

# SCOTUSblog “StatPack”

*Edition 7: Following the Opinions of June 25, 2007*

## **Included in this download:**

1. Opinion Authors by Sitting
2. State of the Docket for OT07
3. Decisions by Final Vote
4. The Court’s Workload
5. Circuit Scorecard

*Case lists for OT06 and OT07 can now be downloaded separately, and will both be updated and available this week.*

## **Key Dates for OT06:**

There is one remaining day for opinions:

- Thursday, June 25. Opinions expected in *Panetti*, *Leegin Creative*, and *Jefferson County/Parents Involved* (the school assignment cases).

## Opinion Authors by Sitting

*Cases in color are pending; cases in red are highest profile outstanding*

OCT	Author	Count	
Lopez/T-F	DHS	JGR	1
Belmontes	AMK	JPS	1
MedImmune	AS	AS	1
BP America	SAA	AMK	1
Global Crossing	SB	DHS	1
Norfolk Southern	JGR	CT	1
Resendiz-Ponce	JPS	RBG	1
Cunningham	RBG	SGB	1
Musladin	CT	SAA	1

NOV	Author	Count	
Haley	RBG	JGR	1
Williams/Bock	JGR	JPS	1
Philip Morris	SB	AS	1
Lawrence	CT	AMK	1
Bockting	SAA	DHS	1
Duke Energy	DHS	CT	1
Wallace	AS	RBG	1
Marrama	JPS	SB	1
Burton	PC	SAA	2
James	SAA		
Pl. Parent./Carhart	AMK		

DEC	Author	Count	
Ledbetter	SAA	JGR	0
Bell Atlantic	DHS	JPS	1
KSR	AMK	AS	1
Weyerhaeuser	CT	AMK	1
Mass v. EPA	JPS	DHS	1
Watters	RBG	CT	1
Jeff. County/PICS		RBG	1
Rockwell	AS	SB	1
Duenas-Alvarez	SB	SAA	1

JAN	Author	Count	
United Hauler's	JGR	JGR	1
Limtiaco	CT	JPS	2*
Landrigan	CT	AS	1
Sinochem	RBG	AMK	1
Zuni	SB	DHS	1
WEA (consol)	AS	CT	2
Travelers	SAA	RBG	1
Safeco/Geico	DHS	SB	1
Smith	AMK	SAA	1
Brewer/Abdul-Kabir	JPS (x2)		

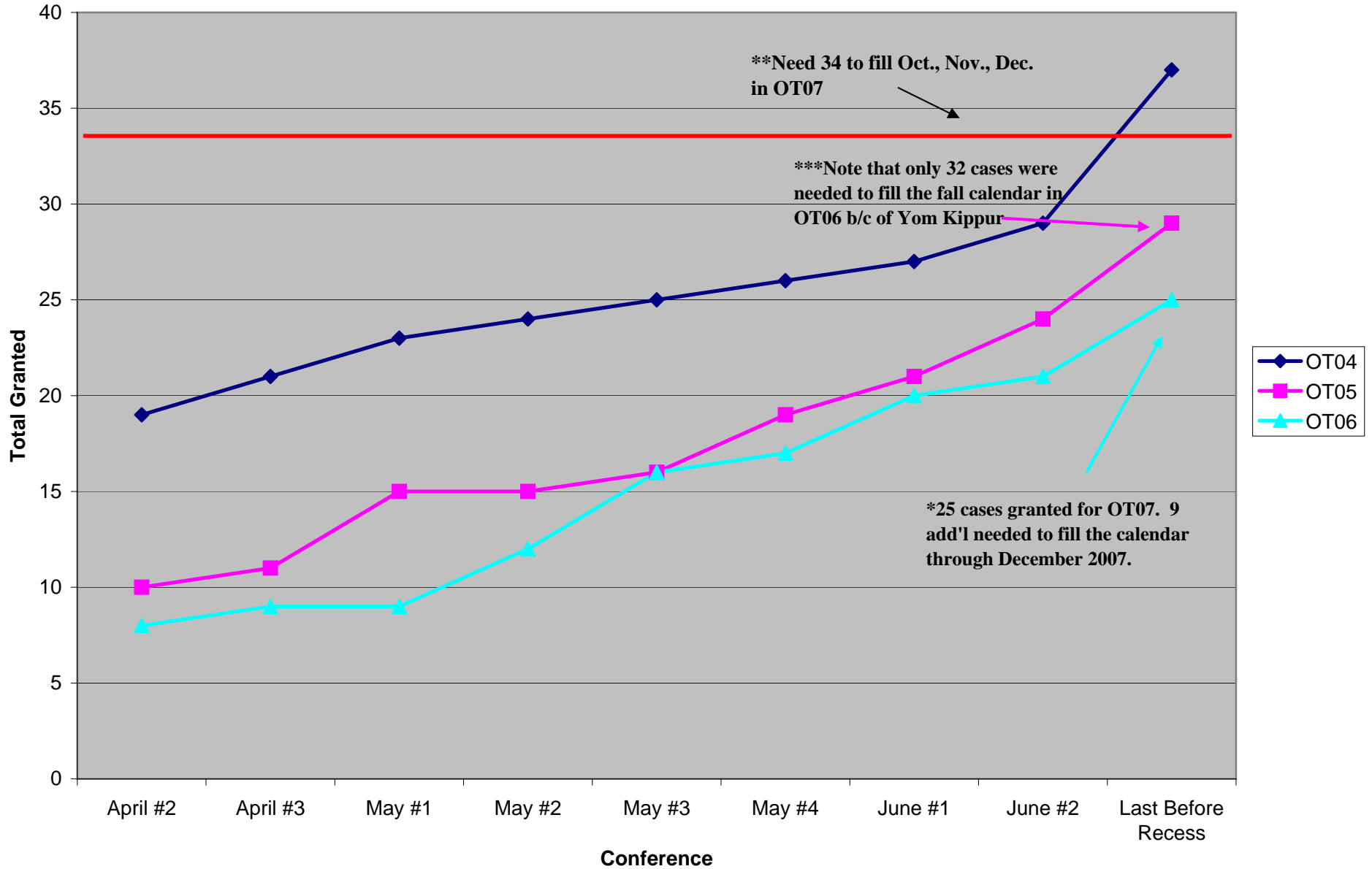
FEB	Author	Count	
Claiborne	PC	JGR	0
Rita	SB	JPS	0
AT&T	RBG	AS	1
EC Term of Years	DHS	AMK	1
Scott	AS	DHS	1
Winkelman	AMK	CT	0
Hein	SAA	RBG	1
		SB	1
		SAA	1

MAR	Author	Count	
Morse	JGR	JGR	1
Wilkie	DHS	JPS	0
Fry	AS	AS	1
Weaver	PC	AMK	0
Leegin Creative		DHS	1
Bowles	CT	CT	1
CSFB	SB	RBG	1
Tellabs	RBG	SB	1
		SAA	0

APR (Wk 1)	Author
Powerex	AS
LI Care at Home	SB
Uttecht	AMK
Wyner	RBG
Def. of Wildlife	SAA
TSSAA	JPS
Panetti	

APR (Wk 2)	Author	All Apr Count
Hinck	JGR	JGR 2
Atl Rsrch	CT	JPS 2
Brendlin	DHS	AS 2
Beck	AS	AMK 1
Perm. Miss	CT	DHS 1
Dayton	JPS	CT 2
Watson	SB	RBG 1
McCain/FEC	JGR	SB 2
		SAA 1

## Granted Cases Heading Into Summer



*Note: In OT04, the Court added an additional Conference at the end of June, on the last Monday of the Term, to consider relists. Thus, the final jump of 8 cases reflects the grant of 5 cases in Conference on June 23, 2005 and an additional 3 on June 27, 2005.*

## OT06 - Decisions by Final Vote

9-0 (or unan.) 29 (44%)	8-1 (or 7-1) 9 (14%)	7-2 (or 6-2) 7 (11%)	6-3 (or 5-3) 4 (6%)	5-4 20 (29%)
TSSAA	Tellabs	Wilkie	Roper (PC)	<b>NAHB</b>
Brendlin	Rita	Powerex	United Hauler's	<b>Hein</b>
WEA	Erickson (PC)	Perm. Mission	Cunningham	<b>FEC</b>
Coke	Scott	Twombly	Watters (5-3)	<b>Morse**</b>
Watson	MedImmune	Global Crossing		<b>Bowles</b>
Atl. Research	Resendiz-Ponce	Wallace		<b>Uttecht</b>
Fry	Lopez	Osborn		<b>Ledbetter</b>
Beck	Microsoft (7-1)	Rockwell (6-2)		<b>Schriro</b>
Sole	CSFB (7-1)			<b>Smith</b>
Safeco				<b>Brewer</b>
Rettele (PC)				<b>Abdul-Kabir</b>
Winkelman				James
Hinck				<b>Carhart</b>
EC Term of Yrs				Zuni
KSR				<b>Mass v. EPA</b>
Duke Energy				<b>Marrama</b>
Travelers				PM v. Williams
Lance (PC)				<b>Lawrence</b>
Sinochem				<b>Belmontes</b>
Whorton				<b>Limtiaco†</b>
Weyerhaeuser				
Jones				
Duenas-Alvarez				
Norfolk Southern				
Burton (PC)				
Musladin				
Purcell (PC)				
Dayton (8-0)				
BP America (7-0)				

<p><b>DIG</b></p> <p>Roper (6-3) Toledo-Flores*</p>	<p><b>Otherwise Dismissed</b></p> <p>Burton Dayton Claiborne</p>
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Cases colored in **red** had majorities formed by Kennedy plus the four more conservative members of the Court (Roberts, Scalia, Thomas, Alito).  
 Cases colored in **blue** had majorities formed by Kennedy plus the four more liberal members of the Court (Stevens, Souter, Ginsburg, Breyer).

†After taking a closer look, we've reclassified *Limtiaco*, part of whose holding was unanimous and part of which was 5-4, as being better described as 5-4.  
 \*\*We have made the judgment that Justice Breyer's opinion concurring in judgment and dissenting in part in *Morse* is best described as a dissent.

### Final OT05

45 (52%)	5 (6%)	12 (14%)	13 (15%)	11 (13%)
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-The per curiam dismissals in *Toledo-Flores* and *Claiborne* are not included in the voting breakdown. The summary reversals in *Rettele*, *Lance*, *Purcell*, and *Erickson* are. A look at which justices form the majority and the minority in all of the cases can be found at: [http://dailywrit.com/?page\\_id=55](http://dailywrit.com/?page_id=55).

-Detailed voting relationships between each pair of justices will be released immediately upon Term's end.

-Finally, it is worth noting that the timing of decisions issued in OT05 may have been affected by three cases that may have been decided earlier in that Term but needed to be reargued. All three of those ended up 5-4.

\*Note that this issue was decided in *Lopez v. Gonzales*.

### The Court's Workload in OT06

Cases Granted or Probable Jurisdiction Noted:	73
Dismissed Before Argument:	2
Hours of Argument:	71
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Argued Merits Cases Disposed of (as of 6/25/07):	67
Non-merits Dispositions After Argument:	4
Expected Remaining Merits Opinions:	3
Expected Merits Opinions in OT06 After Argument*:	66
Summary Reversals of Non-Argued Cases:	4
Total Expected Merits Decisions:	70

*Notes:* These numbers assume that the two school integration cases, which were argued separately, will be decided with one majority opinion. The total number of expected merits decisions also assumes that no additional summary reversals will be issued.

Thus, the final number of expected merits opinions after argument is calculated by taking the number of cases argued (71), subtracting the per curiam opinions or dismissals (-4), subtracting the number of times that cases argued separately were disposed of with one opinion (-2: *Carhart* and, presumably, the school integration cases), and adding the number of times that cases that were originally consolidated but disposed of with two majority opinions (+1: *Brewer* and *Abdul-Kabir*).

## Circuit Scorecard - OT06

Court	Decided	Outstanding	# Aff'd	% Aff'd	# Rev'd	% Rev'd	# Aff'd in Part	% Aff'd in Part	% of SCOTUS Caseload
CA1	1	0	1	100.0%	0	0.0%	0	0.0%	1.4%
CA2	5	0	2	40.0%	3	60.0%	0	0.0%	6.8%
CA3	1	0	0	0.0%	1	100.0%	0	0.0%	1.4%
CA4	2	0	1	50.0%	1	50.0%	0	0.0%	2.7%
CA5	3	2	0	0.0%	3	100.0%	0	0.0%	6.8%
CA6	6	1	3	50.0%	3	50.0%	0	0.0%	9.6%
CA7	3	0	1	33.3%	2	66.7%	0	0.0%	4.1%
CA8	4	0	1	25.0%	3	75.0%	0	0.0%	5.5%
CA9	20	1	2	10.0%	17	85.0%	1	5.0%	28.8%
CA10	4	0	1	25.0%	3	75.0%	0	0.0%	5.5%
CA11	5	0	3	60.0%	2	40.0%	0	0.0%	6.8%
CADC	2	0	1	50.0%	1	50.0%	0	0.0%	2.7%
CAFC	4	0	1	25.0%	3	75.0%	0	0.0%	5.5%
<i>Dist. Courts</i>	2	0	1	50.0%	0	0.0%	1	50.0%	2.7%
<i>State Courts</i>	7	0	0	0.0%	7	100.0%	0	0.0%	9.6%
<b>Total</b>	<b>69</b>	<b>4</b>	<b>18</b>	<b>26.1%</b>	<b>49</b>	<b>71.0%</b>	<b>2</b>	<b>2.9%</b>	

DIGs and other dismissals are not included