

# THE STATISTICS

TABLE I<sup>a</sup>

(A) ACTIONS OF INDIVIDUAL JUSTICES

	OPINIONS WRITTEN <sup>b</sup>				DISSENTING VOTES <sup>c</sup>		
	Opinions of Court <sup>d</sup>	Concurrences <sup>e</sup>	Dissents <sup>e</sup>	TOTAL	In Disposition by		
					Opinion	Memo-randum <sup>f</sup>	TOTAL
Roberts	6	1	4	11	5	0	5
Kennedy	6	5	2	13	6	0	6
Thomas	7	15	9	31	14	1	15
Ginsburg	6	3	6	15	18	0	18
Breyer	7	3	9	19	20	0	20
Alito	7	2	6	15	15	1	16
Sotomayor	7	7	9	23	21	2	23
Kagan	6	2	1	9	16	0	16
Gorsuch	7	4	6	17	11	0	11
Per Curiam	12	—	—	12	—	—	—
Total	71	42	52	165	126	4	130

<sup>a</sup> 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. Twelve per curiam decisions contained legal reasoning substantial enough to be considered full-opinion decisions in October Term 2017. *See* *Sause v. Bauer*, 138 S. Ct. 2561 (2018); *Sexton v. Beaudreaux*, 138 S. Ct. 2555 (2018); *North Carolina v. Covington*, 138 S. Ct. 2548 (2018); *Benisek v. Lamone*, 138 S. Ct. 1942 (2018); *Azar v. Garza*, 138 S. Ct. 1790 (2018); *United States v. Microsoft Corp.*, 138 S. Ct. 1186 (2018); *Kisela v. Hughes*, 138 S. Ct. 1148 (2018); *CNH Industrial N.V. v. Reese*, 138 S. Ct. 761 (2018); *Tharpe v. Sellers*, 138 S. Ct. 545 (2018); *In re United States*, 138 S. Ct. 443 (2018); *Dunn v. Madison*, 138 S. Ct. 9 (2017); *Kernan v. Cuero*, 138 S. Ct. 4 (2017).

This table includes every opinion designated by the Court as a 2017 Term Opinion except for five. *See Opinions of the Court — 2017*, SUPREME COURT OF THE UNITED STATES, <https://www.supremecourt.gov/opinions/slipopinion/17> [<https://perma.cc/ELC6-R9A5>]. In three of the omitted opinions, the Court dismissed the writ of certiorari as improvidently granted. *See* *Cox v. United States*, 138 S. Ct. 2273 (2018) (mem.); *Dalmazzi v. United States*, 138 S. Ct. 2273 (2018) (mem.); *City of Hays v. Vogt*, 138 S. Ct. 1683 (2018) (mem.). The remaining two omitted opinions are *Washington v. United States*, 138 S. Ct. 1832 (2018) (mem.), in which an equally divided Court affirmed the judgment of the court below, and *Montana v. Wyoming*, 138 S. Ct. 758 (2018) (mem.), in which the Court issued a decree without an opinion.

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 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.

TABLE I (*continued*)

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<sup>b</sup> This portion of Table I(A) includes only opinions authored in the seventy-one 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.

<sup>c</sup> 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.

<sup>d</sup> A plurality opinion that announced the judgment of the Court is counted as the opinion of the Court. Thus, for example, Justice Thomas's opinion in *Patchak v. Zinke*, 138 S. Ct. 897 (2018), is considered the opinion of the Court in that case, even though only three Justices joined his reasoning.

<sup>e</sup> Opinions concurring in part, concurring in the judgment, or concurring in both are counted as concurrences. Opinions concurring in part and dissenting in part are counted as dissents.

<sup>f</sup> Dissenting votes in memorandum decisions include instances in which Justices expressed that they would not have disposed 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.

TABLE I (continued)

(B1) VOTING ALIGNMENTS — ALL WRITTEN OPINIONS<sup>8</sup>

		Roberts	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch
Roberts	O	—	62	50	47	47	51	44	49	51
	S	—	6	4	0	1	5	1	1	4
	D	—	64	52	47	48	53	45	50	53
	N	—	71	71	71	71	71	71	69	69
	<b>P (%)</b>	—	<b>90.1</b>	<b>73.2</b>	<b>66.2</b>	<b>67.6</b>	<b>74.6</b>	<b>63.4</b>	<b>72.5</b>	<b>76.8</b>
Kennedy	O	62	—	51	46	45	52	43	48	52
	S	6	—	6	0	0	6	2	1	4
	D	64	—	55	46	45	56	44	49	54
	N	71	—	71	71	71	71	71	69	69
	<b>P (%)</b>	<b>90.1</b>	—	<b>77.5</b>	<b>64.8</b>	<b>63.4</b>	<b>78.9</b>	<b>62.0</b>	<b>71.0</b>	<b>78.3</b>
Thomas	O	50	51	—	35	34	49	31	37	45
	S	4	6	—	0	1	15	1	2	14
	D	52	55	—	35	34	62	31	38	54
	N	71	71	—	71	71	71	71	69	69
	<b>P (%)</b>	<b>73.2</b>	<b>77.5</b>	—	<b>49.3</b>	<b>47.9</b>	<b>87.3</b>	<b>43.7</b>	<b>55.1</b>	<b>78.3</b>
Ginsburg	O	47	46	35	—	47	35	47	47	36
	S	0	0	0	—	19	0	24	14	0
	D	47	46	35	—	62	35	66	59	36
	N	71	71	71	—	71	71	71	69	69
	<b>P (%)</b>	<b>66.2</b>	<b>64.8</b>	<b>49.3</b>	—	<b>87.3</b>	<b>49.3</b>	<b>93.0</b>	<b>85.5</b>	<b>52.2</b>
Breyer	O	47	45	34	47	—	35	45	48	36
	S	1	0	1	19	—	1	22	18	1
	D	48	45	34	62	—	35	62	62	37
	N	71	71	71	71	—	71	71	69	69
	<b>P (%)</b>	<b>67.6</b>	<b>63.4</b>	<b>47.9</b>	<b>87.3</b>	—	<b>49.3</b>	<b>87.3</b>	<b>89.9</b>	<b>53.6</b>
Alito	O	51	52	49	35	35	—	31	38	46
	S	5	6	15	0	1	—	0	2	10
	D	53	56	62	35	35	—	31	39	53
	N	71	71	71	71	71	—	71	69	69
	<b>P (%)</b>	<b>74.6</b>	<b>78.9</b>	<b>87.3</b>	<b>49.3</b>	<b>49.3</b>	—	<b>43.7</b>	<b>56.5</b>	<b>76.8</b>
Sotomayor	O	44	43	31	47	45	31	—	45	33
	S	1	2	1	24	22	0	—	16	1
	D	45	44	31	66	62	31	—	59	33
	N	71	71	71	71	71	71	—	69	69
	<b>P (%)</b>	<b>63.4</b>	<b>62.0</b>	<b>43.7</b>	<b>93.0</b>	<b>87.3</b>	<b>43.7</b>	—	<b>85.5</b>	<b>47.8</b>
Kagan	O	49	48	37	47	48	38	45	—	39
	S	1	1	2	14	18	2	16	—	1
	D	50	49	38	59	62	39	59	—	40
	N	69	69	69	69	69	69	69	—	67
	<b>P (%)</b>	<b>72.5</b>	<b>71.0</b>	<b>55.1</b>	<b>85.5</b>	<b>89.9</b>	<b>56.5</b>	<b>85.5</b>	—	<b>59.7</b>
Gorsuch	O	51	52	45	36	36	46	33	39	—
	S	4	4	14	0	1	10	1	1	—
	D	53	54	54	36	37	53	33	40	—
	N	69	69	69	69	69	69	69	67	—
	<b>P (%)</b>	<b>76.8</b>	<b>78.3</b>	<b>78.3</b>	<b>52.2</b>	<b>53.6</b>	<b>76.8</b>	<b>47.8</b>	<b>59.7</b>	—

TABLE I (continued)  
 (B<sub>2</sub>) VOTING ALIGNMENTS — NONUNANIMOUS CASES<sup>h</sup>

		Roberts	Kennedy	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch
Roberts	O	—	38	26	23	23	27	20	26	28
	S	—	6	4	0	1	5	1	1	4
	D	—	40	28	23	24	29	21	27	30
	N	—	47	47	47	47	47	47	46	46
	<b>P (%)</b>	—	<b>85.1</b>	<b>59.6</b>	<b>48.9</b>	<b>51.1</b>	<b>61.7</b>	<b>44.7</b>	<b>58.7</b>	<b>65.2</b>
Kennedy	O	38	—	27	22	21	28	19	25	29
	S	6	—	5	0	0	6	1	1	3
	D	40	—	31	22	21	32	20	26	31
	N	47	—	47	47	47	47	47	46	46
	<b>P (%)</b>	<b>85.1</b>	—	<b>66.0</b>	<b>46.8</b>	<b>44.7</b>	<b>68.1</b>	<b>42.6</b>	<b>56.5</b>	<b>67.4</b>
Thomas	O	26	27	—	11	10	25	7	14	22
	S	4	5	—	0	1	15	0	2	12
	D	28	31	—	11	10	38	7	15	31
	N	47	47	—	47	47	47	47	46	46
	<b>P (%)</b>	<b>59.6</b>	<b>66.0</b>	—	<b>23.4</b>	<b>21.3</b>	<b>80.9</b>	<b>14.9</b>	<b>32.6</b>	<b>67.4</b>
Ginsburg	O	23	22	11	—	23	11	23	24	13
	S	0	0	0	—	18	0	22	14	0
	D	23	22	11	—	38	11	42	36	13
	N	47	47	47	—	47	47	47	46	46
	<b>P (%)</b>	<b>48.9</b>	<b>46.8</b>	<b>23.4</b>	—	<b>80.9</b>	<b>23.4</b>	<b>89.4</b>	<b>78.3</b>	<b>28.3</b>
Breyer	O	23	21	10	23	—	11	21	25	13
	S	1	0	1	18	—	1	21	18	1
	D	24	21	10	38	—	11	38	39	14
	N	47	47	47	47	—	47	47	46	46
	<b>P (%)</b>	<b>51.1</b>	<b>44.7</b>	<b>21.3</b>	<b>80.9</b>	—	<b>23.4</b>	<b>80.9</b>	<b>84.8</b>	<b>30.4</b>
Alito	O	27	28	25	11	11	—	7	15	23
	S	5	6	15	0	1	—	0	2	10
	D	29	32	38	11	11	—	7	16	30
	N	47	47	47	47	47	—	47	46	46
	<b>P (%)</b>	<b>61.7</b>	<b>68.1</b>	<b>80.9</b>	<b>23.4</b>	<b>23.4</b>	—	<b>14.9</b>	<b>34.8</b>	<b>65.2</b>
Sotomayor	O	20	19	7	23	21	7	—	22	10
	S	1	1	0	22	21	0	—	16	0
	D	21	20	7	42	38	7	—	36	10
	N	47	47	47	47	47	47	—	46	46
	<b>P (%)</b>	<b>44.7</b>	<b>42.6</b>	<b>14.9</b>	<b>89.4</b>	<b>80.9</b>	<b>14.9</b>	—	<b>78.3</b>	<b>21.7</b>
Kagan	O	26	25	14	24	25	15	22	—	17
	S	1	1	2	14	18	2	16	—	1
	D	27	26	15	36	39	16	36	—	18
	N	46	46	46	46	46	46	46	—	45
	<b>P (%)</b>	<b>58.7</b>	<b>56.5</b>	<b>32.6</b>	<b>78.3</b>	<b>84.8</b>	<b>34.8</b>	<b>78.3</b>	—	<b>40.0</b>
Gorsuch	O	28	29	22	13	13	23	10	17	—
	S	4	3	12	0	1	10	0	1	—
	D	30	31	31	13	14	30	10	18	—
	N	46	46	46	46	46	46	46	45	—
	<b>P (%)</b>	<b>65.2</b>	<b>67.4</b>	<b>67.4</b>	<b>28.3</b>	<b>30.4</b>	<b>65.2</b>	<b>21.7</b>	<b>40.0</b>	—

TABLE I (*continued*)

<sup>g</sup> Table I(B1) records the frequency with which each Justice voted with each of the other Justices in full-opinion decisions, including the twelve 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 the opinion of the Court in full, or 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 Sotomayor is not treated as having joined the opinion of the Court in *District of Columbia v. Wesby*, 138 S. Ct. 577 (2018), because she authored an opinion concurring in part and concurring in the judgment. By contrast, Justice Kagan is treated as having fully joined Justice Breyer's dissent in *SAS Institute, Inc. v. Iancu*, 138 S. Ct. 1348 (2018), even though she did not join Part III–A.

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 the “O” and “S” values. “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 the “D” value by the “N” value, and multiplying the quotient by 100.

<sup>h</sup> Like Table I(B1), Table I(B2) records the frequency with which each of the Justices 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 <sup>i</sup>	With Dissent	TOTAL
Full Opinions	24 (33.8%)	4 (5.6%)	43 (60.6%)	71
Memorandum Orders <sup>j</sup>	71 (95.9%)	0 (0.0%)	3 (4.1%)	74

(D) VOTING PATTERNS IN NONUNANIMOUS CASES<sup>k</sup>

	TOTAL CASES	JOINING THE OPINION OF THE COURT <sup>l</sup>		AGREEING IN THE DISPOSITION OF THE CASE <sup>m</sup>	
		Number	Percentage	Number	Percentage
Roberts	47	42	89.4%	42	89.4%
Kennedy	47	41	87.2%	41	87.2%
Thomas	47	29	61.7%	33	70.2%
Ginsburg	47	27	57.4%	29	61.7%
Breyer	47	27	57.4%	27	57.4%
Alito	47	30	63.8%	32	68.1%
Sotomayor	47	23	48.9%	26	55.3%
Kagan	46	30	65.2%	30	65.2%
Gorsuch	46	30	65.2%	35	76.1%

<sup>i</sup> 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., *District of Columbia v. Wesby*, 138 S. Ct. 577 (2018).

<sup>j</sup> In *Chute v. Nifty-Fifties, Inc.*, 138 S. Ct. 298 (2017) (mem.), eight Justices disqualified themselves. Because the Court therefore lacked a quorum, this opinion is not included in Table I(C). It is, however, included in Tables II(D) and II(E), because the judgment below was still affirmed as if by an equally divided Court.

<sup>k</sup> Table I(D) records the frequency with which each Justice joined the opinion of the Court in nonunanimous, full-opinion decisions. This table includes the twelve per curiam decisions containing sufficient legal reasoning to be considered full opinions, see *supra* note a, if those decisions produced dissenting votes.

<sup>l</sup> 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.

<sup>m</sup> 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 l, it also includes those cases in which a Justice concurred in the judgment without joining 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 <sup>n</sup>
Roberts, Kennedy, Thomas, Alito, and Gorsuch <sup>o</sup>	13
Roberts, Ginsburg, Breyer, Sotomayor, and Kagan <sup>p</sup>	2
Ginsburg, Breyer, Sotomayor, Kagan, and Gorsuch <sup>q</sup>	1
Kennedy, Thomas, Ginsburg, Alito, and Gorsuch <sup>r</sup>	1
Roberts, Kennedy, Ginsburg, Breyer, and Sotomayor <sup>s</sup>	1
Total	18

(F) AVERAGE OPINION LENGTH<sup>t</sup>

	Opinion of the Court	Plurality Opinion	Concurring Opinion	Concurring in Judgment <sup>u</sup>	Dissenting Opinion <sup>v</sup>	TOTAL PAGES
Roberts	21.1	—	2.1	—	10.3	170.0
Kennedy	17.9	—	1.4	1.4	14.0	142.2
Thomas	15.3	14.9	3.7	7.1	15.6	316.1
Ginsburg	13.9	—	0.3	1.7	10.5	149.9
Breyer	13.4	—	1.3	—	14.2	239.1
Alito	27.4	—	0.4	6.3	17.5	303.4
Sotomayor	16.0	—	5.5	2.7	16.7	293.0
Kagan	17.9	—	8.0	—	26.8	150.4
Gorsuch	11.7	—	6.1	15.8	13.5	206.6
Per Curiam	5.1	—	—	—	—	61.2

<sup>n</sup> 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 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.*, *Jesner v. Arab Bank, PLC*, 138 S. Ct. 1386 (2018). Cases in which any Justice did not participate are not included. *See, e.g.*, *Jennings v. Rodriguez*, 138 S. Ct. 830 (2018).

<sup>o</sup> *Janus v. AFSCME, Council 31*, 138 S. Ct. 2448 (2018) (Alito, J.); *Trump v. Hawaii*, 138 S. Ct. 2392 (2018) (Roberts, C.J.); *Nat'l Inst. of Family & Life Advocates v. Becerra*, 138 S. Ct. 2361 (2018) (Thomas, J.); *Abbott v. Perez*, 138 S. Ct. 2305 (2018) (Alito, J.); *Ohio v. Am. Express Co.*, 138 S. Ct. 2274 (2018) (Thomas, J.); *Currier v. Virginia*, 138 S. Ct. 2144 (2018) (Gorsuch, J.); *Wis. Cent. Ltd. v. United States*, 138 S. Ct. 2067 (2018) (Gorsuch, J.); *Husted v. A. Philip Randolph Inst.*, 138 S. Ct. 1833 (2018) (Alito, J.); *Epic Sys. Corp. v. Lewis*, 138 S. Ct. 1612 (2018) (Gorsuch, J.); *Jesner v. Arab Bank, PLC*, 138 S. Ct. 1386 (2018) (Kennedy, J.); *SAS Inst., Inc. v. Iancu*, 138 S. Ct. 1348 (2018) (Gorsuch, J.); *Encino Motorcars, LLC v. Navarro*, 138 S. Ct. 1134 (2018) (Thomas, J.); *Murphy v. Smith*, 138 S. Ct. 784 (2018) (Gorsuch, J.).

<sup>p</sup> *Carpenter v. United States*, 138 S. Ct. 2206 (2018) (Roberts, C.J.); *Artis v. District of Columbia*, 138 S. Ct. 594 (2018) (Ginsburg, J.).

<sup>q</sup> *Sessions v. Dimaya*, 138 S. Ct. 1204 (2018) (Kagan, J.).

<sup>r</sup> *South Dakota v. Wayfair, Inc.*, 138 S. Ct. 2080 (2018) (Kennedy, J.).

<sup>s</sup> *Florida v. Georgia*, 138 S. Ct. 2502 (2018) (Breyer, J.).

<sup>t</sup> The data in this table reflect the length of opinions as published in the Court's slip opinions, estimated to the nearest tenth of a page. Though the slip opinions are eventually superseded by official case publication in the *United States Reports*, the total opinion length, in pages, is generally preserved in the final publication. Average opinion length is obtained by summing the number of pages written by each Justice within each category of opinion and then dividing by the number of opinions of that type written by that Justice. For the number of opinions written by each Justice, see *supra* Table I(A).

<sup>u</sup> Opinions concurring in part, concurring in the judgment, or concurring in both are categorized here under Concurring in Judgment. Opinions concurring in part and dissenting in part, or concurring in the judgment in part and dissenting in part, are categorized here under Dissenting Opinion.



TABLE II<sup>a</sup>

## (A) FINAL DISPOSITION OF CASES

	Disposed of	Remaining on Docket	TOTAL
Original Docket	1 <sup>b</sup>	7	8
Appellate Docket <sup>c</sup>	1728	334 <sup>d</sup>	2062
Miscellaneous Docket <sup>e</sup>	4463	857 <sup>d</sup>	5320
Total	6192	1198	7390

(B) CASES GRANTED REVIEW<sup>f</sup>

	Review Granted <sup>g</sup>	Petitions Considered <sup>h</sup>	Percent Granted
Appellate Docket	70	1762	4.0%
Miscellaneous Docket	8	4467	0.2%
Total	78	6229	1.3%

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

<sup>b</sup> The case counted here is *Texas v. New Mexico*, 138 S. Ct. 954 (2018). The Court heard a second original jurisdiction case, *Florida v. Georgia*, 138 S. Ct. 2502 (2018), which is considered a full opinion disposing of the case on the merits for the purposes of Tables I(A), I(BI), I(BII), and III. Because the Court remanded the case to a Special Master, however, the Court counts *Florida v. Georgia* among the cases remaining on its docket.

<sup>c</sup> The appellate docket consists of all paid cases.

<sup>d</sup> The number of cases remaining on the appellate and miscellaneous dockets is calculated by adding the number of cases not acted upon in the 2017 Term to the number of cases granted review in the 2017 Term but carried over to the 2018 Term.

<sup>e</sup> The miscellaneous docket consists of all cases filed *in forma pauperis*.

<sup>f</sup> 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.

<sup>g</sup> The number of cases granted review includes only those cases granted plenary review in the 2017 Term. It includes neither cases summarily decided nor those granted review in a previous Term and carried over to the 2017 Term. It does include cases granted review in the 2017 Term but carried over to a subsequent Term.

<sup>h</sup> The number of petitions considered is calculated by adding the number of cases docketed in the 2017 Term to the number of cases carried over from prior Terms and subtracting the number of cases not acted upon in the 2017 Term.

TABLE II (*continued*)  
(C) METHOD OF DISPOSITION<sup>i</sup>

On Review	69
Summarily Decided	103
By Denial, Dismissal, or Withdrawal of Appeals or Petitions for Review	6020
Total	6192

(D) DISPOSITION OF CASES  
REVIEWED ON WRIT OF CERTIORARI<sup>j</sup>

	Reversed <sup>k</sup>	Vacated <sup>l</sup>	Affirmed	TOTAL
Full Opinions	37 (56.9%)	12 (18.5%)	16 (24.6%)	65
Memorandum Orders	0 (0.0%)	74 (98.7%)	1 (1.3%) <sup>m</sup>	75
Total	37 (26.4%)	86 (61.4%)	17 (12.1%)	140

<sup>i</sup> Table II(C) does not include cases within the Court's original jurisdiction.

<sup>j</sup> Table II(D) reports the disposition of cases reviewed on writ of certiorari and decided on the merits. It does not include cases reviewed under other bases of jurisdiction, such as *Abbott v. Perez*, 138 S. Ct. 2305 (2018) (reviewed under 28 U.S.C. § 1253 (2012)).

<sup>k</sup> This category includes cases reversed in part and affirmed in part, as well as cases reversed in part and vacated in part.

<sup>l</sup> This category includes cases vacated in part and affirmed in part.

<sup>m</sup> In *Chute v. Nifty-Fifties, Inc.*, 138 S. Ct. 298 (2017) (mem.), eight Justices disqualified themselves. Because a quorum was therefore unobtainable, the Court affirmed the judgment below as if by an equally divided court. This opinion is not included in Table I(C).

TABLE II (continued)  
(E) ORIGINS OF CASES AND THEIR DISPOSITIONS<sup>n</sup>

	FULL OPINIONS <sup>o</sup>			MEMORANDUM ORDERS			TOTAL
	Reversed <sup>p</sup>	Vacated <sup>q</sup>	Affirmed	Reversed	Vacated	Affirmed	
<b>Federal Courts</b>	<b>35</b>	<b>11</b>	<b>15</b>	<b>0</b>	<b>66</b>	<b>1</b>	<b>128</b>
<i>Circuit Courts</i> <sup>r</sup>	33	10	13	0	66	1	123
First	1	0	0	0	0	0	1
Second	1	2	2	0	3	0	8
Third	2	1	0	0	1	0	4
Fourth	0	0	0	0	5	0	5
Fifth	2	1	1	0	33	0	37
Sixth	4	0	0	0	5	0	9
Seventh	3	1	3	0	5	0	12
Eighth	2	0	1	0	6	1	10
Ninth	10	2	2	0	3	0	17
Tenth	1	0	2	0	0	0	3
Eleventh	3	2	1	0	4	0	10
D.C.	3	1	1	0	0	0	5
Federal	2	0	1	0	1	0	4
<i>District Courts</i> <sup>s</sup>	2	1	1	0	0	0	4
<i>Armed Forces</i>	0	0	1	0	0	0	1
<b>State Courts</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>16</b>
<b>Total</b>	<b>39</b>	<b>13</b>	<b>17</b>	<b>0</b>	<b>74</b>	<b>1</b>	<b>144</b>

<sup>n</sup> Table II(E) counts consolidated cases disposed of by the same lower court opinion as a single case. Table II(E) does not include original jurisdiction cases.

<sup>o</sup> This section reports only full opinions decided on the merits. It thus includes twelve per curiam decisions containing sufficient legal reasoning to be counted as full opinions. See *supra* Table I, note a.

<sup>p</sup> This category includes cases reversed in part and affirmed in part, as well as cases reversed in part and vacated in part.

<sup>q</sup> This category includes cases vacated in part and affirmed in part.

<sup>r</sup> A consolidated case originating from multiple circuits is counted in each originating circuit, but only once toward the Circuit Court sum. This Term included the consolidated case *Epic Systems Corp. v. Lewis*, 138 S. Ct. 1612 (2018). *Epic Systems* is thus counted in the individual counts for the Fifth, Seventh, and Ninth Circuits because it affirmed the Fifth Circuit decision in *Murphy Oil USA, Inc. v. NLRB*, 808 F.3d 1013 (5th Cir. 2015), reversed the Seventh Circuit decision in *Lewis v. Epic Systems Corp.*, 823 F.3d 1147 (7th Cir. 2016), and reversed the Ninth Circuit decision in *Morris v. Ernst & Young, LLP*, 834 F.3d 975 (9th Cir. 2016). See 138 S. Ct. at 1632. Because the Supreme Court case was named for the Seventh Circuit decision, which was reversed, *Epic Systems* is counted only once toward the *total* number of circuit court cases reversed on appeal, and it is not counted toward the total number of circuit court cases *affirmed* on appeal.

<sup>s</sup> This category includes statutorily authorized direct appeals from district courts.

TABLE II (continued)  
 (F) DISPOSITIONS OF APPLICATIONS FOR  
 STAYS OF EXECUTION<sup>t</sup>

	Granted <sup>u</sup>	Denied <sup>v</sup>	Percent Granted
Stay Applications	3	20	13.0%

<sup>t</sup> This table treats multiple applications from the same death row inmate as a single application. Although the Court entertained forty applications for stays of execution last Term, these applications pertained to only twenty-three individuals.

This table includes only those dispositions that appear in the *Supreme Court Reporter* and excludes applications to vacate stays of execution.

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 (2017), <https://www.supremecourt.gov/publicinfo/reportersguide.pdf> [<https://perma.cc/QUU3-HD26>]; and *The Supreme Court, 2006 Term — The Statistics*, 121 HARV. L. REV. 436, 446 n.t. (2007).

<sup>u</sup> This Term, the Court granted three stay applications pending its decisions whether to grant certiorari in the underlying cases. See *Bucklew v. Precythe*, 138 S. Ct. 1323 (2018) (mem.); *Madison v. Alabama*, 138 S. Ct. 943 (2018) (mem.); *Tharpe v. Sellers*, 138 S. Ct. 53 (2017) (mem.). These stays were to terminate automatically upon the Court's denial of the associated certiorari petition, or if certiorari was granted, upon issuance of the judgment of the Court. In one case, certiorari was granted, the judgment was vacated, and the case was remanded. See *Tharpe v. Sellers*, 138 S. Ct. 545 (2018) (per curiam). In each of the other two cases, certiorari was granted, and the Court scheduled briefing and oral argument for October Term 2018. See *Bucklew v. Precythe*, 138 S. Ct. 1706 (2018) (mem.); *Madison v. Alabama*, 138 S. Ct. 1172 (2018) (mem.); *Monthly Argument Calendar November 2018*, [https://www.supremecourt.gov/oral\\_arguments/argument\\_calendars/MonthlyArgumentCalNovember2018.pdf](https://www.supremecourt.gov/oral_arguments/argument_calendars/MonthlyArgumentCalNovember2018.pdf) [<https://perma.cc/7TZY-KZFS>]; *Monthly Argument Calendar October 2018*, [https://www.supremecourt.gov/oral\\_arguments/argument\\_calendars/MonthlyArgumentCalOctober2018.pdf](https://www.supremecourt.gov/oral_arguments/argument_calendars/MonthlyArgumentCalOctober2018.pdf) [<https://perma.cc/EL7B-4KD5>]. In all three cases, Justices Thomas, Alito, and Gorsuch dissented from the initial grant of stay. Chief Justice Roberts also dissented from the initial grant of stay in *Bucklew v. Precythe*, 138 S. Ct. 1323 (2018) (mem.).

<sup>v</sup> Nineteen denials were unanimous. One denial attracted a dissent. See *Hamm v. Dunn*, 138 S. Ct. 828 (2018) (mem.). Justice Ginsburg, joined by Justice Sotomayor, authored a dissent from the denial of the application for stay and from the denial of certiorari. *Id.* at 828–29 (Ginsburg, J., dissenting). Justice Breyer respected the denial of the application for stay and the denial of certiorari, but wrote separately to say that “rather than develop a ‘constitutional jurisprudence that focuses upon the special circumstances of the aged,’” he “would reconsider the constitutionality of the death penalty itself.” *Id.* at 828 (Breyer, J., respecting the denial of the application for stay and the denial of certiorari) (quoting *Dunn v. Madison*, 138 S. Ct. 9, 13 (2017) (Breyer, J., concurring)). Chief Justice Roberts and Justices Kennedy, Thomas, Breyer, Alito, Kagan, and Gorsuch did not dissent from any denial of an application for a stay of execution.

**TABLE III<sup>a</sup>**  
**SUBJECT MATTER OF DISPOSITIONS WITH FULL OPINIONS**

	TOTAL	Principal Issue <sup>b</sup>		Decision <sup>c</sup>	
		Consti- tutional	Other	For Gov't	Against Gov't
<b>CIVIL ACTIONS FROM INFERIOR FEDERAL COURTS</b>	<b>42</b>	<b>16</b>	<b>26</b>	<b>10</b>	<b>13</b>
FEDERAL GOVERNMENT LITIGATION	12	5	7	4	7
<i>Review of Administrative Action</i>	9	5	4	3	5
Administrative Record	1	0	1	1	0
Appointments Clause	1	1	0	0	1
Article III	2	2	0	1	0
Clean Water Act	1	0	1	0	1
Establishment Clause	1	1	0	1	0
Illegal Immigration Reform and Immigrant Responsibility Act	1	0	1	0	1
Patent and Trademark Office	1	0	1	0	1
Vagueness Doctrine	1	1	0	0	1
<i>Other Action by or Against the     United States or Its Officers</i>	3	0	3	1	2
Antitrust	1	0	1	0	1
GVR Practice	1	0	1	1	0
Railroad Retirement Tax Act	1	0	1	0	1
STATE OR LOCAL GOVERNMENT LITIGATION	12	9	3	6	6
Freedom of Speech	3	3	0	0	3
National Voter Registration Act	1	0	1	1	0
Preliminary Injunctions	1	0	1	1	0
Qualified Immunity	3	2	1	2	1
Redistricting	2	2	0	0	2
Standing	1	1	0	1	0
State Sovereignty	1	1	0	1	0

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

<sup>b</sup> Each case is categorized as primarily constitutional or not. Cases invoking a mixture of statutory interpretation and constitutional adjudication are particularly difficult to classify.

<sup>c</sup> “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” nor “against” the government. When the government prevailed on at least one but not all of the issues before the Court, a decision is counted as neither “for” nor “against” the government.

TABLE III (continued)

## SUBJECT MATTER OF DISPOSITIONS WITH FULL OPINIONS

	TOTAL	Principal Issue		Decision	
		Consti- tutional	Other	For Gov't	Against Gov't
<b>PRIVATE LITIGATION</b>	<b>18</b>	<b>2</b>	<b>16</b>	<b>—</b>	<b>—</b>
<i>Diversity Jurisdiction</i>	4	1	3	—	—
Collective Bargaining Agreements	1	0	1	—	—
Contracts Clause	1	1	0	—	—
Federal Rules of Civil Procedure	2	0	2	—	—
<i>Federal Question Jurisdiction</i>	14	1	13	—	—
Alien Tort Statute	1	0	1	—	—
Bankruptcy	3	0	3	—	—
Class Actions	1	0	1	—	—
Dodd-Frank Wall Street Reform and Consumer Protection Act	1	0	1	—	—
Extraterritoriality	1	0	1	—	—
Fair Labor Standards Act	1	0	1	—	—
Federal Arbitration Act	1	0	1	—	—
Federal Rules of Appellate Procedure	1	0	1	—	—
Foreign Sovereign Immunities Act	1	0	1	—	—
Freedom of Speech	1	1	0	—	—
Prison Litigation Reform Act	1	0	1	—	—
Securities Litigation Uniform Standards Act	1	0	1	—	—
<b>FEDERAL CRIMINAL CASES<sup>d</sup></b>	<b>13</b>	<b>4</b>	<b>9</b>	<b>6</b>	<b>7</b>
Appellate Jurisdiction	1	1	0	1	0
Guilty Pleas	1	1	0	0	1
Internal Revenue Code	1	0	1	0	1
Mandatory Victims Restitution Act	1	0	1	0	1
Mootness	2	0	2	2	0
Omnibus Crime Control and Safe Streets Act	1	0	1	1	0
Search and Seizure	2	2	0	0	2
Sentencing Guidelines	4	0	4	2	2
<b>FEDERAL HABEAS CORPUS</b>	<b>7</b>	<b>0</b>	<b>7</b>	<b>4</b>	<b>3</b>
Certificate of Appealability	1	0	1	0	1
Competency	1	0	1	1	0
Funding for Indigent Defendants	1	0	1	0	1
Guilty Pleas	1	0	1	1	0
Immigration and Nationality Act	1	0	1	1	0
Scope of Review of State Proceedings	2	0	2	1	1

<sup>d</sup> *Ortiz v. United States*, 138 S. Ct. 2165 (2018), which reached the Court on writ of certiorari to the United States Court of Appeals for the Armed Forces, is included in this category.

TABLE III (continued)

## SUBJECT MATTER OF DISPOSITIONS WITH FULL OPINIONS

	TOTAL	Principal Issue		Decision	
		Consti- tutional	Other	For Gov't	Against Gov't
<b>CIVIL ACTIONS FROM STATE COURTS</b>	<b>4</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>2</b>
STATE OR LOCAL GOVERNMENT LITIGATION	3	2	1	1	2
Dormant Commerce Clause	1	1	0	1	0
Free Exercise Clause	1	1	0	0	1
Statute of Limitations	1	0	1	0	1
PRIVATE LITIGATION	1	0	1	—	—
Tribal Immunity	1	0	1	—	—
<b>STATE CRIMINAL CASES<sup>e</sup></b>	<b>3</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>2</b>
Double Jeopardy	1	1	0	1	0
Right to Counsel	1	1	0	0	1
Search and Seizure	1	1	0	0	1
<b>ORIGINAL JURISDICTION</b>	<b>2</b>	<b>0</b>	<b>2</b>	—	—
Intervention	1	0	1	—	—
Water Rights	1	0	1	—	—
<b>TOTAL</b>	<b>71</b>	<b>25</b>	<b>46</b>	<b>22</b>	<b>27</b>

<sup>e</sup> *Artis v. District of Columbia*, 138 S. Ct. 594 (2018), which reached the Court on writ of certiorari to the District of Columbia Court of Appeals, is included in this category.