

October Term 2009 Index | DailyWrit.com | Wednesday, April 28, 2010

September						Count			October						Count			November						Count				
AMK	DIST	134	5-4	RR	JGR	0	0	0	Shatzer	AS	ST	142	9-0	RR	JGR	1	1	196	Jones	SAA	CA7	148	9-0	VR	JGR	2	3	60
Citizens United					JPS	0	0	0	Mohawk	SMS	CA11	64	9-0	A	JPS	1	1	169	Shady Grove	AS	CA2	149	5-4	RR	JPS	0	1	0
					AS	0	0	0	Stevens	JGR	CA3	196	8-1	A	AS	2	2	145	Beard	JGR	CA3	36	8-0	VR	AS	1	3	149
					AMK	1	1	134	Johnson	AS	CA11	147	7-2	RR	AMK	1	2	203	NRG Power	RBG	DC	71	8-1	RR	AMK	0	2	0
					CT	0	0	0	Bloate	CT	CA8	153	7-2	RR	CT	2	2	150	Schwab		CA3				CT	0	2	0
					RBG	0	0	0	Buono	AMK	CA9	203	5-4	RR	RBG	1	1	62	Hemi Group	JGR	CA2	83	5-3	RR	RBG	2	3	71
					SGB	0	0	0	Reed Elsevier	CT	CA2	146	8-0	RR	SGB	2	2	73	Wood	SMS	CA11	77	7-2	A	SGB	1	3	105
					SAA	0	0	0	Union Pac.	RBG	CA7	62	9-0	A	SAA	2	2	144	Graham		ST				SAA	1	3	148
					SMS	0	0	0	Padilla	JPS	ST	169	7-2	RR	SMS	1	1	64	Sullivan		ST				SMS	1	2	77
					PC	0	0	0	Spisak	SGB	CA6	91	9-0	R	PC	0	0	0	Bilski		FED				PC	0	0	0
					Total	1	1		S. Carolina	SAA	ST	99	9-0	R	Total	13	14		Kucana	RBG	CA7	71	9-0	RR	Total	8	22	
					Expct.	1	1		Alvarez	SGB	CA7	55	8-1	VR	Expct.	13	14		Hertz	SGB	CA9	105	9-0	VR	Expct.	12	26	
					Avg.			134	Perdue	SAA	CA11	189	5-4	RR	Avg.			132							Avg.			93
December						Count			January						Count			February						Count				
Graham County	JPS	CA4	120	7-2	RR	JGR	0	3	0	Alabama		ST			JGR	1	4	91	Astrue		CA8			JGR	0	4	0	
Merck	SGB	CA3	148	9-0	A	JPS	1	2	120	Briscoe	PC	ST	14	PC	VR	JPS	0	2	0	Lewis		CA7		JPS	0	2	0	
Milavetz	SMS	CA8	97	9-0	RR	AS	0	3	0	Comstock		CA4			AS	0	3	0	Hum. Law. Proj.		CA9		AS	0	3	0		
US Aid Funds	CT	CA9	112	9-0	A	AMK	0	2	0	Abbott		CA5			AMK	0	2	0	O'Brien		CA1		AMK	0	2	0		
Stop the Beach		ST				CT	1	3	112	Am. Needle		CA7			CT	0	3	0	Carr		CA7		CT	0	3	0		
Free Ent. Fund		DC				RBG	1	4	78	Jerman	SMS	CA6	98	7-2	RR	RBG	1	5	69	Marcus		CA2		RBG	0	5	0	
Powell	RBG	ST	78	7-2	RR	SGB	1	4	148	Mac's Shell	SAA	CA1	42	9-0	RR	SGB	0	4	0	Berghuis		CA6		SGB	0	4	0	
Black		CA7				SAA	1	4	139	Granite		CA9			SAA	1	5	42	Holland		CA11		SAA	0	5	0		
Weyhruch		CA9				SMS	1	3	97	Berghuis	RBG	CA6	69	9-0	RR	SMS	1	4	98	Skilling		CA5		SMS	0	4	0	
Stolt-Nielsen	SAA	CA2	139	5-3	RR	PC	0	0	0	Conkright	JGR	CA2	91	5-3	RR	PC	1	1	14	McDonald		CA7		PC	0	1	0	
					Total	6	28								Total	5	33		Hui		CA9			Total	0	33		
					Expct.	10	36								Expct.	10	46		Samantar		CA4			Expct.	12	58		
					Avg.			116							Avg.			63						Avg.			-	
March						Count			April						Count			Total						Avg.				
Hamilton		CA10			JGR	0	4	0	Chrst. Leg. So.		CA9			JGR	0	4	0	Roberts	4		102			DIG'd		0		
Levin		CA6			JPS	0	2	0	Ontario		CA9			JPS	0	2	0	Stevens	2		145			Sum. Rev.		12		
New Process		CA7			AS	0	3	0	Dolan		CA10			AS	0	3	0	Scalia	3		146			Opin.		45		
Kawasaki		CA9			AMK	0	2	0	Krupski		CA11			AMK	0	2	0	Kennedy	2		169			Expct.		89		
Magwood		CA11			CT	0	3	0	Rent-A-Center		CA9			CT	0	3	0	Thomas	3		137							
Renico		CA6			RBG	0	5	0	Hardt		CA4			RBG	0	5	0	Ginsburg	5		70							
Morrison		CA2			SGB	0	4	0	Monsanto		CA9			SGB	0	4	0	Breyer	4		100							
Dillon		CA3			SAA	0	5	0	Doe #1		CA9			SAA	0	5	0	Alito	5		123							
Barber		CA9			SMS	0	4	0						SMS	0	4	0	Sotomayor	4		84							
Carachuri		CA5			PC	0	1	0						PC	0	1	0	Per Curiam	1		14							
Robertson		DC			Total	0	33							Total	0	33		Total Decided	33									
					Expct.	11	69							Expct.	8	77		Expected	77									
					Avg.			-						Avg.			-	Percent Decided	42.9%									
																		Avg.								109	Days between arg. and opinion	

Affirmed ("A"), Reversed ("R"), Reversed & Remanded ("RR"), Vacated & Remanded ("VR")

Case	Jud	Court	Arg.	Op.	Day	Vot	Dec	Code	
Citizens United	AMK	DIST	9/9/09	1/21/10	134	5-4	RR	ATX	5-4
Shatzer	AS	ST	10/5/09	2/24/10	142	9-0	RR	CSY	9-0
Mohawk	SMS	CA11	10/5/09	12/8/09	64	9-0	A	CFX	9-0
Stevens	JGR	CA3	10/6/09	4/20/10	196	8-1	A	CFY	8-1
Johnson	AS	CA11	10/6/09	3/2/10	147	7-2	RR	CFY	7-2
Bloate	CT	CA8	10/6/09	3/8/10	153	7-2	RR	CFY	7-2
Buono	AMK	CA9	10/7/09	4/28/10	203	5-4	RR	CFX	5-4
Reed Elsevier	CT	CA2	10/7/09	3/2/10	146	8-0	RR	CFX	9-0
Union Pacific RR	RBG	CA7	10/7/09	12/8/09	62	9-0	A	CFX	9-0
Padilla	JPS	ST	10/13/09	3/31/10	169	7-2	RR	CSH	7-2
Spisak	SGB	CA6	10/13/09	1/12/10	91	9-0	R	CFH	9-0
S. Carolina	SAA	ST	10/13/09	1/20/10	99	9-0	R	ORIG	9-0
Alvarez	SGB	CA7	10/14/09	12/8/09	55	8-1	VR	CFX	8-1
Perdue	SAA	CA11	10/14/09	4/21/10	189	5-4	RR	CFX	5-4
Jones	SAA	CA7	11/2/09	3/30/10	148	9-0	VR	CFX	9-0
Shady Grove	AS	CA2	11/2/09	3/31/10	149	5-4	RR	CFX	5-4
Beard	JGR	CA3	11/2/09	12/8/09	36	8-0	VR	CFH	9-0
NRG Power	RBG	DC	11/3/09	1/13/10	71	8-1	RR	CFX	8-1
Schwab		CA3	11/3/09					CFX	-
Hemi Group	JGR	CA2	11/3/09	1/25/10	83	5-3	RR	CFX	6-3
Wood	SMS	CA11	11/4/09	1/20/10	77	7-2	A	CFH	7-2
Graham		ST	11/9/09					CSY	-
Sullivan		ST	11/9/09					CSH	-
Bilski		FED	11/9/09					CFX	-
Kucana	RBG	CA7	11/10/09	1/20/10	71	9-0	RR	CFX	9-0
Hertz	SGB	CA9	11/10/09	2/23/10	105	9-0	VR	CFX	9-0
Graham County	JPS	CA4	11/30/09	3/30/10	120	7-2	RR	CFX	7-2
Merck	SGB	CA3	11/30/09	4/27/10	148	9-0	A	CFX	9-0
Milavetz	SMS	CA8	12/1/09	3/8/10	97	9-0	RR	CFX	9-0
US Aid Funds	CT	CA9	12/1/09	3/23/10	112	9-0	A	CFX	9-0
Stop the Beach		ST	12/2/09					CFX	-
Free Ent. Fund		DC	12/7/09					CFX	-
Powell	RBG	ST	12/7/09	2/23/10	78	7-2	RR	CSY	7-2
Black		CA7	12/8/09					CFY	-
Weyhruch		CA9	12/8/09					CFY	-
Stolt-Nielsen	SAA	CA2	12/9/09	4/27/10	139	5-3	RR	CFX	6-3
Alabama		ST	1/11/10					ORIG	-
Briscoe	PC	ST	1/11/10	1/25/10	14	PC	VR	CSY	PC
Comstock		CA4	1/12/10					CFX	-
Abbott		CA5	1/12/10					CFX	-
American Needle		CA7	1/13/10					CFX	-
Jerman	SMS	CA6	1/13/10	4/21/10	98	7-2	RR	CFX	7-2
Mac's Shell	SAA	CA1	1/19/10	3/2/10	42	9-0	RR	CFX	9-0
Granite		CA9	1/19/10					CFX	-
Berghuis	RBG	CA6	1/20/10	3/30/10	69	9-0	RR	CFH	9-0
Conkright	JGR	CA2	1/20/10	4/21/10	91	5-3	RR	CFX	6-3
Astrue		CA8	2/22/10					CFX	-
Lewis		CA7	2/22/10					CFX	-
Hum. Law. Proj.		CA9	2/23/10					CFX	-
O'Brien		CA1	2/23/10					CFY	-
Carr		CA7	2/24/10					CFY	-
Marcus		CA2	2/24/10					CFY	-
Berghuis		CA6	3/1/10					CFH	-
Holland		CA11	3/1/10					CFH	-
Skilling		CA5	3/1/10					CFY	-
McDonald		CA7	3/2/10					CFX	-
Hui		CA9	3/2/10					CFX	-
Samantar		CA4	3/3/10					CFX	-
Hamilton		CA10	3/22/10					CFX	-
Levin		CA6	3/22/10					CFX	-
New Process		CA7	3/23/10					CFX	-
Kawasaki		CA9	3/24/10					CFX	-
Magwood		CA11	3/24/10					CFH	-
Renico		CA6	3/29/10					CFH	-
Morrison		CA2	3/29/10					CFX	-
Dillon		CA3	3/30/10					CFY	-
Barber		CA9	3/30/10					CFH	-
Carachuri		CA5	3/31/10					CFX	-
Robertson		DC	3/31/10					CSX	-
Chrst. Leg. So.		CA9	4/19/10					CFX	-
Ontario		CA9	4/19/10					CFX	-
Dolan		CA10	4/20/10					CFY	-
Krupski		CA11	4/21/10					CFX	-
Rent-A-Center		CA9	4/26/10					CFX	-
Hardt		CA4	4/26/10					CFX	-
Monsanto		CA9	4/27/10					CFX	-
Doe #1		CA9	4/28/10					CFX	-

TOTALS								
	Total	PC	5-4	6-3	7-2	8-1	9-0	
JGR	4		0	2	0	1	1	
JPS	2		0	0	2	0	0	
AS	3		1	0	1	0	1	
AMK	2		2	0	0	0	0	
CT	3		0	0	1	0	2	
RBG	5		0	0	1	1	3	
SGB	4		0	0	0	1	3	
SAA	5		1	1	0	0	3	
SMS	4		0	0	2	0	2	
PC	1	1						
Total	33	1	4	3	7	3	15	

AVERAGES									
	Total	Avg.	5-4	6-3	7-2	8-1	9-0	Avg.	
JGR	4	102	-	87	-	196	36	102	
JPS	2	145	-	-	145	-	-	145	
AS	3	146	149	-	147	-	142	146	
AMK	2	169	169	-	-	-	-	169	
CT	3	137	-	-	153	-	129	137	
RBG	5	70	-	-	78	71	67	70	
SGB	4	100	-	-	-	55	115	100	
SAA	5	123	189	139	-	-	96	123	
SMS	4	84	-	-	88	-	81	84	
PC	1	14							
Total	33	109	169	104	120	107	95		

CIRCUIT BREAKDOWN									
	Granted	Decided	Affirm. Rev.		Remain	Aff. %	Rev. %	Dec. %	
CA1	2	1	0	1	1	0%	100%	50%	
CA2	7	5	0	5	2	0%	100%	71%	
CA3	5	3	2	1	2	67%	33%	60%	
CA4	4	1	0	1	3	0%	100%	25%	
CA5	3	0	0	0	3	-	-	0%	
CA6	6	3	0	3	3	0%	100%	50%	
CA7	10	4	1	3	6	25%	75%	40%	
CA8	3	2	0	2	1	0%	100%	67%	
CA9	14	3	1	2	11	33%	67%	21%	
CA10	2	0	0	0	2	-	-	0%	
CA11	7	4	2	2	3	50%	50%	57%	
DC	3	1	0	1	2	0%	100%	33%	
FED	1	0	0	0	1	-	-	0%	
ST	9	5	0	5	4	0%	100%	56%	
DIST	1	1	0	1	0	0%	100%	100%	
Total	77	33	6	27	44	18%	82%	43%	

	Total	Avg.
Affirmed	6	110
Reversed	2	330
Rev. & Rem.	20	33
Vac. & Rem.	5	132
Total Decided	33	
Outstanding	44	
Total	77	0

Case Code Key: From the Supreme Court	
First Letter: Jurisdictional Grounds	
C	- Certiorari
A	- Appeal
Q	- Certified Question
Second Letter: Court Below	
S	- State
F	- U.S. Court of Appeals
T	- Three-Judge District Court
M	- U.S. Court of Appeals for the Armed Forces
O	- Other
Third Letter: Nature of the Case	
X	- Civil
Y	- Criminal
H	- Habeas Corpus or Other Collateral Attack

	Total	Percent
CSX	1	1.3%
CSY	4	5.2%
CSH	2	2.6%
CFX	47	61.0%
CFY	11	14.3%
CFH	9	11.7%
ATX	1	1.3%
ORIG	2	2.6%
	77	100.0%

*Where a recusal occurs, I have altered the number of votes for the purpose of statistical representation. I have provided the (largely imperfect) formula below:
 9-0 (8-0, 7-0); 8-1 (7-1, 6-1); 7-2 (6-2, 5-2), 6-3 (5-3)

October Term 2009 Vote Breakdown | DailyWrit.com | Wednesday, April 28, 2010

Case Information							Opinions Written										Vote																		
Case	Jud	Court	Day	Vot	Dec	Code	JGR	JPS	AS	AMK	CT	RBG	SGB	SAA	SMS	JGR	JPS	AS	AMK	CT	RBG	SGB	SAA	SMS											
Citizens United	AMK	DIST	134	5-4	RR	ATX	08-205	C	D	C	M	C														RR	A	RR	RR	RR	A	A	RR	A	
Shatzer	AS	ST	142	9-0	RR	CSY	08-680		C	M		C															RR	RR	RR	RR	RR	RR	RR	RR	
Mohawk	SMS	CA11	64	9-0	A	CFX	08-678					C			M											A	A	A	A	A	A	A	A		
Stevens	JGR	CA3	196	8-1	A	CFY	08-769	M															D			A	A	A	A	A	A	VR	A		
Johnson	AS	CA11	147	7-2	RR	CFY	08-6925			M																RR	RR	RR	RR	A	RR	RR	A	RR	
Bloate	CT	CA8	153	7-2	RR	CFY	08-728					M	C													RR	RR	RR	RR	RR	RR	A	A	RR	
Buono	AMK	CA9	203	5-4	RR	CFX	08-472	C	D	C	M			D	C											RR	A	RR	RR	RR	A	A	RR	A	
Reed Elsevier	CT	CA2	146	8-0	RR	CFX	08-103					M														RR	RR	RR	RR	RR	RR	RR	RR	-	
Union Pac. RR	RBG	CA7	62	9-0	A	CFX	08-604						M													A	A	A	A	A	A	A	A		
Padilla	JPS	ST	169	7-2	RR	CSH	08-651		M	D																RR	RR	A	RR	A	RR	RR	RR	RR	
Spisak	SGB	CA6	91	9-0	R	CFH	08-724		C					M												R	R	R	R	R	R	R	R		
South Carolina	SAA	ST	99	9-0	R	ORIG	138, Orig.	C																		R	R	R	R	R	R	R	R		
Alvarez	SGB	CA7	55	8-1	VR	CFX	08-351		D																	VR	A	VR	VR	VR	VR	VR	VR	VR	
Perdue	SAA	CA11	189	5-4	RR	CFX	08-970				C	C		D	M											RR	A	RR	RR	RR	A	A	RR	A	
Jones	SAA	CA7	148	9-0	VR	CFX	08-586																			VR	VR	VR	VR	VR	VR	VR	VR	VR	
Shady Grove	AS	CA2	149	5-4	RR	CFX	08-1008		C	M																RR	RR	RR	A	RR	A	A	A	RR	
Beard	JGR	CA3	36	8-0	VR	CFH	08-992	M			C															VR	VR	VR	VR	VR	VR	VR	-	VR	
NRG Power	RBG	DC	71	8-1	RR	CFX	08-674		D																	RR	RR	RR	RR	RR	RR	RR	RR	RR	
Schwab		CA3				CFX	08-538																												
Hemi Group	JGR	CA2	83	5-3	RR	CFX	08-969	M																		RR	A	RR	A		RR	RR	A	RR	-
Wood	SMS	CA11	77	7-2	A	CFH	08-9156		D																	A	R	A	R	A	A	A	A	A	
Graham		ST				CSY	08-7412																												
Sullivan		ST				CSH	08-7621																												
Bilski		FED				CFX	08-964																												
Kucana	RBG	CA7	71	9-0	RR	CFX	08-911						M													RR	RR	RR	RR	RR	RR	RR	RR	RR	
Hertz	SGB	CA9	105	9-0	VR	CFX	08-1107																			VR	VR	VR	VR	VR	VR	VR	VR	VR	
Graham County	JPS	CA4	120	7-2	RR	CFX	08-304		M	C																RR	RR	RR	RR	RR	RR	A	RR	A	
Merck	SGB	CA3	148	9-0	A	CFX	08-905		C	C																A	A	A	A	A	A	A	A	A	
Milavetz	SMS	CA8	97	9-0	RR	CFX	08-1119			C																RR	RR	RR	RR	RR	RR	RR	RR	RR	
US Aid Funds	CT	CA9	112	9-0	A	CFX	08-1134																			A	A	A	A	A	A	A	A	A	
Stop the Beach		ST				CFX	08-1151																												
Free Ent. Fund		DC				CFX	08-861																												
Powell	RBG	ST	78	7-2	RR	CSY	08-1175																			RR	A	RR	RR	RR	RR	A	RR	RR	
Black		CA7				CFY	08-876																												
Weyhruch		CA9				CFY	08-1196																												
Stolt-Nielsen	SAA	CA2	139	5-3	RR	CFX	08-1198																			RR	A	RR	RR	RR	A	A	RR	-	
Alabama		ST				ORIG	132, Orig																												
Briscoe	PC	ST	14	PC	VR	CSY	07-11191																			VR	VR	VR	VR	VR	VR	VR	VR	VR	
Comstock		CA4				CFX	08-1224																												
Abbott		CA5				CFX	08-645																												
Amer. Needle		CA7				CFX	08-661																												
Jerman	SMS	CA6	98	7-2	RR	CFX	08-1200			C	D															RR	RR	RR	A		RR	RR	A	RR	
Mac's Shell	SAA	CA1	42	9-0	RR	CFX	08-240																			RR	RR	RR	RR	RR	RR	RR	RR	RR	
Granite		CA9				CFX	08-1214																												
Berghuis	RBG	CA6	69	9-0	RR	CFH	08-1402																			RR	RR	RR	RR	RR	RR	RR	RR	RR	
Conkright	JGR	CA2	91	5-3	RR	CFX	08-810	M																		RR	A	RR	RR	RR	A	A	RR	-	
Astrue		CA8				CFX	08-1322																												
Lewis		CA7				CFX	08-974																												
Hum. Law. Proj.		CA9				CFX	08-1498																												
O'Brien		CA1				CFY	08-1569																												
Carr		CA7				CFY	08-1301																												
Marcus		CA2				CFY	08-1341																												
Berghuis		CA6				CFH	08-1470																												
Holland		CA11				CFH	09-5327																												
Skilling		CA5				CFY	08-1394																												
McDonald		CA7				CFX	08-1521																												
Hui		CA9				CFX	08-1529																												
Samantar		CA4				CFX	08-1555																												
Hamilton		CA10				CFX	08-998																												
Levin		CA6				CFX	09-223																												
New Process		CA7				CFX	08-1457																												
Kawasaki		CA9				CFX	08-1553																												
Magwood		CA11				CFH	09-158																												
Renico		CA6				CFH	09-338																												
Morrison		CA2				CFX	08-1191																												
Dillon		CA3				CFY	09-6338																												
Barber		CA9				CFH	09-5201																												
Carachuri		CA5				CFX	09-60																												
Robertson		DC				CSX	08-6261																												
Chrst. Leg. So.		CA9																																	

Agreement Percentages

	JGR	JPS	AS	AMK	CT	RBG	SGB	SAA	SMS
JGR	-	73%	97%	88%	94%	82%	70%	84%	86%
JPS	73%	-	70%	73%	67%	85%	85%	56%	86%
AS	97%	70%	-	85%	97%	79%	67%	81%	83%
AMK	88%	73%	85%	-	82%	76%	70%	84%	76%
CT	94%	67%	97%	82%	-	76%	64%	84%	79%
RBG	82%	85%	79%	76%	76%	-	88%	72%	93%
SGB	70%	85%	67%	70%	64%	88%	-	66%	90%
SAA	84%	55%	79%	82%	82%	70%	64%	-	66%
SMS	86%	86%	83%	76%	79%	93%	90%	66%	-

Percentage Reversed by Circuit

	JGR	JPS	AS	AMK	CT	RBG	SGB	SAA	SMS	Total
CA1	100%	100%	100%	100%	100%	100%	100%	100%	100%	1
CA2	100%	40%	100%	60%	100%	40%	20%	80%	100%	5
CA3	33%	33%	33%	33%	33%	33%	33%	50%	33%	3
CA4	100%	100%	100%	100%	100%	100%	0%	100%	0%	1
CA5										0
CA6	100%	100%	100%	67%	100%	100%	100%	67%	100%	3
CA7	75%	50%	75%	75%	75%	75%	75%	75%	75%	4
CA8	100%	100%	100%	100%	100%	100%	50%	50%	100%	2
CA9	67%	33%	67%	67%	67%	33%	33%	67%	33%	3
CA10										0
CA11	50%	50%	50%	75%	25%	25%	25%	25%	25%	4
DC	100%	100%	100%	100%	100%	100%	100%	100%	100%	1
FED										0
ST	100%	80%	80%	100%	80%	100%	80%	100%	100%	5
DIST	100%	0%	100%	100%	100%	0%	0%	100%	0%	1

Circuit Breakdown

	Granted	Decided	Affirm.	Rev.	Remain	Aff. %	Rev. %	Dec. %
CA1	2	1	0	1	1	0%	100%	50%
CA2	7	5	0	5	2	0%	100%	71%
CA3	5	3	2	1	2	67%	33%	60%
CA4	4	1	0	1	3	0%	100%	25%
CA5	3	0	0	0	3	-	-	0%
CA6	6	3	0	3	3	0%	100%	50%
CA7	10	4	1	3	6	25%	75%	40%
CA8	3	2	0	2	1	0%	100%	67%
CA9	14	3	1	2	11	33%	67%	21%
CA10	2	0	0	0	2	-	-	0%
CA11	7	4	2	2	3	50%	50%	57%
DC	3	1	0	1	2	0%	100%	33%
FED	1	0	0	0	1	-	-	0%
ST	9	5	0	5	4	0%	100%	56%
DIST	1	1	0	1	0	0%	100%	100%
Total	77	33	6	27	44	18%	82%	43%