA within three years of any new or revised NAAQS. From the date EPA determines that a State SIP is inadequate, EPA has two years to promulgate a Federal Implementation Plan, or FIP. Among other things, the CAA mandates SIP compliance with the Good Neighbor Provision, which requires SIPs to “contain adequate provisions . . . prohibiting . . . any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will . . . contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any” NAAQS. The CAA does not require that states be given a second opportunity to file a SIP after EPA has quantified the state’s interstate pollution obligations. Nor does the Good Neighbor Provision require EPA to disregard costs and consider exclusively each upwind state’s physically proportionate responsibility for each downwind air quality problem. EPA’s cost-effective allocation of emission reductions among upwind states is a permissible, workable, and equitable interpretation of the Good Neighbor Provision.
12-820	Lozano v. Alvarez	CA2	Dec 11, 2013	Mar 5, 2014	9-0	Thomas	Affirmed; The Hague Convention on the Civil Aspects of International Child Abduction creates a near-automatic return remedy for children who have been abducted to another country. To invoke that return remedy, the parent seeking the child’s return must file a petition seeking the return within one year of the child’s abduction. After one year has passed, the Convention still directs the court to order the child’s return, “unless it is demonstrated that the child is settled in its new environment.” The Court holds that the one-year period may not be equitably tolled, even if the abducting parent has concealed the child’s whereabouts until after the one-year period has passed.

OT13 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
12-794	White v. Woodall	CA6	Dec 11, 2013	Apr 23, 2014	6-3	Scalia	Reversed and Remanded; Because the Kentucky Supreme Court's rejection of respondent's Fifth Amendment claim was not objectively unreasonable, the Sixth Circuit erred in granting the writ of habeas.

IV. January (12)

12-5196	Law v. Siegel	CA9	Jan 13, 2014	Mar 4, 2014	9-0	Scalia	Reversed and Remanded; The bankruptcy court exceeded its authority when it ordered that a debtor's exempt assets be used to pay administrative expenses incurred as a result of the debtor's misconduct.
12-1281	National Labor Relations Board v. Noel Canning	CADC	Jan 13, 2014	Jun 26, 2014	9-0	Breyer	Affirmed; The Recess Appointments Clause authorizes the president to fill any existing vacancy during any recess – whether occurring during or between sessions of Congress – of sufficient length. However, for purposes of the clause, the Senate is in session whenever it indicates that it is, as long as – under its own rules – it retains the capacity to transact Senate business.
12-1200	Executive Benefits Insurance Agency v. Arkinson	CA9	Jan 14, 2014	Jun 9, 2014	9-0	Thomas	Affirmed; When, under the reasoning of <i>Stern v. Marshall</i> , the Constitution does not permit a bankruptcy court to enter final judgment on a bankruptcy-related claim, the relevant statute nevertheless permits a bankruptcy court to issue proposed findings of fact and conclusions of law to be reviewed de novo by the district court.
12-1173	Marvin M. Brandt Revocable Trust v. United States	CA10	Jan 14, 2014	Mar 10, 2014	8-1	Roberts	Reversed and Remanded; When a railroad abandons the right of way granted under the General Railroad Right-of-Way Act of 1875, the private party who acquired the land underlying the right of way obtains full rights over the right of way, which was an easement terminated by the railroad's abandonment.
12-1408	United States v. Quality Stores Inc.	CA6	Jan 14, 2014	Mar 25, 2014	8-0	Kennedy	Reversed and Remanded; Severance payments to employees who are involuntarily terminated issue are taxable wages for purposes of the Federal Insurance Contributions Act.

OT13 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
12-1371	United States v. Castleman	CA6	Jan 15, 2014	Mar 26, 2014	9-0	Sotomayor	Reversed and Remanded; Castleman's state conviction for misdemeanor domestic assault qualifies as a "misdemeanor crime of domestic violence" for purposes of possessing a firearm under 18 U.S.C. § 922(g)(9).
12-1168	McCullen v. Coakley	CA1	Jan 15, 2014	Jun 26, 2014	9-0	Roberts	Reversed and Remanded; A Massachusetts law which makes it a crime to stand on a public road or sidewalk within thirty-five feet of a reproductive health care facility violates the First Amendment.
11-681	Harris v. Quinn	CA7	Jan 21, 2014				<i>Pending</i>
12-1315	Petrella v. MGM Inc.	CA9	Jan 21, 2014	May 19, 2014	6-3	Ginsburg	Reversed and Remanded; In a case by the owner of a screenplay alleging copyright infringement, the doctrine of laches cannot be invoked as a bar to the pursuit of a claim for damages brought within the three-year window established by Section 507(b) of the Copyright Act. However, in extraordinary circumstances, laches may, at the very outset of the litigation, curtail the relief equitably awarded.
12-9490	Navarette v. California	ST	Jan 21, 2014	Apr 22, 2014	5-4	Thomas	Affirmed; Under the totality of the circumstances, the traffic stop precipitated by an anonymous but reliable tip to 911 complied with the Fourth Amendment because the officer had reasonable suspicion that the truck's driver was intoxicated.
12-1493	Abramski v. United States	CA4	Jan 22, 2014	Jun 16, 2014	5-4	Kagan	Affirmed; Regardless whether the actual buyer could have purchased the gun, a person who buys a gun on someone else's behalf while falsely claiming that it is for himself makes a material misrepresentation punishable under 18 U.S.C. § 922(a)(6), which prohibits knowingly making false statements "with respect to any fact material to the lawfulness of a sale of a gun."

OT13 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
12-8561	Paroline v. United States	CA5	Jan 22, 2014	Apr 23, 2014	5-4	Kennedy	Vacated and Remanded; Restitution to the respondent, who was sexually abused as a young girl to produce child pornography, is proper under 18 U.S.C. § 2259 only to the extent the defendant, who pleaded guilty to possessing images of child porn, including two images of the respondent, was the proximate cause of the victim's losses. Victims should be compensated and defendants should be held accountable for the impact of their conduct on those victims, but defendants should only be made liable for the consequences and gravity of their own conduct, not the conduct of others.
V. February (7)							
12-1146	Utility Air Regulatory Group v. Environmental Protection Agency	CADC	Feb 24, 2014	Jun 23, 2014	7-2	Scalia	Affirmed; The Clean Air Act neither compels nor permits the Environmental Protection Agency to adopt an interpretation of the Clean Air Act requiring a stationary source of pollution to obtain a "Prevention of Significant Deterioration" or Title V permit on the sole basis of its potential greenhouse-gas emission. However, EPA reasonably interpreted the Clean Air Act to require sources that would need permits based on their emission of chemical pollutants to comply with "best available control technology" for greenhouse gases.
12-9012	Roberts v. United States	CA7	Feb 25, 2014	May 5, 2014	9-0	Breyer	Affirmed; A provision of the Mandatory Victims Restitution Act of 1996 requires property crime offenders to pay "an amount equal to . . . the value of the property" minus "the value (as of the date the property is returned) of any part of the property that is returned." In that provision, the phrase "any part of the property" refers to the property that was lost as a result of the crime – in this case, involving a fraudulent loan application, the money lent by the bank. The property is not "returned" until it is sold and the victim receives money from the sale. Here, that means that a sentencing court should reduce the amount of restitution by the amount of money the bank received when it sold the houses that were collateral for the fraudulent loans, rather than by the (greater) value of the houses when the bank foreclosed on them.
12-1163	Highmark Inc. v. Allcare Health Management Systems	CAFC	Feb 26, 2014	Apr 29, 2014	9-0	Sotomayor	Vacated and Remanded; All aspects of a district court's exceptional-case determination under 35 U.S.C. § 285, which allows an award of attorney's fees to the prevailing party in patent litigation in "exceptional cases," should be reviewed for abuse of discretion.

OT13 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
12-1184	Octane Fitness LLC v. Icon Health & Fitness Inc.	CAFC	Feb 26, 2014	Apr 29, 2014	9-0	Sotomayor	Reversed and Remanded; Section 285 of the Patent Act authorizes a district court to award attorney's fees in patent litigation in "exceptional cases" – that is, cases which stand out from the others with respect to the substantive strength of a party's litigating position or the unreasonable manner in which the case was litigated. District courts should determine whether a case is exceptional "in the case-by-case exercise of their discretion, considering the totality of the circumstances." The Federal Circuit's Brooks Furniture Mfg. v. Dutailier framework, pursuant to which a case is "exceptional" only if the district court finds either litigation-related misconduct of an independently sanctionable magnitude or determines that the litigation was both "brought in subjective bad faith" and "objectively baseless," superimposes an inflexible framework onto statutory text that is inherently flexible.
12-10882	Hall v. Florida	ST	Mar 3, 2014	May 27, 2014	5-4	Kennedy	Reversed and Remanded; Florida's threshold requirement, as interpreted by the Florida Supreme Court, that defendants show an IQ test score of 70 or below before being permitted to submit additional intellectual disability evidence is unconstitutional because it creates an unacceptable risk that persons with intellectual disabilities will be executed.
12-1117	Plumhoff v. Rickard	CA6	Mar 4, 2014	May 27, 2014	9-0	Alito	Reversed and Remanded; The use of deadly force by police officers in this case – firing multiple rounds into a car during a high-speed chase, contributing to the death of the driver and a passenger – was not unreasonable given the threat to public safety posed by the driver's reckless behavior. As such, the officers did not violate the Fourth Amendment. But in any event, the officers were entitled to qualified immunity because they did not violate any clearly established law.
13-317	Halliburton v. Erica P. John Fund	CA5	Mar 5, 2014	Jun 23, 2014	9-0	Roberts	Vacated and Remanded; Investors can recover damages in a private securities fraud action only if they prove that they relied on the defendant's misrepresentation in deciding to buy or sell a company's stock. In <i>Basic Inc. v. Levinson</i> , the Supreme Court held that investors could satisfy this reliance requirement by invoking a presumption that the price of stock traded in an efficient market reflects all public, material information-including material misstatements. Halliburton has failed to provide the "special justification" necessary to overrule that presumption. However, even if plaintiffs do not need to directly prove that the misrepresentation affected the stock price to invoke the Basic presumption, defendants can defeat the presumption at the class certification stage through evidence that the misrepresentation did not in fact affect the stock price.

OT13 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
VI. March (6)							
13-299	Clark v. Rameker	CA7	Mar 24, 2014	Jun 12, 2014	9-0	Sotomayor	Affirmed; Funds held in inherited Individual Retirement Accounts are not “retirement funds” within the meaning of 11 U.S.C. §522(b)(3)(c) and therefore not exempt from the bankruptcy estate.
13-354	Burwell v. Hobby Lobby Stores	CA10	Mar 25, 2014				<i>Pending</i>
13-115	Wood v. Moss	CA9	Mar 26, 2014	May 27, 2014	9-0	Ginsburg	Reversed; Two Secret Service agents who ordered that individuals protesting the policies of President George W. Bush be moved away from the outdoor area at which the president was eating, placing them further away from the president than the president’s supporters, are entitled to qualified immunity from the protesters’ lawsuit alleging viewpoint discrimination in violation of the First Amendment when there was a legitimate security rationale for the removal of the protesters.
13-298	Alice Corporation Pty. Ltd. v. CLS Bank International	CAFC	Mar 31, 2014	Jun 19, 2014	9-0	Thomas	Affirmed; Because Alice Corporation’s patent claims involving (1) a method for exchanging financial obligations, (2) a computer system as a third-party intermediary, and (3) a computer-readable medium containing program code for performing the method of exchanging obligations are drawn to a patent-ineligible abstract idea under 35 U.S.C. § 101, they are not patent eligible under Section 101.
13-316	Loughrin v. United States	CA10	Apr 1, 2014	Jun 23, 2014	9-0	Kagan	Affirmed; A conviction under 18 U.S.C. § 1344(2), which makes it a crime to “knowing execut[e] a scheme ... to obtain “property owned by, or under the custody of, a bank “by means of false or fraudulent pretenses,” does not require the government to prove that a defendant intended to defraud a financial institution.
12-751	Fifth Third Bancorp v. Dudenhoeffer	CA6	Apr 2, 2014	Jun 25, 2014	9-0	Breyer	Vacated and Remanded; When a decision by a fiduciary of an “employee stock ownership plan” (ESOP) to buy or hold the employer’s stock is challenged in court, the fiduciary is not entitled to a “presumption of prudence.” Instead, ESOP fiduciaries are subject to the same duty of prudence that applies to Employee Retirement Income Security Act (ERISA) fiduciaries in general, except that they need not diversify the fund’s assets.

OT13 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
VII. April (11)							
12-761	POM Wonderful LLC v. Coca-Cola Company	CA9	Apr 21, 2014	Jun 12, 2014	8-0	Kennedy	Reversed and Remanded; Competitors may bring Lanham Act claims alleging unfair competition from false or misleading product descriptions on food and beverage labels regulated by the Federal Food, Drug and Cosmetic Act.
12-842	Argentina v. NML Capital Ltd.	CA2	Apr 21, 2014	Jun 16, 2014	7-1	Scalia	Affirmed; The Foreign Sovereign Immunities Act of 1976 does not provide a foreign-sovereign judgment debtor with immunity from post-judgment discovery of information concerning its extraterritorial assets.
13-193	Susan B. Anthony List v. Driehaus	CA6	Apr 22, 2014	Jun 16, 2014	9-0	Thomas	Reversed and Remanded; A preenforcement challenge to an Ohio statute that prohibits certain “false statements” during a political campaign is justiciable, and the challengers have alleged a sufficiently imminent injury for purposes of Article III, when they have pleaded specific statements that they intend to make in future election cycles that are arguably proscribed by the Ohio law and there is a history of past enforcement of the law insofar as one challenger was the subject of a complaint in a recent election cycle.
13-461	ABC Inc. v. Aereo Inc.	CA2	Apr 22, 2014	Jun 25, 2014	6-3	Breyer	Reversed and Remanded; Aereo publicly performs copyrighted works, in violation of the Copyright Act’s Transmit Clause, when it sells its subscribers a technologically complex service that allows them to watch television programs over the Internet at about the same time as the programs are broadcast over the air.
13-301	United States v. Clarke	CA11	Apr 23, 2014	Jun 19, 2014	9-0	Kagan	Vacated and Remanded; A taxpayer who wants to question Internal Revenue Service agents about their motives for issuing a summons may do so if he can point to “specific facts or circumstances plausibly raising an inference of bad faith.”
13-339	CTS Corporation v. Waldberger	CA4	Apr 23, 2014	Jun 9, 2014	7-2	Kennedy	Reversed; North Carolina’s statute of repose is not preempted by the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, which instead only preempts state statutes of limitations on bringing state-law environmental tort cases.

OT13 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
13-369	Nautilus Inc. v. Biosig Instruments	CAFC	Apr 28, 2014	Jun 2, 2014	9-0	Ginsburg	Vacated and Remanded; A patent is invalid for indefiniteness if its claims, read in light of the patent's specification and prosecution history, fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.
13-483	Lane v. Franks	CA11	Apr 28, 2014	Jun 19, 2014	9-0	Sotomayor	Affirmed in Part, Reversed in Part, and Remanded; Testimony in a criminal prosecution by a government employee about fraud in the program where he works is protected by the First Amendment; however, the supervisor who fired him in retaliation for that testimony has qualified immunity from suit because it was not "beyond debate" that the employee's testimony was protected.
13-132	Riley v. California	ST	Apr 29, 2014	Jun 25, 2014	9-0	Roberts	Reversed and Remanded; The police generally may not, without a warrant, search digital information on a cellphone seized from an individual who has been arrested.
13-212	United States v. Wurie		Apr 29, 2014	Jun 25, 2014			Consolidated and decided with <i>Riley v. California</i> .
12-786	Limelight Networks Inc. v. Akamai Technologies	CAFC	Apr 30, 2014	Jun 2, 2014	9-0	Alito	Reversed and Remanded; A defendant is not liable for inducing infringement under 35 U.S.C. § 271(b) when no one has directly infringed until Section 217(a) or any other statutory provision.

VIII. Summary Reversals (5)

12-1217	Stanton v. Sims	CA9	-	Nov 4, 2013	9-0	Roberts	Reversed and Remanded; Because a police officer was not "plainly incompetent" in entering the plaintiff's house in hot pursuit of a fleeing third party, he was entitled to qualified immunity against plaintiff's claim that he unreasonably searched her property.
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OT13 Case List

(continued)

Docket	Case Name	Court	Argued	Decided	Vote	Author	Holding
13-113	Ford Motor Company v. United States	CA6	-	Dec 2, 2013	9-0	Roberts	Vacated and Remanded; The case is remanded back to the Sixth Circuit for consideration of the government's new argument that jurisdiction for Ford's lawsuit is proper only in the U.S. Court of Federal Claims due to the Tucker Act.
13-6440	Hinton v. Alabama	ST	-	Feb 24, 2014	9-0	Roberts	Vacated and Remanded; The failure of the lawyer for a defendant in a capital murder trial to seek additional funds to hire, as a replacement for an expert whom he knew to be inadequate, an expert to rebut the core of the prosecution's case was unreasonable, and therefore constitutionally deficient, when that failure was based not on any strategic decision, but rather on a mistaken belief that available funding was capped at \$1,000.
13-551	Tolan v. Cotton	CA5	-	May 5, 2014	9-0	Roberts	Vacated and Remanded; Because the Fifth Circuit failed to adhere to the fundamental principle that at the summary judgment stage, reasonable inferences should be drawn in favor of the non-moving party, the decision below is vacated and remanded so that the Fifth Circuit can determine whether, when the evidence offered by the petitioner -- who was shot by the respondent, a police officer -- is properly credited and factual inferences are reasonably drawn in his favor, the police officer's actions violated clearly established law.
13-5967	Martinez v. Illinois	ST	-	May 27, 2014	9-0	Roberts	Reversed and Remanded; When the defendant received a directed not-guilty verdict after going to trial against a prosecution team that was not prepared for trial and therefore declined to present evidence, he was properly "at risk of conviction" such that jeopardy attaches and he may not be retried.


















































































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	Sotomayor	Ginsburg	Kagan	Breyer	Kennedy	Roberts	Alito	Scalia	Thomas
Stanton v. Sims	November 4, 2013	9-0	<i>Per Curiam</i>									
Burt v. Titlow	November 5, 2013	9-0	Alito									
Ford Motor Company v. United States	December 2, 2013	9-0	<i>Per Curiam</i>									
United States v. Woods	December 3, 2013	9-0	Scalia									
Atlantic Marine Construction Company v. U.S. District Court	December 3, 2013	9-0	Alito									
Sprint Communications v. Jacobs	December 10, 2013	9-0	Ginsburg									
Kansas v. Cheever	December 11, 2013	9-0	Sotomayor									
Heimeshoff v. Hartford Life Insurance	December 16, 2013	9-0	Thomas									
Daimler AG v. Bauman	January 14, 2014	9-0	Ginsburg									


















































































Voting Alignment - All Cases

(continued)

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Kennedy	Roberts	Alito	Scalia	Thomas
Mississippi v. AU Optronics Corp.	January 14, 2014	9-0	Sotomayor									
Ray Haluch Gravel Company v. Central Pension Fund	January 15, 2014	9-0	Kennedy									
Medtronic v. Mirowski Family Ventures LLC	January 22, 2014	9-0	Breyer									
Burrage v. United States	January 27, 2014	9-0	Scalia									
Sandifer v. United States Steel Corporation	January 27, 2014	9-0	Scalia									
Air Wisconsin Airlines Corp. v. Hooper	January 27, 2014	9-0	Sotomayor									
Hinton v. Alabama	February 24, 2014	9-0	<i>Per Curiam</i>									
Walden v. Fiore	February 25, 2014	9-0	Thomas									
Fernandez v. California	February 25, 2014	6-3	Alito									
















































































Voting Alignment - All Cases

(continued)

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Kennedy	Roberts	Alito	Scalia	Thomas
Kaley v. United States	February 25, 2014	6-3	Kagan									
United States v. Apel	February 26, 2014	9-0	Roberts									
Chadbourn & Parke LLP v. Troice	February 26, 2014	7-2	Breyer									
Law v. Siegel	March 4, 2014	9-0	Scalia									
Lawson v. FMR LLC	March 4, 2014	6-3	Ginsburg									
Lozano v. Alvarez	March 5, 2014	9-0	Thomas									
BG Group v. Argentina	March 5, 2014	7-2	Breyer									
Rosemond v. United States	March 5, 2014	7-2	Kagan									
Marvin M. Brandt Revocable Trust v. United States	March 10, 2014	8-1	Roberts									

















































































Voting Alignment - All Cases

(continued)

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Kennedy	Roberts	Alito	Scalia	Thomas
Lexmark International v. Static Control Components	March 25, 2014	9-0	Scalia									
United States v. Quality Stores Inc.	March 25, 2014	8-0	Kennedy			Recused						
United States v. Castleman	March 26, 2014	9-0	Sotomayor									
McCutcheon v. Federal Election Commission	April 2, 2014	5-4	Roberts									
Northwest v. Ginsberg	April 2, 2014	9-0	Alito									
Schuette v. Coalition to Defend Affirmative Action	April 22, 2014	6-2	Kennedy			Recused						
Navarette v. California	April 22, 2014	5-4	Thomas									
White v. Woodall	April 23, 2014	6-3	Scalia									
Paroline v. United States	April 23, 2014	5-4	Kennedy									


















































































Voting Alignment - All Cases

(continued)

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Kennedy	Roberts	Alito	Scalia	Thomas
EPA v. EME Homer City	April 29, 2014	6-2	Ginsburg							Recused		
Octane Fitness LLC v. Icon Health & Fitness Inc.	April 29, 2014	9-0	Sotomayor									
Highmark Inc. v. Allcare Health Management Systems	April 29, 2014	9-0	Sotomayor									
Town of Greece v. Galloway	May 5, 2014	5-4	Kennedy									
Robers v. United States	May 5, 2014	9-0	Breyer									
Tolan v. Cotton	May 5, 2014	9-0	<i>Per Curiam</i>									
Petrella v. MGM Inc.	May 19, 2014	6-3	Ginsburg									
Hall v. Florida	May 27, 2014	5-4	Kennedy									
Wood v. Moss	May 27, 2014	9-0	Ginsburg									
















































































Voting Alignment - All Cases

(continued)

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Kennedy	Roberts	Alito	Scalia	Thomas
Plumhoff v. Rickard	May 27, 2014	9-0	Alito									
Michigan v. Bay Mills Indian Community	May 27, 2014	5-4	Kagan									
Martinez v. Illinois	May 27, 2014	9-0	<i>Per Curiam</i>									
Bond v. United States	June 2, 2014	9-0	Roberts									
Nautilus Inc. v. Biosig Instruments	June 2, 2014	9-0	Ginsburg									
Limelight Networks Inc. v. Akamai Technologies	June 2, 2014	9-0	Alito									
CTS Corporation v. Waldburger	June 9, 2014	7-2	Kennedy									
Executive Benefits Insurance Agency v. Arkinson	June 9, 2014	9-0	Thomas									
Scialabba v. Cuellar de Osorio	June 9, 2014	5-4	Kagan									
































































Voting Alignment - All Cases

(continued)

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Kennedy	Roberts	Alito	Scalia	Thomas
POM Wonderful LLC v. Coca-Cola Company	June 12, 2014	8-0	Kennedy				<i>Recused</i>					
Clark v. Rameker	June 12, 2014	9-0	Sotomayor									
Argentina v. NML Capital Ltd.	June 16, 2014	7-1	Scalia	<i>Recused</i>								
Susan B. Anthony List v. Driehaus	June 16, 2014	9-0	Thomas									
Abramski v. United States	June 16, 2014	5-4	Kagan									
Alice Corporation Pty. Ltd. v. CLS Bank International	June 19, 2014	9-0	Thomas									
Lane v. Franks	June 19, 2014	9-0	Sotomayor									
United States v. Clarke	June 19, 2014	9-0	Kagan									
Halliburton v. Erica P. John Fund	June 23, 2014	9-0	Roberts									



























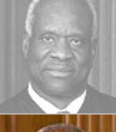





















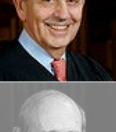














Voting Alignment - All Cases

(continued)

Case Name	Decided	Vote	Author	Sotomayor	Ginsburg	Kagan	Breyer	Kennedy	Roberts	Alito	Scalia	Thomas
Utility Air Regulatory Group v. Environmental Protection Agency	June 23, 2014	7-2	Scalia									
Loughrin v. United States	June 23, 2014	9-0	Kagan									
Riley v. California	June 25, 2014	9-0	Roberts									
Fifth Third Bancorp v. Dudenhoeffer	June 25, 2014	9-0	Breyer									
ABC Inc. v. Aereo Inc.	June 25, 2014	6-3	Breyer									
McCullen v. Coakley	June 26, 2014	9-0	Roberts									
National Labor Relations Board v. Noel Canning	June 26, 2014	9-0	Breyer									

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	Sotomayor	Ginsburg	Kagan	Breyer	Kennedy	Roberts	Alito	Scalia	Thomas
McCutcheon v. Federal Election Commission	April 2, 2014	5-4	Roberts									
Navarette v. California	April 22, 2014	5-4	Thomas									
Paroline v. United States	April 23, 2014	5-4	Kennedy									
Town of Greece v. Galloway	May 5, 2014	5-4	Kennedy									
Hall v. Florida	May 27, 2014	5-4	Kennedy									
Michigan v. Bay Mills Indian Community	May 27, 2014	5-4	Kagan									
Scialabba v. Cuellar de Osorio	June 9, 2014	5-4	Kagan									
Abramski v. United States	June 16, 2014	5-4	Kagan	