

THE STATISTICS

TABLE I^a
(A) ACTIONS OF INDIVIDUAL JUSTICES

	OPINIONS WRITTEN ^b				DISSENTING VOTES ^c		
					In Disposition by		
	Opinions of Court ^d	Concur- rences ^e	Dissents ^e	TOTAL	Opinion	Memo- randum ^f	TOTAL
Roberts	8	4	5	17	15	0	15
Stevens	9	3	17	29	31	0	31
Scalia	11	8	4	23	13	0	13
Kennedy	7	4	2	13	5	0	5
Souter	8	2	11	21	25	0	25
Thomas	9	5	7	21	14	0	14
Ginsburg	7	1	10	18	25	0	25
Breyer	8	8	14	30	22	0	22
Alito	7	8	7	22	16	2	18
Per Curiam	4	—	—	4	—	—	—
Total	78	43	77	198	166	2	168

^a A complete explanation of how the tables are compiled may be found in *The Supreme Court, 2004 Term—The Statistics*, 119 HARV. L. REV. 415, 415–19 (2005).

Table I, with the exception of the dissenting votes portion of section (A) and the memorandum tabulations in section (C), includes only full-opinion decisions. Four per curiam decisions contained legal reasoning substantial enough to be considered full-opinion decisions during October Term 2008. These cases were *CSX Transp., Inc. v. Hensley*, 129 S. Ct. 2139 (2009); *Nelson v. United States*, 129 S. Ct. 890 (2009); *Spears v. United States*, 129 S. Ct. 840 (2009); and *Hedgpeth v. Pulido*, 129 S. Ct. 530 (2008).

A memorandum order is a case decided by summary order and contained in the Court's weekly order lists issued throughout the Term. This category thus excludes summary orders designated as opinions by the Court. The memorandum tabulations include memorandum orders disposing of cases on their merits by affirming, reversing, vacating, or remanding. They exclude orders disposing of petitions for certiorari, dismissing writs of certiorari as improvidently granted, dismissing appeals for lack of jurisdiction, disposing of miscellaneous applications, and certifying questions for review. The memorandum tabulations also exclude orders relating to payment of docketing fees and dissents therefrom. See, e.g., *Disler v. Massachusetts*, 129 S. Ct. 480 (2008) (mem.).

^b This portion of Table I(A) includes only opinions authored in the seventy-eight cases with full opinions this Term. Thus, dissents from denials of certiorari and concurrences or dissents from summary affirmances are not included. A concurrence or dissent is recorded as a written opinion whenever its author provided a reason, however brief, for his or her vote.

^c A Justice is considered to have dissented whenever he or she voted to dispose of the case in any manner different from the manner specified by the majority of the Court.

^d A plurality opinion that announced the judgment of the Court is counted as the opinion of the Court. Thus, for example, Justice Kennedy's opinion in *Bartlett v. Strickland*, 129 S. Ct. 1231 (2009), is considered the opinion of the Court in that case.

TABLE I (*continued*)

^e Opinions concurring in part and/or concurring in the judgment are counted as concurrences. Opinions concurring in part and dissenting in part are counted as dissents.

^f Dissenting votes in memorandum decisions include instances in which Justices expressed that they would not dispose of the case by memorandum order. This category does not include dissenting votes in orders relating to stays of execution; that information is presented in Table II(F) and its accompanying footnotes. Two cases — *Meggison v. United States*, 129 S. Ct. 1982 (2009) (mem.); and *Grooms v. United States*, 129 S. Ct. 1981 (2009) (mem.) — were not classified as memorandum decisions by the *Supreme Court Reporter* but are included as memorandum decisions in The Statistics. In these cases, the Court granted certiorari, vacated the decision of the lower court, and remanded for further consideration in light of *Arizona v. Gant*, 129 S. Ct. 1710 (2009). These two cases resulted in the only two dissenting votes in memorandum orders this Term, both cast by Justice Alito.

TABLE I (continued)
 (B1) VOTING ALIGNMENTS—ALL WRITTEN OPINIONS⁵

		Roberts	Stevens	Scalia	Kennedy	Souter	Thomas	Ginsburg	Breyer	Alito
Roberts	O	—	31	55	58	36	50	33	39	54
	S	—	2	11	4	3	9	0	3	14
	D	—	33	64	62	38	58	33	42	66
	N	—	78	78	78	78	78	78	78	78
	P (%)	—	42.3	82.1	79.5	48.7	74.4	42.3	53.8	84.6
Stevens	O	31	—	32	39	42	28	43	42	27
	S	2	—	0	0	21	0	21	17	1
	D	33	—	32	39	62	28	63	59	28
	N	78	—	78	78	78	78	78	78	78
	P (%)	42.3	—	41.0	50.0	79.5	35.9	80.8	75.6	35.9
Scalia	O	55	32	—	57	39	53	37	39	53
	S	11	0	—	3	2	14	1	1	13
	D	64	32	—	58	41	64	37	39	62
	N	78	78	—	78	78	78	78	78	78
	P (%)	82.1	41.0	—	74.4	52.6	82.1	47.4	50.0	79.5
Kennedy	O	58	39	57	—	45	52	45	49	57
	S	4	0	3	—	1	2	2	3	6
	D	62	39	58	—	46	53	46	51	61
	N	78	78	78	—	78	78	78	78	78
	P (%)	79.5	50.0	74.4	—	59.0	67.9	59.0	65.4	78.2
Souter	O	36	42	39	45	—	33	45	42	31
	S	3	21	2	1	—	2	20	13	0
	D	38	62	41	46	—	35	65	54	31
	N	78	78	78	78	—	78	78	78	78
	P (%)	48.7	79.5	52.6	59.0	—	44.9	83.3	69.2	39.7
Thomas	O	50	28	53	52	33	—	31	34	51
	S	9	0	14	2	2	—	0	0	13
	D	58	28	64	53	35	—	31	34	61
	N	78	78	78	78	78	—	78	78	78
	P (%)	74.4	35.9	82.1	67.9	44.9	—	39.7	43.6	78.2
Ginsburg	O	33	43	37	45	45	31	—	43	31
	S	0	21	1	2	20	0	—	14	0
	D	33	63	37	46	65	31	—	56	31
	N	78	78	78	78	78	78	—	78	78
	P (%)	42.3	80.8	47.4	59.0	83.3	39.7	—	71.8	39.7
Breyer	O	39	42	39	49	42	34	43	—	38
	S	3	17	1	3	13	0	14	—	4
	D	42	59	39	51	54	34	56	—	42
	N	78	78	78	78	78	78	78	—	78
	P (%)	53.8	75.6	50.0	65.4	69.2	43.6	71.8	—	53.8
Alito	O	54	27	53	57	31	51	31	38	—
	S	14	1	13	6	0	13	0	4	—
	D	66	28	62	61	31	61	31	42	—
	N	78	78	78	78	78	78	78	78	—
	P (%)	84.6	35.9	79.5	78.2	39.7	78.2	39.7	53.8	—

TABLE I (continued)
 (B2) VOTING ALIGNMENTS — NON-UNANIMOUS CASES^h

		Roberts	Stevens	Scalia	Kennedy	Souter	Thomas	Ginsburg	Breyer	Alito
Roberts	O	—	12	36	39	17	31	14	20	35
	S	—	2	10	4	2	9	0	3	13
	D	—	14	45	43	19	39	14	23	47
	N	—	59	59	59	59	59	59	59	59
	P (%)	—	23.7	76.3	72.9	32.2	66.1	23.7	39.0	79.7
Stevens	O	12	—	13	20	23	9	24	23	8
	S	2	—	0	0	20	0	21	17	1
	D	14	—	13	20	43	9	44	40	9
	N	59	—	59	59	59	59	59	59	59
	P (%)	23.7	—	22.0	33.9	72.9	15.3	74.6	67.8	15.3
Scalia	O	36	13	—	38	20	34	18	20	34
	S	10	0	—	3	2	14	1	1	12
	D	45	13	—	39	22	45	18	20	43
	N	59	59	—	59	59	59	59	59	59
	P (%)	76.3	22.0	—	66.1	37.3	76.3	30.5	33.9	72.9
Kennedy	O	39	20	38	—	26	33	26	30	38
	S	4	0	3	—	1	2	2	3	6
	D	43	20	39	—	27	34	27	32	42
	N	59	59	59	—	59	59	59	59	59
	P (%)	72.9	33.9	66.1	—	45.8	57.6	45.8	54.2	71.2
Souter	O	17	23	20	26	—	14	26	23	12
	S	2	20	2	1	—	2	20	12	0
	D	19	43	22	27	—	16	46	35	12
	N	59	59	59	59	—	59	59	59	59
	P (%)	32.2	72.9	37.3	45.8	—	27.1	78.0	59.3	20.3
Thomas	O	31	9	34	33	14	—	12	15	32
	S	9	0	14	2	2	—	0	0	13
	D	39	9	45	34	16	—	12	15	42
	N	59	59	59	59	59	—	59	59	59
	P (%)	66.1	15.3	76.3	57.6	27.1	—	20.3	25.4	71.2
Ginsburg	O	14	24	18	26	26	12	—	24	12
	S	0	21	1	2	20	0	—	14	0
	D	14	44	18	27	46	12	—	37	12
	N	59	59	59	59	59	59	—	59	59
	P (%)	23.7	74.6	30.5	45.8	78.0	20.3	—	62.7	20.3
Breyer	O	20	23	20	30	23	15	24	—	19
	S	3	17	1	3	12	0	14	—	4
	D	23	40	20	32	35	15	37	—	23
	N	59	59	59	59	59	59	59	—	59
	P (%)	39.0	67.8	33.9	54.2	59.3	25.4	62.7	—	39.0
Alito	O	35	8	34	38	12	32	12	19	—
	S	13	1	12	6	0	13	0	4	—
	D	47	9	43	42	12	42	12	23	—
	N	59	59	59	59	59	59	59	59	—
	P (%)	79.7	15.3	72.9	71.2	20.3	71.2	20.3	39.0	—

TABLE I (*continued*)

^g Table I(B1) records the frequency with which each Justice voted with each other Justice in full-opinion decisions, including the four per curiam decisions containing sufficient legal reasoning to be considered full opinions. *See supra* note a.

Two Justices are considered to have agreed whenever they joined the same opinion, as indicated by either the Reporter of Decisions or the explicit statement of a Justice in his or her own opinion. This table does not treat a Justice as having joined the opinion of the Court unless that Justice authored or joined at least part of the opinion of the Court and did not author or join any opinion concurring in the judgment, even in part, or dissenting, even in part. For the purpose of counting dissents and concurrences, however, a Justice who partially joined an opinion is considered to have fully joined it. Therefore, Justices Thomas and Alito are not treated as having joined the opinion of the Court in *Chambers v. United States*, 129 S. Ct. 687 (2009), but Justice Thomas is treated as having fully joined Justice Alito's concurring opinion in *District Attorney's Office v. Osborne*, 129 S. Ct. 2308 (2009).

In Tables I(B1) and I(B2), "O" represents the number of decisions in which a particular pair of Justices agreed in an opinion of the Court or an opinion announcing the judgment of the Court. "S" represents the number of decisions in which two Justices agreed in any opinion other than an opinion of the Court or an opinion announcing the judgment of the Court. Justices who together joined more than one separate opinion in a case are considered to have agreed only once. "D" represents the number of decisions in which two Justices agreed in a majority, plurality, concurring, or dissenting opinion. A decision is counted only once in the "D" category if two Justices both joined the opinion of the Court and joined a separate concurrence. Thus, in some situations the "D" value will be equal to less than the sum of "O" and "S." "N" represents the number of decisions in which both Justices participated, and thus the number of opportunities for agreement. "P" represents the percentage of decisions in which one Justice agreed with another Justice and is calculated by dividing "D" by "N" and multiplying the resulting figure by 100.

^h Like Table I(B1), Table I(B2) records the frequency with which each Justice voted with each other Justice in full opinions, but Table I(B2) records these voting alignments only for cases that were not unanimously decided. A decision is considered unanimous for purposes of Table I whenever all of the Justices joined the opinion of the Court and no Justice concurred only in the judgment, even in part, or dissented, even in part. Removing the unanimous cases produces lower rates of agreement overall, providing a more accurate picture of how the Justices voted in divisive cases.

TABLE I (*continued*)
(C) UNANIMITY

	Unanimous	With Concurrence ⁱ	With Dissent	TOTAL
Full Opinions	19 (24.4%)	6 (7.7%)	53 (67.9%)	78
Memorandum Orders	86 (97.7%)	0 (0.0%)	2 (2.3%)	88

(D) VOTING PATTERNS IN NON-UNANIMOUS CASES^j

	JOINING THE OPINION OF THE COURT ^k			AGREEING IN THE DISPOSITION OF THE CASE ^l		
	Joined Court	Total Cases	Percentage	Agreed in Disposition	Total Cases	Percentage
Roberts	41	59	69.5%	44	59	74.6%
Stevens	27	59	45.8%	28	59	47.5%
Scalia	43	59	72.9%	46	59	78.0%
Kennedy	53	59	89.8%	54	59	91.5%
Souter	32	59	54.2%	34	59	57.6%
Thomas	38	59	64.4%	45	59	76.3%
Ginsburg	32	59	54.2%	34	59	57.6%
Breyer	35	59	59.3%	37	59	62.7%
Alito	40	59	67.8%	43	59	72.9%

ⁱ A decision is listed in this column if at least one Justice concurred in the judgment, but not in the Court's opinion, even in part, and no Justice dissented, even in part. *See, e.g., Chambers*, 129 S. Ct. 687.

^j Table I(D) records the frequency with which each Justice joined the opinion of the Court in all non-unanimous, full-opinion decisions. This table includes the four per curiam decisions containing sufficient legal reasoning to be considered full opinions, *see supra* note a, if those decisions produced dissenting votes.

^k This portion of the table reports the number of times that each Justice joined the opinion of the Court, according to the rule described in note g.

^l This portion of the table reports the number of times that each Justice agreed with the Court's disposition of a case. It includes all cases in which a Justice joined the opinion of the Court but, unlike the portion of the table described in note k, it also includes those cases in which a Justice concurred in the judgment without concurring in the opinion. Cases in which the Justice dissented, even in part, are not counted.

TABLE I (continued)
(E) 5–4 DECISIONS

Justices Constituting the Majority	Number of Decisions ^m
Roberts, Scalia, Kennedy, Thomas, Alito ^a	13
Stevens, Kennedy, Souter, Ginsburg, Breyer ^o	5
Stevens, Scalia, Souter, Thomas, Ginsburg ^p	2
Stevens, Scalia, Souter, Ginsburg, Breyer ^q	2
Stevens, Kennedy, Ginsburg, Breyer, Alito ^r	1
Stevens, Souter, Thomas, Ginsburg, Breyer ^s	1
Scalia, Kennedy, Souter, Thomas, Ginsburg ^t	1
Total	25

^m This column lists the number of 5–4 decisions in which each five-Justice group constituted the majority. A case is counted as 5–4 if four Justices voted to dispose of any issue, no matter how minor, differently than the majority of the Court. *See, e.g.*, *Entergy Corp. v. Riverkeeper, Inc.*, 129 S. Ct. 1498 (2009) (Breyer, J., concurring in part and dissenting in part). Cases involving plurality opinions are included so long as the Justices divided 5–4 on the disposition. Cases in which there was a 5–4 split on the reasoning of the majority opinion but not on the disposition of the case are not included. *See, e.g.*, *Yeager v. United States*, 129 S. Ct. 2360 (2009).

^a *Ricci v. DeStefano*, 129 S. Ct. 2658 (2009) (Kennedy, J.); *Horne v. Flores*, 129 S. Ct. 2579 (2009) (Alito, J.); *Gross v. FBL Fin. Servs., Inc.*, 129 S. Ct. 2343 (2009) (Thomas, J.); *Dist. Attorney's Office v. Osborne*, 129 S. Ct. 2308 (2009) (Roberts, C.J.); *Montejo v. Louisiana*, 129 S. Ct. 2079 (Scalia, J.); *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009) (Kennedy, J.); *FCC v. Fox Television Stations, Inc.*, 129 S. Ct. 1800 (2009) (Scalia, J.); *Entergy Corp. v. Riverkeeper, Inc.*, 129 S. Ct. 1498 (2009) (Scalia, J.); *14 Penn Plaza LLC v. Pyett*, 129 S. Ct. 1456 (2009) (Thomas, J.); *Bartlett v. Strickland*, 129 S. Ct. 1231 (2009) (Kennedy, J.); *Summers v. Earth Island Inst.*, 129 S. Ct. 1142 (2009) (Scalia, J.); *Herring v. United States*, 129 S. Ct. 695 (2009) (Roberts, C.J.); *Winter v. Natural Res. Def. Council, Inc.*, 129 S. Ct. 365 (2008) (Roberts, C.J.).

^o *Caperton v. A.T. Massey Coal Co.*, 129 S. Ct. 2252 (2009) (Kennedy, J.); *United States v. Denedo*, 129 S. Ct. 2213 (2009) (Kennedy, J.); *Haywood v. Drown*, 129 S. Ct. 2108 (2009) (Stevens, J.); *Corley v. United States*, 129 S. Ct. 1558 (2009) (Souter, J.); *Altria Group, Inc. v. Good*, 129 S. Ct. 538 (2008) (Stevens, J.).

^p *Melendez-Diaz v. Massachusetts*, 129 S. Ct. 2527 (2009) (Scalia, J.); *Arizona v. Gant*, 129 S. Ct. 1710 (2009) (Stevens, J.).

^q *Cuomo v. Clearing House Ass'n*, 129 S. Ct. 2710 (2009) (Scalia, J.); *Spears v. United States*, 129 S. Ct. 840 (2009) (per curiam).

^r *Oregon v. Ice*, 129 S. Ct. 711 (2009) (Ginsburg, J.).

^s *Atl. Sounding Co. v. Townsend*, 129 S. Ct. 2561 (2009) (Thomas, J.).

^t *Vaden v. Discover Bank*, 129 S. Ct. 1262 (2009) (Ginsburg, J.).

TABLE II^a
(A) FINAL DISPOSITION OF CASES

	Disposed of	Remaining on Docket	TOTAL
Original Docket	1	3	4
Appellate Docket ^b	1612	329 ^c	1941
Miscellaneous Docket ^d	6210	811 ^c	7021
Total	7823	1143	8966

(B) CASES GRANTED REVIEW^e

	Review Granted ^f	Petitions Considered ^g	Percent Granted
Appellate Docket	78	1654	4.7%
Miscellaneous Docket	9	6214	0.1%
Total	87	7868	1.1%

^a All numbers in Tables II(A), II(B), and II(C) are derived from data provided by the Supreme Court. See October Term, 2008, Statistical Sheet No. 28 (June 30, 2009) (unpublished statistical sheet, on file with the Harvard Law School Library).

^b The appellate docket consists of all paid cases.

^c The number of cases remaining on the appellate and miscellaneous dockets are derived by adding the number of cases not acted upon in the 2008 Term to the number of cases granted review in the 2008 Term but carried over to the 2009 Term.

^d The miscellaneous docket consists of all cases filed *in forma pauperis*.

^e Table II(B) reports data that versions of Table II prior to 1998 reported under the label “Review Granted.” For a full explanation, see *The Supreme Court, 1997 Term—The Statistics*, 112 HARV. L. REV. 366, 372 n.d (1998). Table II(B) does not include cases within the Court’s original jurisdiction.

^f The number of cases granted review includes only those cases granted plenary review in the 2008 Term. It includes neither cases summarily decided nor those granted review in a previous Term and carried over to the 2008 Term. It does include cases granted review in the 2008 Term but carried over to a subsequent Term.

^g The number of petitions considered is calculated by adding the number of cases docketed in the 2008 Term to the number of cases carried over from prior Terms and subtracting the number of cases not acted upon in the 2008 Term.

TABLE II (continued)
 (C) METHOD OF DISPOSITION^h

On Review	87
Summarily Decided	94
By Denial, Dismissal, or Withdrawal of Appeals or Petitions for Review	7641
Total	7822

(D) DISPOSITION OF CASES
 REVIEWED ON WRIT OF CERTIORARIⁱ

	Reversed ^j	Vacated ^k	Affirmed	TOTAL
Full Opinions	54 (71.1%)	6 (7.9%)	16 (21.1%)	76
Memorandum Orders	2 (2.3%)	85 (97.7%)	0 (0.0%)	87
Total	56 (34.4%)	91 (55.8%)	16 (9.8%)	163

^h Table II(C) does not include cases within the Court's original jurisdiction.

ⁱ Table II(D) reports the disposition of cases reviewed via writ of certiorari and decided on the merits. It thus includes *Spears v. United States*, 129 S. Ct. 840 (2009), which granted certiorari and disposed of the case on the merits in the same written opinion, and excludes *Northwest Austin Municipal Utility District No. One v. Holder*, 129 S. Ct. 2504 (2009), which was reviewed under section 4(a) of the Voting Rights Act of 1965; *Al-Marri v. Spagone*, 129 S. Ct. 1545 (2009) (mem.), which reviewed an application of the Acting Solicitor General respecting the transfer of the petitioner out of military custody; and *Kansas v. Colorado*, 129 S. Ct. 1294 (2009), which was within the Court's original jurisdiction.

^j This category includes cases reversed in part and affirmed in part, as well as cases reversed in part and vacated in part.

^k This category includes cases vacated in part and affirmed in part.

TABLE II (continued)
 (E) ORIGINS OF CASES AND THEIR DISPOSITIONS¹

	FULL OPINIONS ^m			MEMORANDUM ORDERS			TOTAL
	Reversed ⁿ	Vacated ^o	Affirmed	Reversed	Vacated	Affirmed	
Federal Courts	45	5	12	2	75	0	139
Circuit Courts	44	5	11	2	75	0	137
First	2	0	2	0	1	0	5
Second	7	0	2	2	0	0	11
Third	0	1	1	0	6	0	8
Fourth	4	1	0	0	7	0	12
Fifth	3	0	2	0	12	0	17
Sixth	4	1	0	0	10	0	15
Seventh	1	0	0	0	4	0	5
Eighth	2	1	0	0	12	0	15
Ninth	14	1	1	0	7	0	23
Tenth	2	0	0	0	5	0	7
Eleventh	0	0	3	0	8	0	11
D.C.	1	0	0	0	3	0	4
Federal	4	0	0	0	0	0	4
District Courts	1	0	0	0	0	0	1
Armed Forces	0	0	1	0	0	0	1
State Courts	10	1	4	0	11	0	26
Total	55	6	16	2	86	0	165

¹ Table II(E) counts consolidated cases disposed of by the same lower court opinion as a single case.

^m This section reports only full opinions decided on the merits. It thus includes four per curiam decisions containing sufficient legal reasoning to be counted as full opinions. See *supra* Table I, note a.

ⁿ This category includes cases reversed in part and affirmed in part, as well as cases reversed in part and vacated in part.

^o This category includes cases vacated in part and affirmed in part.

TABLE II (*continued*)
 (F) DISPOSITION OF APPLICATIONS FOR
 STAYS OF EXECUTION^p

	Granted ^q	Disposed of ^r	Percent Granted
Stay Applications	2	37	5.4%

^p This table includes only those dispositions that appear in the *Supreme Court Reporter* and excludes applications to vacate stays of execution. *Medellin v. Texas*, 129 S. Ct. 360 (2008), which was included in The Statistics for October Term 2007, is also excluded. See *The Supreme Court, 2007 Term—The Statistics*, 122 HARV. L. REV. 516, 526 n.s (2008).

For useful background information on how the Court handles stays of execution, see generally EUGENE GRESSMAN ET AL., SUPREME COURT PRACTICE §§ 18.1–8, at 897–911 (9th ed. 2007); A REPORTER'S GUIDE TO APPLICATIONS PENDING BEFORE THE SUPREME COURT OF THE UNITED STATES (2006), available at <http://www.supremecourtus.gov/publicinfo/reportersguide.pdf>; and *The Supreme Court, 2006 Term—The Statistics*, 121 HARV. L. REV. 436, 446 n.t (2007).

^q This Term, all of the applications that were granted were granted pending the Court's decision on whether to grant certiorari in the underlying case. These stays automatically terminated (or will automatically terminate) upon the Court's denial of the associated certiorari petitions.

^r This category treats multiple applications from the same death row inmate as a single application. Although the Court entertained 59 applications for stays of execution last Term, these applications pertained to only 37 different people.

Chief Justice Roberts and Justices Scalia, Kennedy, Souter, Thomas, Breyer, and Alito did not dissent from any denial of an application for a stay of execution. Justices Stevens and Ginsburg dissented three times.

TABLE III^a
SUBJECT MATTER OF DISPOSITIONS WITH FULL OPINIONS

	Principal Issue		Decision		TOTAL
	Constitu- tional	Other	For Gov't ^b	Against Gov't ^b	
CIVIL ACTIONS FROM INFERIOR FEDERAL COURTS	9	33	18	11	42
FEDERAL GOVERNMENT LITIGATION	2	14	11	5	16
<i>Review of Administrative Action</i>	1	8	7	2	9
Clean Water Act	0	2	2	0	2
Communications Act	0	1	1	0	1
Harmless Error Review ^c	0	1	1	0	1
Immigration and Nationality Act	0	2	1	1	2
Indian Reorganization Act	0	1	0	1	1
Standing ^d	1	0	1	0	1
Tariff Act	0	1	1	0	1
<i>Other Actions by or Against the United States or Its Officers</i>	1	6	4	3	7
Comprehensive Environmental Response, Compensation, and Liability Act	0	1	0	1	1
False Claims Act	0	1	1	0	1
Indian Tucker Act	0	1	1	0	1
National Environmental Policy Act	0	1	1	0	1
Pleading Standards ^e	1	0	1	0	1
Stays of Orders to Deport Undocumented Immigrants	0	1	0	1	1
Voting Rights Act	0	1	0	1	1

^a Table III records the subject matter of dispositions by full opinion, including the four cases with per curiam opinions on the merits containing sufficient legal reasoning to be considered full opinions. See *supra* Table I, note a.

^b “Government” refers to federal, state, or local government or an agency thereof, or to an individual participating in the suit in an official capacity. When the federal government opposed a state or local government, a decision is counted as “for” the government if the federal government prevailed on all contested issues. When two states, two units of local government, or two federal agencies opposed each other, the decision is counted as neither “for” the government nor “against” the government.

^c See *Shinseki v. Sanders*, 129 S. Ct. 1696 (2009) (on harmless error review of Department of Veterans Affairs decisions).

^d See *Summers v. Earth Island Inst.*, 129 S. Ct. 1142 (2009) (on standing to challenge U.S. Forest Service regulations).

^e See *Ashcroft v. Iqbal*, 129 S. Ct. 1937 (2009).

TABLE III (continued)
 SUBJECT MATTER OF DISPOSITIONS WITH FULL OPINIONS

	Principal Issue		Decision		TOTAL
	Constitutional	Other	For Gov't	Against Gov't	
STATE OR LOCAL GOVERNMENT LITIGATION	7	6	7	6	13
Absolute Immunity	1	0	1	0	1
Due Process	1	0	1	0	1
Equal Educational Opportunities Act	0	1	1	0	1
Freedom of Speech ^f	2	0	2	0	2
Individuals with Disabilities Education Act	0	1	0	1	1
National Bank Act	0	1	0	1	1
Nonmember Union Fees	1	0	1	0	1
Qualified Immunity	1	0	1	0	1
Search and Seizure ^g	1	0	0	1	1
Title VII	0	2	0	2	2
Title IX	0	1	0	1	1
PRIVATE LITIGATION	0	13	—	—	13
<i>Diversity Jurisdiction</i>	0	2	—	—	2
Federal Arbitration Act	0	1	—	—	1
Federal Preemption ^h	0	1	—	—	1
<i>Federal Question Jurisdiction</i>	0	11	—	—	11
Age Discrimination in Employment Act	0	1	—	—	1
Bankruptcy	0	1	—	—	1
Employee Retirement Income Security Act	0	1	—	—	1
Federal Arbitration Act	0	1	—	—	1
Foreign Sovereign Immunities Act	0	2	—	—	2
General Maritime Law	0	1	—	—	1
National Labor Relations Act	0	1	—	—	1
Sherman Act	0	1	—	—	1
Subject Matter Jurisdiction	0	1	—	—	1
Title VII	0	1	—	—	1

^f These cases were *Pleasant Grove City v. Sumnum*, 129 S. Ct. 1125 (2009); and *Ysursa v. Pocatello Educ. Ass'n*, 129 S. Ct. 1093 (2009).

^g See *Safford Unified Sch. Dist. No. 1 v. Redding*, 129 S. Ct. 2633 (2009) (on the constitutionality of a school's strip search of a student suspected of possessing contraband drugs).

^h See *Altria Group, Inc. v. Good*, 129 S. Ct. 538 (2008) (on the preemptive force of the Federal Cigarette Labeling and Advertising Act).

TABLE III (continued)
 SUBJECT MATTER OF DISPOSITIONS WITH FULL OPINIONS

	Principal Issue		Decision		TOTAL
	Constitutional	Other	For Gov't	Against Gov't	
FEDERAL CRIMINAL CASES	2	11	5	8	13
Admissibility of Confessions	0	1	0	1	1
Armed Career Criminal Act	0	1	0	1	1
Review of Court-Martial Convictions	0	1	0	1	1
Double Jeopardy	1	0	0	1	1
Exclusionary Rule	1	0	1	0	1
Federal Rules of Criminal Procedure	0	1	1	0	1
Other Statutory Interpretation	0	3	1	2	3
Racketeer Influenced and Corrupt Organizations Act	0	1	1	0	1
Sentencing	0	3	1	2	3
FEDERAL HABEAS CORPUS	2	5	4	3	7
AEDPA Deference	0	3	2	1	3
AEDPA Interpretation	0	1	0	1	1
<i>Atkins</i> Hearing	1	0	1	0	1
<i>Brecht</i> Analysis	1	0	1	0	1
Counsel for Indigent Defendants	0	1	0	1	1
CIVIL ACTIONS FROM STATE COURTS	3	4	1	3	7
STATE OR LOCAL GOVERNMENT LITIGATION	2	2	1	3	4
Section 1983	1	0	0	1	1
State Sovereignty ⁱ	0	1	1	0	1
Tonnage Clause	1	0	0	1	1
Voting Rights Act	0	1	0	1	1
PRIVATE LITIGATION	1	2	—	—	3
Due Process ^j	1	0	—	—	1
Federal Employers' Liability Act	0	1	—	—	1
Federal Preemption ^k	0	1	—	—	1

ⁱ See *Hawaii v. Office of Hawaiian Affairs*, 129 S. Ct. 1436 (2009) (on whether Congress's joint Apology Resolution stripped Hawaii of its sovereign authority to alienate land).

^j See *Caperton v. A.T. Massey Coal Co.*, 129 S. Ct. 2252 (2009) (on whether a state supreme court justice's failure to recuse himself from a case involving a party that had given substantial amounts of money to his campaign violated due process).

^k See *Wyeth v. Levine*, 129 S. Ct. 1187 (2009) (on the preemptive force of the Food and Drug Administration's approval of a drug's labeling).

TABLE III (*continued*)
SUBJECT MATTER OF DISPOSITIONS WITH FULL OPINIONS

	Principal Issue		Decision		TOTAL
	Constitu- tional	Other	For Gov't	Against Gov't	
STATE CRIMINAL CASES	8	0	5	3	8
Admissibility of Prior Inconsistent Statements	1	0	1	0	1
Confrontation Clause	1	0	0	1	1
Peremptory Challenges	1	0	1	0	1
Right to Counsel	1	0	0	1	1
Right to Jury	1	0	1	0	1
Right to Speedy Trial	1	0	1	0	1
Search and Seizure	2	0	1	1	2
ORIGINAL JURISDICTION	0	1	–	–	1
Total	24	54	33	28	78