

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	0	3	11	7	0	7
Scalia	10	11	7	28	11	1 ^g	12
Kennedy	11	3	3	17	5	0	5
Thomas	9	9	5	23	10	0	10
Ginsburg	9	7	7	23	24	0	24
Breyer	7	5	11	23	20	1 ^g	21
Alito	7	6	5	18	11	0	11
Sotomayor	7	9	6	22	17	0	17
Kagan	7	0	3	10	13	0	13
Per Curiam	7	—	—	7	—	—	—
Total	82	50	50	182	118	2 ^g	120

^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. Seven per curiam decisions contained legal reasoning substantial enough to be considered full-opinion decisions during October Term 2010. These cases were *Leal Garcia v. Texas*, 131 S. Ct. 2866 (2011); *United States v. Juvenile Male*, 131 S. Ct. 2860 (2011); *Bobby v. Mitts*, 131 S. Ct. 1762 (2011); *Felkner v. Jackson*, 131 S. Ct. 1305 (2011); *Swarthout v. Cooke*, 131 S. Ct. 859 (2011); *Madison County v. Oneida Indian Nation*, 131 S. Ct. 704 (2011); and *Wilson v. Corcoran*, 131 S. Ct. 13 (2010). This table thus includes every opinion designated by the Court as a 2010 Term Opinion except for three. See *2010 Term Opinions of the Court*, SUPREME COURT OF THE UNITED STATES, <http://www.supremecourt.gov/opinions/slipopinions.aspx?Term=10> (last visited Oct. 2, 2011). These three cases are *Tolentino v. New York*, 131 S. Ct. 1387 (2011) (mem.), which dismissed the writ of certiorari as improvidently granted; and *Flores-Villar v. United States*, 131 S. Ct. 2312 (2011) (mem.), and *Costco Wholesale Corp. v. Omega, S.A.*, 131 S. Ct. 565 (2010) (mem.), each of which affirmed the judgment below by an equally divided Court.

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.

^b This portion of Table I(A) includes only opinions authored in the eighty-two 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. Thus, Justices Ginsburg, Breyer, and Sotomayor are considered to have dissented in *United States v. Juvenile Male*, 131 S. Ct. 2860 (2011) (per curiam), although there is no dissenting opinion.

^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 *J. McIntyre Machinery, Ltd. v. Nicastro*, 131 S. Ct. 2780 (2011), 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. See, e.g., *Beer v. United States*, 131 S. Ct. 2865 (2011) (mem.). 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.

^g Justice Breyer and Justice Scalia dissented in the same case. See *Beer v. United States*, 131 S. Ct. 2865 (2011) (mem.).

TABLE I (continued)
(B1) VOTING ALIGNMENTS—ALL WRITTEN OPINIONS^h

		Roberts	Scalia	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan
Roberts	O	—	61	68	57	44	48	63	48	34
	S	—	7	3	5	0	1	10	0	0
	D	—	66	70	61	44	49	71	48	34
	N	—	81	81	81	81	81	81	79	54
	P (%)	—	81.5	86.4	75.3	54.3	60.5	87.7	60.8	63.0
Scalia	O	61	—	61	55	40	39	54	42	31
	S	7	—	3	11	0	1	8	0	0
	D	66	—	63	64	40	39	58	42	31
	N	81	—	82	82	82	82	82	80	55
	P (%)	81.5	—	76.8	78.0	48.8	47.6	70.7	52.5	56.4
Kennedy	O	68	61	—	57	48	52	62	52	36
	S	3	3	—	4	1	2	4	1	0
	D	70	63	—	60	49	54	65	53	36
	N	81	82	—	82	82	82	82	80	55
	P (%)	86.4	76.8	—	73.2	59.8	65.9	79.3	66.3	65.5
Thomas	O	57	55	57	—	36	38	52	40	29
	S	5	11	4	—	1	0	7	0	0
	D	61	64	60	—	37	38	58	40	29
	N	81	82	82	—	82	82	82	80	55
	P (%)	75.3	78.0	73.2	—	45.1	46.3	70.7	50.0	52.7
Ginsburg	O	44	40	48	36	—	48	40	48	37
	S	0	0	1	1	—	19	1	15	14
	D	44	40	49	37	—	64	41	62	50
	N	81	82	82	82	—	82	82	80	55
	P (%)	54.3	48.8	59.8	45.1	—	78.0	50.0	77.5	90.9
Breyer	O	48	39	52	38	48	—	44	51	36
	S	1	1	2	0	19	—	3	15	11
	D	49	39	54	38	64	—	46	65	46
	N	81	82	82	82	82	—	82	80	55
	P (%)	60.5	47.6	65.9	46.3	78.0	—	56.1	81.3	83.6
Alito	O	63	54	62	52	40	44	—	44	30
	S	10	8	4	7	1	3	—	1	0
	D	71	58	65	58	41	46	—	44	30
	N	81	82	82	82	82	82	—	80	55
	P (%)	87.7	70.7	79.3	70.7	50.0	56.1	—	55.0	54.5
Sotomayor	O	48	42	52	40	48	51	44	—	36
	S	0	0	1	0	15	15	1	—	12
	D	48	42	53	40	62	65	44	—	47
	N	79	80	80	80	80	80	80	—	53
	P (%)	60.8	52.5	66.3	50.0	77.5	81.3	55.0	—	88.7
Kagan	O	34	31	36	29	37	36	30	36	—
	S	0	0	0	0	14	11	0	12	—
	D	34	31	36	29	50	46	30	47	—
	N	54	55	55	55	55	55	55	53	—
	P (%)	63.0	56.4	65.5	52.7	90.9	83.6	54.5	88.7	—

TABLE I (*continued*)
(B2) VOTING ALIGNMENTS — NON-UNANIMOUS CASESⁱ

		Roberts	Scalia	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan
Roberts	O	—	36	43	32	19	23	38	24	17
	S	—	7	3	5	0	1	10	0	0
	D	—	41	45	36	19	24	46	24	17
	N	—	56	56	56	56	56	56	54	37
	P (%)	—	73.2	80.4	64.3	33.9	42.9	82.1	44.4	45.9
Scalia	O	36	—	36	30	15	14	29	18	14
	S	7	—	3	11	0	1	8	0	0
	D	41	—	38	39	15	14	33	18	14
	N	56	—	57	57	57	57	57	55	38
	P (%)	73.2	—	66.7	68.4	26.3	24.6	57.9	32.7	36.8
Kennedy	O	43	36	—	32	23	27	37	28	19
	S	3	3	—	4	1	2	4	1	0
	D	45	38	—	35	24	29	40	29	19
	N	56	57	—	57	57	57	57	55	38
	P (%)	80.4	66.7	—	61.4	42.1	50.9	70.2	52.7	50.0
Thomas	O	32	30	32	—	11	13	27	16	12
	S	5	11	4	—	1	0	7	0	0
	D	36	39	35	—	12	13	33	16	12
	N	56	57	57	—	57	57	57	55	38
	P (%)	64.3	68.4	61.4	—	21.1	22.8	57.9	29.1	31.6
Ginsburg	O	19	15	23	11	—	23	15	24	20
	S	0	0	1	1	—	17	1	15	14
	D	19	15	24	12	—	39	16	38	33
	N	56	57	57	57	—	57	57	55	38
	P (%)	33.9	26.3	42.1	21.1	—	68.4	28.1	69.1	86.8
Breyer	O	23	14	27	13	23	—	19	27	19
	S	1	1	2	0	17	—	3	15	11
	D	24	14	29	13	39	—	21	41	29
	N	56	57	57	57	57	—	57	55	38
	P (%)	42.9	24.6	50.9	22.8	68.4	—	36.8	74.5	76.3
Alito	O	38	29	37	27	15	19	—	20	13
	S	10	8	4	7	1	3	—	0	0
	D	46	33	40	33	16	21	—	20	13
	N	56	57	57	57	57	57	—	55	38
	P (%)	82.1	57.9	70.2	57.9	28.1	36.8	—	36.4	34.2
Sotomayor	O	24	18	28	16	24	27	20	—	20
	S	0	0	1	0	15	15	0	—	12
	D	24	18	29	16	38	41	20	—	31
	N	54	55	55	55	55	55	55	—	36
	P (%)	44.4	32.7	52.7	29.1	69.1	74.5	36.4	—	86.1
Kagan	O	17	14	19	12	20	19	13	20	—
	S	0	0	0	0	14	11	0	12	—
	D	17	14	19	12	33	29	13	31	—
	N	37	38	38	38	38	38	38	36	—
	P (%)	45.9	36.8	50.0	31.6	86.8	76.3	34.2	86.1	—

TABLE I (*continued*)

^h Table I(B1) records the frequency with which each Justice voted with each other Justice in full-opinion decisions, including the seven 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, Justice Thomas is not treated as having joined the opinion of the Court in *United States v. Tinklenberg*, 131 S. Ct. 2007 (2011), because he joined Justice Scalia's opinion concurring in part and concurring in the judgment, and Justice Scalia is not treated as having joined the opinion of the Court in *DePierre v. United States*, 131 S. Ct. 2225 (2011), because he authored an opinion concurring in part and concurring in the judgment. But Chief Justice Roberts is treated as having fully joined Justice Thomas's opinion dissenting in *Turner v. Rogers*, 131 S. Ct. 2507 (2011).

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 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.

ⁱ 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 ^j	With Dissent	TOTAL
Full Opinions	25 (30.5%)	13 (15.9%)	44 (53.7%)	82
Memorandum Orders	72 (98.6%)	0 (0.0%)	1 (1.4%)	73

(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	47	56	83.9%	49	56	87.5%
Scalia	40	57	70.2%	46	57	80.7%
Kennedy	51	57	89.5%	52	57	91.2%
Thomas	35	57	61.4%	47	57	82.5%
Ginsburg	29	57	50.9%	33	57	57.9%
Breyer	31	57	54.4%	37	57	64.9%
Alito	40	57	70.2%	46	57	80.7%
Sotomayor	33	55	60.0%	38	55	69.1%
Kagan	25	38	65.8%	25	38	65.8%

^j A decision is listed in this column if at least one Justice concurred in the judgment, but not in the Court's opinion in full, and no Justice dissented, even in part. *See, e.g.,* Premo v. Moore, 131 S. Ct. 733 (2011).

^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 seven 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 h.

^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 k, it also includes those cases in which a Justice concurred in the judgment without concurring in the Court's opinion in full. Cases in which the Justice dissented, even 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	10
Kennedy, Ginsburg, Breyer, Sotomayor, Kagan ^p	4
Scalia, Thomas, Ginsburg, Sotomayor, Kagan ^q	1
Thomas, Ginsburg, Breyer, Sotomayor, Kagan ^r	1
Total	16

ⁿ This column lists the number of 5–4 full-opinion 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.*, *Wal-Mart Stores, Inc. v. Dukes*, 131 S. Ct. 2541, 2561 (2011) (Ginsburg, 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. *See, e.g.*, *Freeman v. United States*, 131 S. Ct. 2685 (2011) (Kennedy, J.) (plurality opinion). 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.*, *Camreta v. Greene*, 131 S. Ct. 2020 (2011). Cases in which any Justice did not participate are not included. *See, e.g.*, *Schindler Elevator Corp. v. United States ex rel. Kirk*, 131 S. Ct. 1885 (2011).

^o *Leal Garcia v. Texas*, 131 S. Ct. 2866 (2011) (per curiam); *Ariz. Free Enter. Club's Freedom Club PAC v. Bennett*, 131 S. Ct. 2806 (2011) (Roberts, C.J.); *Stern v. Marshall*, 131 S. Ct. 2594 (2011) (Roberts, C.J.); *PLIVA, Inc. v. Mensing*, 131 S. Ct. 2567 (2011) (Thomas, J.); *Wal-Mart Stores, Inc. v. Dukes*, 131 S. Ct. 2541 (2011) (Scalia, J.); *Janus Capital Grp., Inc. v. First Derivative Traders*, 131 S. Ct. 2296 (2011) (Thomas, J.); *AT&T Mobility LLC v. Concepcion*, 131 S. Ct. 1740 (2011) (Scalia, J.); *Ariz. Christian Sch. Tuition Org. v. Winn*, 131 S. Ct. 1436 (2011) (Kennedy, J.); *Cullen v. Pinholster*, 131 S. Ct. 1388 (2011) (Thomas, J.); *Connick v. Thompson*, 131 S. Ct. 1350 (2011) (Thomas, J.).

^p *Freeman v. United States*, 131 S. Ct. 2685 (2011) (Kennedy, J.) (plurality opinion); *Turner v. Rogers*, 131 S. Ct. 2507 (2011) (Breyer, J.); *J.D.B. v. North Carolina*, 131 S. Ct. 2394 (2011) (Sotomayor, J.); *Brown v. Plata*, 131 S. Ct. 1910 (2011) (Kennedy, J.).

^q *Bullcoming v. New Mexico*, 131 S. Ct. 2705 (2011) (Ginsburg, J.).

^r *CSX Transp., Inc. v. McBride*, 131 S. Ct. 2630 (2011) (Ginsburg, J.).

TABLE II^a
(A) FINAL DISPOSITION OF CASES

	Disposed of	Remaining on Docket	TOTAL
Original Docket	2	2	4
Appellate Docket ^b	1582	313 ^c	1895
Miscellaneous Docket ^d	6246	921 ^c	7167
Total	7830	1236	9066

(B) CASES GRANTED REVIEW^e

	Review Granted ^f	Petitions Considered ^g	Percent Granted
Appellate Docket	76	1618	4.7%
Miscellaneous Docket	14	6250	0.2%
Total	90	7868	1.1%

^a All numbers in Tables II(A), II(B), and II(C) are derived from data provided by the Supreme Court.

^b The appellate docket consists of all paid cases.

^c The number of cases remaining on the appellate and miscellaneous dockets is derived by adding the number of cases not acted upon in the 2010 Term to the number of cases granted review in the 2010 Term but carried over to the 2011 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 2010 Term. It includes neither cases summarily decided nor those granted review in a previous Term and carried over to the 2010 Term. It does include cases granted review in the 2010 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 2010 Term to the number of cases carried over from prior Terms and subtracting the number of cases not acted upon in the 2010 Term.

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

On Review	90
Summarily Decided	82
By Denial, Dismissal, or Withdrawal of Appeals or Petitions for Review	7656
Total	7828

(D) DISPOSITION OF CASES
REVIEWED ON WRIT OF CERTIORARIⁱ

	Reversed ^j	Vacated ^k	Affirmed	TOTAL
Full Opinions	44 (55.0%)	14 (17.5%)	22 (27.5%)	80
Memorandum Orders	1 (1.4%)	72 (98.6%)	0 (0.0%)	73
Total	45 (29.4%)	86 (56.2%)	22 (14.4%)	153

^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. For example, it includes *Wilson v. Corcoran*, 131 S. Ct. 13 (2011) (per curiam), which granted certiorari and disposed of the case on the merits in the same written opinion, and excludes *Brown v. Plata*, 131 S. Ct. 1910 (2011), which was reviewed under 28 U.S.C. § 1253, and *Montana v. Wyoming*, 131 S. Ct. 1765 (2011), 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	37	12	23	1	61	0	134
Circuit Courts	37 ^p	12	22 ^q	1	60	0	132
First	0	0	2	0	3	0	5
Second	2	2	1	0	7	0	12
Third	2	1	2	0	6	0	11
Fourth	2	0	2	0	6	0	10
Fifth	3	2	3	0	3	0	11
Sixth	5	0	1	0	4	0	10
Seventh	1	2	2	0	2	0	7
Eighth	2	1	1	0	7	0	11
Ninth	17	2	5	1	9	0	34
Tenth	0	0	0	0	1	0	1
Eleventh	1	1	1	0	9	0	12
D.C.	0	0	0	0	0	0	0
Federal	3	1	3	0	3	0	10
District Courts	0	0	1 ^r	0	1 ^s	0	2
Armed Forces	0	0	0	0	0	0	0
State Courts	7	2	0	0	11	0	20
Total	44	14	23	1	72	0	154

¹ Table II(E) counts consolidated cases disposed of by the same lower court opinion as a single case. It does not include original cases.

^m This section reports only full opinions decided on the merits. It thus includes seven 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.

^p The total for the circuit courts does not match the sum from each of the circuit courts because a single case, *PLIVA, Inc. v. Mensing*, 131 S. Ct. 2567 (2011), reversed both the Fifth and Eighth Circuits.

^q The total for the circuit courts does not match the sum from each of the circuit courts because *Abbott v. United States*, 131 S. Ct. 18 (2010), affirmed both the Third and Fifth Circuits.

^r *See* *Brown v. Plata*, 131 S. Ct. 1910 (2011).

^s *See* *Clemons v. Dep't of Commerce*, 131 S. Ct. 821 (2010) (mem.).

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

	Granted ^u	Disposed of ^v	Percent Granted
Stay Applications	3	35	8.6%

^t This table includes only those dispositions that appear in the *Supreme Court Reporter* and excludes applications to vacate stays of execution. *Leal Garcia v. Texas*, 131 S. Ct. 2866 (2011), which is included as a full opinion in Table I, is also included in this table.

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 (2010), available at <http://www.supremecourtus.gov/publicinfo/reportersguide.pdf>; and *The Supreme Court, 2006 Term — The Statistics*, 121 HARV. L. REV. 436, 446 n.1 (2007).

^u This Term, all three granted applications were granted pending the Court's decision on whether to grant certiorari in the underlying case. The petitioner in *Foster v. Texas*, 131 S. Ct. 991 (2011) (mem.), was also granted a stay pending disposition of his petition for rehearing, but was only counted once in the above table.

^v This category treats multiple applications from the same death row inmate as a single application. Although the Court entertained 52 applications for stays of execution last Term, these applications pertained to only 35 different people.

Twenty-nine decisions were unanimous. Six disposals attracted dissents. Chief Justice Roberts and Justices Kennedy, Thomas, and Alito did not dissent from any denial of an application for a stay of execution. Justices Ginsburg, Breyer, Sotomayor, and Kagan dissented together twice; Justices Ginsburg and Sotomayor dissented together once; and Justices Scalia and Sotomayor each dissented alone once. Justices Scalia and Alito noted their disagreement with one grant of a stay of execution pending disposition of certiorari. See *Foster v. Texas*, 131 S. Ct. 991 (2011) (mem.). Justice Scalia also noted disagreement with the grant of the stay of execution pending disposition of a petition for rehearing that was later granted to the same individual. See *Foster v. Texas*, 131 S. Ct. 1848 (2011) (mem.).

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	12	38	14	15	50
FEDERAL GOVERNMENT LITIGATION	2	8	6	4	10
<i>Review of Administrative Action</i>	0	3	2	1	3
<i>Chevron Doctrine</i> ^c	0	1	1	0	1
Freedom of Information Act	0	2	1	1	2
<i>Other Actions by or Against the United States or Its Officers</i>	2	5	4	3	7
<i>Bivens Actions</i> ^d	1	0	1	0	1
False Claims Act	0	1	0	1	1
Federal Court Jurisdiction ^e	0	1	1	0	1
Federal Indian Law	0	1	1	0	1
Government Contracts	0	1	0	1	1
Informational Privacy ^f	1	0	1	0	1
Veterans' Judicial Review Act	0	1	0	1	1

^a Table III records the subject matter of dispositions by full opinion, including the seven 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. A decision is counted as "for" the government if the government prevailed on all contested issues. 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 *Mayo Found. for Med. Educ. & Research v. United States*, 131 S. Ct. 704 (2010) (on Federal Insurance Contributions Act).

^d See *Ashcroft v. Al-Kidd*, 131 S. Ct. 2074 (2011) (on material witness statute).

^e See *United States v. Tohono O'Odham Nation*, 131 S. Ct. 1723 (2011) (on jurisdiction of Court of Federal Claims).

^f See *Nat'l Aeronautics & Space Admin. v. Nelson*, 131 S. Ct. 746 (2011).

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

	Principal Issue		Decision		TOTAL
	Constitu- tional	Other	For Gov't	Against Gov't	
STATE OR LOCAL GOVERNMENT LITIGATION	8	12	8	11	20
Attorney's Fees ^g	0	1	0	1	1
Establishment Clause	1	0	1	0	1
Federal Common Law ^h	0	1	0	1	1
Federal Preemption ⁱ	0	1	1	0	1
Freedom of Speech	3	0	0	3	3
Preservation of Appeals ^j	0	1	0	1	1
Prison Litigation Reform Act	0	1	0	1	1
Public Health Services Act	0	1	0	1	1
Railroad Revitalization and Regulatory Reform Act	0	1	0	1	1
<i>Rooker-Feldman</i> Doctrine	0	1	0	1	1
Section 1983	1	2	3	0	3
Sovereign Immunity ^k	2	1	2	0	3
Standing ^l	1	0	0	1	1
Telecommunications Act	0	1	1	0	1

^g See *Fox v. Vice*, 131 S. Ct. 2205 (2011) (on 42 U.S.C. § 1988 (2006)).

^h See *Am. Elec. Power Co. v. Connecticut*, 131 S. Ct. 2527 (2011).

ⁱ See *Chamber of Commerce v. Whiting*, 131 S. Ct. 1968 (2011) (on Immigration Reform and Control Act and Illegal Immigration Reform and Immigrant Responsibility Act).

^j See *Ortiz v. Jordan*, 131 S. Ct. 884 (2011) (on whether defendants can appeal a summary judgment order denying qualified immunity after a full trial on the merits).

^k See *Sossamon v. Texas*, 131 S. Ct. 1651 (2011) (on whether Religious Land Use and Institutionalized Persons Act waived states' sovereign immunity); *Va. Office for Protection & Advocacy v. Stewart*, 131 S. Ct. 1632 (2011) (on whether the *Ex parte Young* exception to sovereign immunity permitted an independent state agency to sue state officials in their official capacities); *Madison Cnty. v. Oneida Indian Nation*, 131 S. Ct. 704 (2010) (on whether tribal immunity prevents tax authorities from foreclosing).

^l See *Camreta v. Greene*, 131 S. Ct. 2020 (2011) (on whether litigants who prevailed on qualified immunity grounds in the Court of Appeals had standing to obtain Supreme Court review of the constitutional judgment).

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

	Principal Issue		Decision		TOTAL
	Constitu- tional	Other	For Gov't	Against Gov't	
PRIVATE LITIGATION	2	18	—	—	20
<i>Diversity Jurisdiction</i>	1	3	—	—	4
Anti-Injunction Act	0	1	—	—	1
Federal Arbitration Act	0	1	—	—	1
Federal Preemption ^m	0	1	—	—	1
Freedom of Speech	1	0	—	—	1
<i>Federal Question Jurisdiction</i>	1	15	—	—	16
Bankruptcy	1	1	—	—	2
Employee Retirement Income Security Act	0	1	—	—	1
Fair Labor Standards Act	0	1	—	—	1
Federal Employers' Liability Act	0	1	—	—	1
Federal Preemption ⁿ	0	1	—	—	1
Patents	0	3	—	—	3
Securities Exchange Act	0	3	—	—	3
Title VII	0	2	—	—	2
Truth in Lending Act	0	1	—	—	1
Uniformed Services Employment and Reemployment Rights Act	0	1	—	—	1

^m See *Bruesewitz v. Wyeth LLC*, 131 S. Ct. 1068 (2011) (on National Childhood Vaccine Injury Act).

ⁿ See *PLIVA, Inc. v. Mensing*, 131 S. Ct. 2567 (2011) (on FDA regulations).

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	9	6	6	12
Anti-Drug Abuse Act	0	1	1	0	1
Armed Career Criminal Act	0	2	2	0	2
Mootness ^o	1	0	1	0	1
Other Statutory Interpretation ^p	0	1	0	1	1
Search and Seizure	1	0	1	0	1
Sentencing	0	4	1	3	4
Speedy Trial Act	0	1	0	1	1
Standing ^q	1	0	0	1	1
FEDERAL HABEAS CORPUS	3	6	8	1	9
Adequate State Ground Doctrine	0	1	1	0	1
AEDPA Deference	0	1	1	0	1
AEDPA Interpretation	0	1	0	1	1
<i>Batson</i> Doctrine	1	0	1	0	1
Habeas Jurisdiction	1	3	4	0	4
Jury Instructions ^r	1	0	1	0	1

^o See *United States v. Juvenile Male*, 131 S. Ct. 2860 (2011) (on whether defendant's claim that an order of juvenile supervision requiring sex-offender registration was invalid became moot when the order expired).

^p See *Fowler v. United States*, 131 S. Ct. 2045 (2011) (on federal witness tampering statute).

^q See *Bond v. United States*, 131 S. Ct. 2355 (2011) (on whether defendant had standing to challenge on Tenth Amendment grounds the federal criminal law she was charged with violating).

^r See *Bobby v. Mitts*, 131 S. Ct. 1762 (2011) (on capital punishment penalty phase jury instructions).

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

	Principal Issue		Decision		TOTAL
	Constitu- tional	Other	For Gov't	Against Gov't	
CIVIL ACTIONS FROM STATE COURTS	4	1	1	0	5
STATE OR LOCAL GOVERNMENT LITIGATION	1	0	1	0	1
Freedom of Speech	1	0	1	0	1
PRIVATE LITIGATION	3	1	0	0	4
Federal Preemption ^s	0	1	0	0	1
Personal Jurisdiction	2	0	0	0	2
Right to Counsel	1	0	0	0	1
STATE CRIMINAL CASES	5	0	3	2	5
Capital Sentencing	1	0	1	0	1
Confrontation Clause	2	0	1	1	2
<i>Miranda</i> Rights	1	0	0	1	1
Search and Seizure	1	0	1	0	1
ORIGINAL JURISDICTION	0	1	—	—	1
TOTAL	27	55	32	24	82

^s See *Williamson v. Mazda Motor of Am., Inc.*, 131 S. Ct. 1131 (2011) (on Federal Motor Vehicle Safety Standard).