

THE STATISTICS

TABLE I^a
(A) ACTIONS OF INDIVIDUAL JUSTICES

	OPINIONS WRITTEN ^b				DISSENTING VOTES ^c		
					In Disposition by		
	Opinions of Court ^d	Concurrences ^e	Dissents ^e	TOTAL	Opinion	Memo-randum ^f	TOTAL
Roberts	8	5	4	17	7	2	9
Stevens	7	8	13	28	19	0	19
Scalia	8	10	8	26	13	2	15
Kennedy	7	1	4	12	10	0	10
Souter	7	4	5	16	17	0	17
Thomas	7	7	10	24	17	2	19
Ginsburg	8	4	7	19	18	0	18
Breyer	8	2	13	23	16	0	16
Alito	7	4	8	19	12	0	12
Per Curiam	3	—	—	3	—	—	—
Total	70	45	72	187	129	6	135

^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. Three per curiam decisions contained legal reasoning substantial enough to be considered full-opinion decisions during October Term 2007. These cases were *Allen v. Siebert*, 128 S. Ct. 2 (2007); *Wright v. Van Patten*, 128 S. Ct. 743 (2008); and *Medellín v. Texas*, 77 U.S.L.W. 3073, (U.S. Aug. 5, 2008) (denial of stay of execution). Note that none of the tables in *The Statistics* includes data on the two cases this Term in which the Court affirmed the judgment of a lower court by an equally divided 4–4 vote. These cases are *Board of Education of the City School District of the City of New York v. Tom F.*, 128 S. Ct. 1 (2007) (per curiam); and *Warner-Lambert Co. v. Kent*, 128 S. Ct. 1168 (2008) (per curiam).

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., In re Turner*, 128 S. Ct. 1491 (2008) (mem.); *see also id.* (Stevens, J., dissenting), as well as dispositions of motions for leave to file a bill of complaint under the Court’s original jurisdiction, *see Montana v. Wyoming*, 128 S. Ct. 1332 (2008) (mem.).

^b This part of Table I(A) includes only opinions authored in the seventy 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.

TABLE I (*continued*)

^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 Stevens's opinion in *Crawford v. Marion County Election Board*, 128 S. Ct. 1610 (2008), is considered the opinion of the Court in that case.

^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(C) and its accompanying footnotes. The only dissenting votes in memorandum orders this Term were cast by Chief Justice Roberts and Justices Scalia and Thomas in *Nunez v. United States*, 128 S. Ct. 2990 (2008) (mem.); and *Stephenson v. United States*, 128 S. Ct. 2991 (2008) (mem.).

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

		Roberts	Stevens	Scalia	Kennedy	Souter	Thomas	Ginsburg	Breyer	Alito
Roberts	O	—	38	47	52	44	45	40	40	51
	S	—	0	6	4	0	5	0	1	7
	D	—	38	52	55	44	50	40	41	55
	N	—	69	69	69	69	69	69	66	68
	P (%)	—	55.1	75.4	79.7	63.8	72.5	58.0	62.1	80.9
Stevens	O	38	—	28	38	42	25	39	40	36
	S	0	—	0	3	10	0	8	8	1
	D	38	—	28	41	51	25	47	47	37
	N	69	—	70	70	70	70	70	66	69
	P (%)	55.1	—	40.0	58.6	72.9	35.7	67.1	71.2	53.6
Scalia	O	47	28	—	42	36	45	32	33	44
	S	6	0	—	2	0	15	1	0	7
	D	52	28	—	44	36	59	33	33	50
	N	69	70	—	70	70	70	70	66	69
	P (%)	75.4	40.0	—	62.9	51.4	84.3	47.1	50.0	72.5
Kennedy	O	52	38	42	—	43	39	39	42	47
	S	4	3	2	—	2	0	2	5	4
	D	55	41	44	—	45	39	41	47	50
	N	69	70	70	—	70	70	70	66	69
	P (%)	79.7	58.6	62.9	—	64.3	55.7	58.6	71.2	72.5
Souter	O	44	42	36	43	—	34	45	42	41
	S	0	10	0	2	—	1	14	8	1
	D	44	51	36	45	—	35	56	48	42
	N	69	70	70	70	—	70	70	66	69
	P (%)	63.8	72.9	51.4	64.3	—	50.0	80.0	72.7	60.9
Thomas	O	45	25	45	39	34	—	29	30	43
	S	5	0	15	0	1	—	0	0	5
	D	50	25	59	39	35	—	29	30	48
	N	69	70	70	70	70	—	70	66	69
	P (%)	72.5	35.7	84.3	55.7	50.0	—	41.4	45.5	69.6
Ginsburg	O	40	39	32	39	45	29	—	39	39
	S	0	8	1	2	14	0	—	8	1
	D	40	47	33	41	56	29	—	45	40
	N	69	70	70	70	70	70	—	66	69
	P (%)	58.0	67.1	47.1	58.6	80.0	41.4	—	68.2	58.0
Breyer	O	40	40	33	42	42	30	39	—	39
	S	1	8	0	5	8	0	8	—	2
	D	41	47	33	47	48	30	45	—	41
	N	66	66	66	66	66	66	66	—	65
	P (%)	62.1	71.2	50.0	71.2	72.7	45.5	68.2	—	63.1
Alito	O	51	36	44	47	41	43	39	39	—
	S	7	1	7	4	1	5	1	2	—
	D	55	37	50	50	42	48	40	41	—
	N	68	69	69	69	69	69	69	65	—
	P (%)	80.9	53.6	72.5	72.5	60.9	69.6	58.0	63.1	—

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

		Roberts	Stevens	Scalia	Kennedy	Souter	Thomas	Ginsburg	Breyer	Alito
Roberts	O	—	22	31	36	28	29	24	24	35
	S	—	0	6	3	0	5	0	1	6
	D	—	22	36	39	28	34	24	25	39
	N	—	53	53	53	53	53	53	50	52
	P (%)	—	41.5	67.9	73.6	52.8	64.2	45.3	50.0	75.0
Stevens	O	22	—	12	22	26	9	23	24	20
	S	0	—	0	3	10	0	8	8	1
	D	22	—	12	25	35	9	31	31	21
	N	53	—	54	54	54	54	54	50	53
	P (%)	41.5	—	22.2	46.3	64.8	16.7	57.4	62.0	39.6
Scalia	O	31	12	—	26	20	29	16	17	28
	S	6	0	—	2	0	15	1	0	7
	D	36	12	—	28	20	43	17	17	34
	N	53	54	—	54	54	54	54	50	53
	P (%)	67.9	22.2	—	51.9	37.0	79.6	31.5	34.0	64.2
Kennedy	O	36	22	26	—	27	23	23	26	31
	S	3	3	2	—	2	0	2	5	3
	D	39	25	28	—	29	23	25	31	34
	N	53	54	54	—	54	54	54	50	53
	P (%)	73.6	46.3	51.9	—	53.7	42.6	46.3	62.0	64.2
Souter	O	28	26	20	27	—	18	29	26	25
	S	0	10	0	2	—	1	13	7	1
	D	28	35	20	29	—	19	40	32	26
	N	53	54	54	54	—	54	54	50	53
	P (%)	52.8	64.8	37.0	53.7	—	35.2	74.1	64.0	49.1
Thomas	O	29	9	29	23	18	—	13	14	27
	S	5	0	15	0	1	—	0	0	5
	D	34	9	43	23	19	—	13	14	32
	N	53	54	54	54	54	—	54	50	53
	P (%)	64.2	16.7	79.6	42.6	35.2	—	24.1	28.0	60.4
Ginsburg	O	24	23	16	23	29	13	—	23	23
	S	0	8	1	2	13	0	—	7	1
	D	24	31	17	25	40	13	—	29	24
	N	53	54	54	54	54	54	—	50	53
	P (%)	45.3	57.4	31.5	46.3	74.1	24.1	—	58.0	45.3
Breyer	O	24	24	17	26	26	14	23	—	23
	S	1	8	0	5	7	0	7	—	2
	D	25	31	17	31	32	14	29	—	25
	N	50	50	50	50	50	50	50	—	49
	P (%)	50.0	62.0	34.0	62.0	64.0	28.0	58.0	—	51.0
Alito	O	35	20	28	31	25	27	23	23	—
	S	6	1	7	3	1	5	1	2	—
	D	39	21	34	34	26	32	24	25	—
	N	52	53	53	53	53	53	53	49	—
	P (%)	75.0	39.6	64.2	64.2	49.1	60.4	45.3	51.0	—

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 three 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, Chief Justice Roberts is not treated as having joined the opinion of the Court in *LaRue v. DeWolff, Boberg & Associates, Inc.*, 128 S. Ct. 1020 (2008), but Justice Breyer is treated as having fully joined Justice Alito's dissenting opinion in *Greenlaw v. United States*, 128 S. Ct. 2559 (2008).

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 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	21 (28.0%)	5 (6.7%)	49 (65.3%)	75
Memorandum Orders	195 ^j (99.0%)	0 (0.0%)	2 (1.0%)	197

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

	JOINING THE OPINION OF THE COURT ^l			AGREEING IN THE DISPOSITION OF THE CASE ^m		
	Joined Court	Total Cases	Percentage	Agreed in Disposition	Total Cases	Percentage
Roberts	44	53	83%	46	53	87%
Stevens	30	54	56%	35	54	65%
Scalia	34	54	63%	41	54	76%
Kennedy	42	54	78%	44	54	81%
Souter	37	54	69%	37	54	69%
Thomas	32	54	59%	37	54	69%
Ginsburg	33	54	61%	36	54	67%
Breyer	32	50	64%	35	50	70%
Alito	40	53	75%	41	53	77%

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.*, *N.Y. State Bd. of Elections v. López Torres*, 128 S. Ct. 791 (2008).

^j This number includes three memorandum decisions in which the Court granted the petition for certiorari, vacated the judgment of the court below, and remanded the case for that court's further consideration (a GVR), but individual Justices noted that they would have simply denied certiorari. These decisions are *Hudson v. Spisak*, 128 S. Ct. 373 (2007) (mem.); *Robinson v. Lehman*, 128 S. Ct. 1219 (2008) (mem.); and *Gamba v. United States*, 128 S. Ct. 2472 (2008) (mem.).

^k 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 three per curiam decisions containing sufficient legal reasoning to be considered full opinions, *see supra* note a, if those decisions produced dissenting votes.

^l 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.

^m 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 j, also includes those cases in which a Justice concurred in the judgment without concurring in the opinion. Cases in which a Justice dissented in part are not included.

TABLE I (continued)
(E) 5–4 DECISIONS

Justices Constituting the Majority	Number of Decisions ⁿ
Roberts, Scalia, Kennedy, Thomas, Alito ^o	4
Stevens, Kennedy, Souter, Ginsburg, Breyer ^p	4
Roberts, Stevens, Scalia, Thomas, Alito ^q	1
Roberts, Stevens, Thomas, Souter, Breyer ^r	1
Roberts, Scalia, Thomas, Ginsburg, Alito ^s	1
Stevens, Scalia, Souter, Thomas, Ginsburg ^t	1
Total	12

ⁿ This column lists the number of 5–4 decisions in which each five-Justice group constituted the majority. A decision is counted as 5–4 only if four Justices voted to dispose of the case or set of consolidated cases in a manner different from that specified by a majority of the Court. Cases involving plurality opinions are included so long as the Justices divided 5–4 on the disposition. *See, e.g.*, *United States v. Santos*, 128 S. Ct. 2020 (2008) (Scalia, J.). 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.*, *LaRue v. DeWolff, Boberg & Assocs., Inc.*, 128 S. Ct. 1020 (2008).

^o *Medellín v. Texas*, 77 U.S.L.W. 3073, (U.S. Aug. 5, 2008) (per curiam) (denial of stay of execution); *District of Columbia v. Heller*, 128 S. Ct. 2783 (2008) (Scalia, J.); *Davis v. FEC*, 128 S. Ct. 2759 (2008) (Alito, J.); *Plains Commerce Bank v. Long Family Land & Cattle Co.*, 128 S. Ct. 2709 (2008) (Roberts, C.J.).

^p *Kennedy v. Louisiana*, 128 S. Ct. 2641 (2008) (Kennedy, J.); *Sprint Commc'ns Co. v. APCC Servs., Inc.*, 128 S. Ct. 2531 (2008) (Breyer, J.); *Dada v. Mukasey*, 128 S. Ct. 2307 (2008) (Kennedy, J.); *Boumediene v. Bush*, 128 S. Ct. 2229 (2008) (Kennedy, J.).

^q *Irizarry v. United States*, 128 S. Ct. 2198 (2008) (Stevens, J.).

^r *Ky. Ret. Sys. v. EEOC*, 128 S. Ct. 2361 (2008) (Breyer, J.).

^s *Ali v. Fed. Bureau of Prisons*, 128 S. Ct. 831 (2008) (Thomas, J.).

^t *United States v. Santos*, 128 S. Ct. 2020 (2008) (Scalia, J.).

TABLE II^a
(A) FINAL DISPOSITION OF CASES

	Disposed of	Remaining on Docket	TOTAL
Original Docket	1	4	5
Appellate Docket ^b	1624	345	1969
Miscellaneous Docket ^c	6749	879	7628
Total	8374	1228	9602

(B) CASES GRANTED REVIEW^d

	Review Granted ^e	Petitions Considered ^f	Percent Granted
Appellate Docket	85	—	
Miscellaneous Docket	10	—	
Total	95	8374	1.1%

^a All numbers in Tables II(A), II(B), and II(C) are derived from data provided by the Supreme Court. See *Statistics as of June 27, 2008*, J. SUP. CT. U.S., Oct. Term 2007, at II, available at <http://www.supremecourtus.gov/orders/journal/jnlo7.pdf>. In previous years, the *Review* has compiled these numbers from data provided by the Supreme Court in its Statistical Sheets. See, e.g., *The Supreme Court, 2006 Term—The Statistics*, 121 HARV. L. REV. 436, 443–44 (2007) (citing October Term 2006, Statistical Sheet No. 28 (June 29, 2007) (unpublished statistical sheet, on file with the Harvard Law School Library)). This Term, the Court has stopped providing these statistical sheets to the public. This change results in one major difference for the *Review*'s report of the statistics: we are unable to provide the breakdown of cases “On Review,” “Summarily Decided,” and denied in each docket, appellate and miscellaneous. Table II(C) reports the total numbers in each category.

^b The appellate docket consists of all paid cases.

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

^d 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.

^e The number of cases granted review includes only those cases granted plenary review in the 2007 Term. It includes neither cases summarily decided nor those granted review in a previous Term and carried over to the 2007 Term. It does include cases granted review in the 2007 Term but carried over to a subsequent Term.

^f The number of petitions considered is calculated by adding the number of cases docketed in the 2007 Term to the number of cases carried over from prior Terms (reported as the number of cases remaining on the docket at the end of the October 2006 Term, see *Statistics as of June 29, 2007*, J. SUP. CT. U.S., Oct. Term 2006, at II, available at <http://www.supremecourtus.gov/orders/journal/jnlo6.pdf>), and subtracting the number of cases remaining on the docket at the end of the October 2007 Term. In previous years, the *Review* was able to report this figure broken down between the two dockets — appellate and miscellaneous — but the *Journal of the Supreme Court* does not report this breakdown.

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

On Review ^h	76
Summarily Decided ⁱ	208
By Denial, Dismissal, or Withdrawal of Appeals or Petitions for Review ^j	8090
Total	8374

(D) DISPOSITION OF CASES
REVIEWED ON WRIT OF CERTIORARI^k

	Reversed ^m	Vacated ⁿ	Affirmed	TOTAL
Full Opinions	31 (46.3%)	14 (20.9%)	22 (32.8%)	67
Memorandum Orders	0 (0.0%)	197 (100%)	0 (0.0%)	197
Total	31 (11.7%)	211 (80.0%)	22 (8.3%)	264

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

^h This category encompasses all cases granted plenary review in the 2007 Term or a prior Term and disposed of during the 2007 Term. The total excludes cases granted review but carried over to a subsequent Term. This number includes writs dismissed after review was granted. The number is calculated by adding the total number of petitions for writs of certiorari and appeals granted by the Court to the number of cases available for argument at the end of the October 2006 Term, and then subtracting the number of cases available for argument at the end of the October 2007 Term.

ⁱ This category includes cases summarily affirmed, reversed, or vacated.

^j This category consists primarily of dismissals of appeals and denials of petitions for certiorari. It also includes withdrawals of appeals and denials of other applications for review, such as petitions for writs of habeas corpus or mandamus.

^k Table II(D) reports the disposition of cases reviewed via writ of certiorari and decided on the merits. It thus excludes three full opinions rendered by the Court in the 2007 Term. *See* Davis v. FEC, 128 S. Ct. 2759 (2008) (statutory jurisdiction under the Bipartisan Campaign Reform Act of 2002); Riley v. Kennedy, 128 S. Ct. 1970 (2008) (statutory jurisdiction under 42 U.S.C. § 1973c(a)); New Jersey v. Delaware, 128 S. Ct. 1410 (2008) (original jurisdiction).

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

ⁿ This category includes cases vacated in part and affirmed in part.

TABLE II (continued)
 (E) ORIGINS OF CASES AND THEIR DISPOSITIONS^o

	FULL OPINIONS ^p			MEMORANDUM ORDERS			TOTAL
	Reversed ^q	Vacated ^r	Affirmed	Reversed	Vacated	Affirmed	
Federal Courts	26	11	20	0	187	0	244
Circuit Courts	25	11	20	0	187	0	243
First	1	0	1	0	10	0	12
Second	1	1	3	0	7	0	12
Third	0	0	0	0	5	0	5
Fourth	1	1	1	0	28	0	31
Fifth	3	1	1	0	34	0	39
Sixth	1	1	1	0	11	0	14
Seventh	1	0	5	0	20	0	26
Eighth	2	1	1	0	45	0	49
Ninth	5	3	2	0	5	0	15
Tenth	1	1	0	0	10	0	12
Eleventh	4	0	2	0	9	0	15
D.C.	2	2	2	0	3	0	9
Federal	3	0	1	0	0	0	4
District Courts	1	0	0	0	0	0	1
State Courts	6	3	3	0	10	0	22
Total	32	14	23	0	197	0	266

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

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

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

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

TABLE II (*continued*)
 (F) DISPOSITION OF APPLICATIONS FOR
 STAYS OF EXECUTION⁵

	Granted ^t	Disposed of ^u	Percent Granted
Stay Applications	6	29	20.7%

⁵ This table includes only those dispositions that appear in the *Supreme Court Reporter* (as well as *Medellin v. Texas*, 77 U.S.L.W. 3073, (U.S. Aug. 5, 2008)), and excludes applications to vacate stays of execution. The Court disposed of two such applications last Term. In one, the Court unanimously denied the motion, *see* *Norris v. Nooner*, 128 S. Ct. 28 (2007) (mem.), and in the other the Court granted the motion, with Justices Stevens, Souter, and Ginsburg dissenting, *see* *Emmett v. Johnson*, 128 S. Ct. 2498 (2008) (mem.).

For useful background information on how the Court handles stays of execution, see generally 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>; EUGENE GRESSMAN ET AL., SUPREME COURT PRACTICE §§ 18.1–8, at 897–911 (9th ed. 2007); and *The Supreme Court, 2006 Term—The Statistics*, 121 HARV. L. REV. 436, 446 n.t (2007).

^t 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.

^u This category treats multiple applications from the same death row inmate as a single application. Although the Court entertained 47 applications for stays of execution last Term, these applications pertained to only 29 different people.

Chief Justice Roberts and Justices Scalia, Kennedy, Thomas, and Alito did not dissent from any denial of an application for a stay of execution. Justices Stevens and Ginsburg dissented eight times, Justice Souter dissented three times, and Justice Breyer dissented twice. Chief Justice Roberts and Justice Scalia each noted their disagreement with one grant of a stay of execution. *See* *Berry v. Epps*, 128 S. Ct. 531 (2008) (mem.).

TABLE III^a
SUBJECT MATTER OF DISPOSITIONS WITH FULL OPINIONS

	Principal Issue		Decision		TOTAL
	Constitutional	Other	For Gov't ^b	Against Gov't ^b	
CIVIL ACTIONS FROM INFERIOR FEDERAL COURTS	10	28	11	12	38
FEDERAL GOVERNMENT LITIGATION	2	9	4	7	11
<i>Review of Administrative Action</i>	1	3	0	4	4
Claim Preclusion ^c	1	0	0	1	1
Equal Access to Justice Act	0	1	0	1	1
Federal Power Act	0	1	0	1	1
Illegal Immigration Reform and Immigrant Responsibility Act of 1996	0	1	0	1	1
<i>Other Actions by or Against the United States or Its Officers</i>	1	4	2	3	5
Age Discrimination in Employment Act	0	1	0	1	1
Bipartisan Campaign Reform Act of 2002	1	0	0	1	1
False Claims Act	0	1	0	1	1
Federal Tort Claims Act	0	1	1	0	1
Statute of Limitations: Federal Claims ^d	0	1	1	0	1
<i>Taxation</i>	0	2	2	0	2

^a Table III records the subject matter of dispositions by full opinion, including the three 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* Taylor v. Sturgell, 128 S. Ct. 2161 (2008) (on theory of “virtual representation” in case involving the Freedom of Information Act).

^d *See* John R. Sand & Gravel Co. v. United States, 128 S. Ct. 750 (2008) (on statute of limitations governing suits against the United States in the Court of Federal Claims).

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	6	6	7	5	12
Age Discrimination in Employment Act	0	1	1	0	1
Bankruptcy	0	1	1	0	1
Equal Protection	2	0	2	0	2
Federal Preemption ^e	0	2	0	2	2
Freedom of Association	2	0	2	0	2
Railroad Revitalization and Regulatory Reform Act	0	1	0	1	1
Right to Bear Arms	1	0	0	1	1
Right to Counsel ^f	1	0	0	1	1
Voting Rights Act	0	1	1	0	1
PRIVATE LITIGATION	2	13	—	—	15
<i>Federal Question Jurisdiction</i>	2	13	—	—	15
Age Discrimination in Employment Act	0	2	—	—	2
Employee Retirement Income Security Act	0	2	—	—	2
Federal Arbitration Act	0	1	—	—	1
Federal Indian Law	0	1	—	—	1
Federal Rules of Civil Procedure	0	1	—	—	1
Federal Rules of Evidence	0	1	—	—	1
Medical Device Amendments of 1976	0	1	—	—	1
Patents	0	1	—	—	1
Punitive Damages	1	0	—	—	1
Racketeer Influenced and Corrupt Organizations Act	0	1	—	—	1
Section 1981	0	1	—	—	1
Securities Exchange Act of 1934	0	1	—	—	1
Standing	1	0	—	—	1

^e The specific statutes at issue in these cases were the Federal Aviation Administration Authorization Act, *see* *Rowe v. N.H. Motor Transp. Ass'n*, 128 S. Ct. 989 (2008), and the National Labor Relations Act, *see* *Chamber of Commerce v. Brown*, 128 S. Ct. 2408 (2008).

^f *See* *Rothgery v. Gillespie County*, 128 S. Ct. 2578 (2008). The claim in *Rothgery* was a § 1983 claim.

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

	Principal Issue		Decision		TOTAL
	Constitu- tional	Other	For Gov't	Against Gov't	
FEDERAL CRIMINAL CASES	3	12	7	8	15
Armed Career Criminal Act	0	3	2	1	3
Controlled Substances Act	0	1	1	0	1
Federal Magistrates Act	0	1	1	0	1
Federal Money Laundering Statute	0	2	0	2	2
Federal Rules of Criminal Procedure	0	1	0	1	1
First Amendment; Vagueness Doctrine	1	0	1	0	1
Other Statutory Interpretation	0	2	1	1	2
Sentencing	2	1	1	2	3
Tax Evasion	0	1	0	1	1
FEDERAL HABEAS CORPUS	2	2	3	1	4
AEDPA Interpretation	0	1	1	0	1
Right to Counsel	1	0	1	0	1
Habeas Jurisdiction	1	1	1	1	2
CIVIL ACTIONS FROM STATE COURTS	2	1	1	1	3
STATE OR LOCAL GOVERNMENT LITIGATION	2	0	1	1	2
Dormant Commerce Clause [§]	2	0	1	1	2
PRIVATE LITIGATION	0	1	—	—	1
Federal Arbitration Act	0	1	—	—	1
STATE CRIMINAL CASES	9	0	5	4	9
<i>Batson</i> Doctrine	1	0	0	1	1
Capital Sentencing	3	0	2	1	3
Confrontation Clause	1	0	0	1	1
Executive Power; Treaties	1	0	1	0	1
Fourth Amendment	1	0	1	0	1
Right to Self-Representation	1	0	1	0	1
<i>Teague</i> Retroactivity	1	0	0	1	1
ORIGINAL JURISDICTION	0	1	—	—	1
Total	26	44	27	26	70

[§] One of these cases, *MeadWestvaco Corp. v. Illinois Department of Revenue*, 128 S. Ct. 1498 (2008), involved a challenge to a state's ability to tax the activities of a multistate enterprise under both dormant commerce clause and Due Process Clause jurisprudence.