

THE STATISTICS

TABLE I^a
(A) ACTIONS OF INDIVIDUAL JUSTICES

	OPINIONS WRITTEN ^b				DISSENTING VOTES ^c		
	Opinions of Court ^d	Concur- rences ^e	Dissents ^e	TOTAL	In Disposition by		
					Opinion	Memo- randum ^f	TOTAL
Roberts	7	0	3	10	8	0	8
Stevens	7	8	16	31	28	0	28
Scalia	8	6	10	24	15	0	15
Kennedy	8	6	1	15	2	0	2
Souter	7	3	7	17	19	0	19
Thomas	8	8	8	24	16	0	16
Ginsburg	7	2	5	14	21	0	21
Breyer	8	2	9	19	19	1	20
Alito	7	4	4	15	9	0	9
Per Curiam	6	—	—	6	—	—	—
Total	73	39	63	175	137	1	138

^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. Six per curiam decisions contained legal reasoning substantial enough to be considered full-opinion decisions during October Term 2006. These cases are *Erickson v. Pardus*, 127 S. Ct. 2197 (2007); *Roper v. Weaver*, 127 S. Ct. 2022 (2007); *Los Angeles County v. Rettele*, 127 S. Ct. 1989 (2007); *Lance v. Coffman*, 127 S. Ct. 1194 (2007); *Burton v. Stewart*, 127 S. Ct. 793 (2007); and *Purcell v. Gonzalez*, 127 S. Ct. 5 (2006). Two decisions disposing of cases on jurisdictional grounds are included in this table because they contain sufficient legal reasoning to be considered full-opinion decisions and provide additional insight into the Justices' voting alignments. See *Weaver*, 127 S. Ct. 2022 (2007) (per curiam) (dismissing writ of certiorari as improvidently granted); *Office of Senator Mark Dayton v. Hanson*, 127 S. Ct. 2018 (2007) (dismissing appeal for want of jurisdiction and denying certiorari).

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., *Vora v. Pennsylvania*, 127 S. Ct. 2978 (2007) (mem.) (Stevens, J., dissenting), as well as dispositions of motions for leave to file a bill of complaint under the Court's original jurisdiction, see *Brzak v. United Nations*, 127 S. Ct. 343 (2006) (mem.).

^b This part of Table I(A) includes only opinions authored in the seventy-three 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 Alito's opinion in *Hein v. Freedom from Religion Foundation, Inc.*, 127 S. Ct. 2553 (2007), is considered the opinion of the Court in that case.

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

^f Dissenting votes in memorandum decisions include instances in which Justices expressed that they would not dispose of the case by memorandum order. This category does not include dissenting votes in orders relating to stays of execution. That information is presented in Table II(F) and its accompanying footnotes. The only dissenting vote in a memorandum order this Term was cast by Justice Breyer in *Harper v. Poway Unified School District*, 127 S. Ct. 1484 (2007).

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

		Roberts	Stevens	Scalia	Kennedy	Souter	Thomas	Ginsburg	Breyer	Alito
Roberts	O	—	29	48	54	40	46	36	40	55
	S	—	1	9	1	1	7	0	1	8
	D	—	30	57	55	41	53	36	41	63
	N	—	70	70	69	70	69	70	69	70
	P	—	42.9	81.4	79.7	58.6	76.8	51.4	59.4	90.0
Stevens	O	29	—	26	38	37	25	39	36	31
	S	1	—	2	1	16	1	22	15	2
	D	30	—	28	39	53	26	60	51	33
	N	70	—	73	72	73	72	73	71	73
	P	42.9	—	38.4	54.2	72.6	36.1	82.2	71.8	45.2
Scalia	O	48	26	—	48	36	47	32	32	47
	S	9	2	—	2	2	16	2	0	8
	D	57	28	—	50	37	60	34	32	54
	N	70	73	—	72	73	72	73	71	73
	P	81.4	38.4	—	69.4	50.7	83.3	46.6	45.1	74.0
Kennedy	O	54	38	48	—	48	46	44	46	55
	S	1	1	2	—	0	1	0	1	6
	D	55	39	50	—	48	47	44	47	58
	N	69	72	72	—	72	71	72	70	72
	P	79.7	54.2	69.4	—	66.7	66.2	61.1	67.1	80.6
Souter	O	40	37	36	48	—	33	44	44	39
	S	1	16	2	0	—	1	15	13	2
	D	41	53	37	48	—	34	59	57	40
	N	70	73	73	72	—	72	73	71	73
	P	58.6	72.6	50.7	66.7	—	47.2	80.8	80.3	54.8
Thomas	O	46	25	47	46	33	—	30	30	45
	S	7	1	16	1	1	—	1	1	8
	D	53	26	60	47	34	—	31	31	53
	N	69	72	72	71	72	—	72	70	72
	P	76.8	36.1	83.3	66.2	47.2	—	43.1	44.3	73.6
Ginsburg	O	36	39	32	44	44	30	—	42	37
	S	0	22	2	0	15	1	—	14	1
	D	36	60	34	44	59	31	—	56	38
	N	70	73	73	72	73	72	—	71	73
	P	51.4	82.2	46.6	61.1	80.8	43.1	—	78.9	52.1
Breyer	O	40	36	32	46	44	30	42	—	38
	S	1	15	0	1	13	1	14	—	3
	D	41	51	32	47	57	31	56	—	41
	N	69	71	71	70	71	70	71	—	71
	P	59.4	71.8	45.1	67.1	80.3	44.3	78.9	—	57.7
Alito	O	55	31	47	55	39	45	37	38	—
	S	8	2	8	6	2	8	1	3	—
	D	63	33	54	58	40	53	38	41	—
	N	70	73	73	72	73	72	73	71	—
	P	90.0	45.2	74.0	80.6	54.8	73.6	52.1	57.7	—

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

		Roberts	Stevens	Scalia	Kennedy	Souter	Thomas	Ginsburg	Breyer	Alito
Roberts	O	—	10	29	35	21	27	17	21	36
	S	—	1	9	1	1	7	0	1	8
	D	—	11	38	36	22	34	17	22	44
	N	—	51	51	50	51	50	51	50	51
	P	—	21.6	74.5	72.0	43.1	68.0	33.3	44.0	86.3
Stevens	O	10	—	5	17	16	4	18	16	10
	S	1	—	2	1	16	1	22	15	2
	D	11	—	7	18	32	5	39	31	12
	N	51	—	52	51	52	51	52	51	52
	P	21.6	—	13.5	35.3	61.5	9.8	75.0	60.8	23.1
Scalia	O	29	5	—	27	15	26	11	12	26
	S	9	2	—	2	2	16	2	0	8
	D	38	7	—	29	16	39	13	12	33
	N	51	52	—	51	52	51	52	51	52
	P	74.5	13.5	—	56.9	30.8	76.5	25.0	23.5	63.5
Kennedy	O	35	17	27	—	27	25	23	26	34
	S	1	1	2	—	0	1	0	1	6
	D	36	18	29	—	27	26	23	27	37
	N	50	51	51	—	51	50	51	50	51
	P	72.0	35.3	56.9	—	52.9	52.0	45.1	54.0	72.6
Souter	O	21	16	15	27	—	12	23	24	18
	S	1	16	2	0	—	1	15	13	2
	D	22	32	16	27	—	13	38	37	19
	N	51	52	52	51	—	51	52	51	52
	P	43.1	61.5	30.8	52.9	—	25.5	73.1	72.6	36.5
Thomas	O	27	4	26	25	12	—	9	10	24
	S	7	1	16	1	1	—	1	1	8
	D	34	5	39	26	13	—	10	11	32
	N	50	51	51	50	51	—	51	50	51
	P	68.0	9.8	76.5	52.0	25.5	—	19.6	22.0	62.7
Ginsburg	O	17	18	11	23	23	9	—	22	16
	S	0	22	2	0	15	1	—	14	1
	D	17	39	13	23	38	10	—	36	17
	N	51	52	52	51	52	51	—	51	52
	P	33.3	75.0	25.0	45.1	73.1	19.6	—	70.6	32.7
Breyer	O	21	16	12	26	24	10	22	—	18
	S	1	15	0	1	13	1	14	—	3
	D	22	31	12	27	37	11	36	—	21
	N	50	51	51	50	51	50	51	—	51
	P	44.0	60.8	23.5	54.0	72.6	22.0	70.6	—	41.2
Alito	O	36	10	26	34	18	24	16	18	—
	S	8	2	8	6	2	8	1	3	—
	D	44	12	33	37	19	32	17	21	—
	N	51	52	52	51	52	51	52	51	—
	P	86.3	23.1	63.5	72.6	36.5	62.7	32.7	41.2	—

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 six 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 Kennedy is not treated as having joined the opinion of the Court in *Parents Involved in Community Schools v. Seattle School District No. 1*, 127 S. Ct. 2738 (2007), but Justice Souter is treated as having fully joined Justice Scalia's dissent in *Zuni Public School District No. 89 v. Department of Education*, 127 S. Ct. 1534 (2007).

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 separate from the 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. "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 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 markedly lower rates of agreement, 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 (28.8%)	5 (6.8%)	47 (64.4%)	73
Memorandum Orders	269 (99.6%)	0 (0.0%)	1 (0.4%)	270

(D) VOTING PATTERNS IN NON-UNANIMOUS CASES

	JOINING THE OPINION OF THE COURT ^j			AGREEING IN THE DISPOSITION OF THE CASE ^k		
	Joined Court	Total Cases	Percentage	Agreed in Disposition	Total Cases	Percentage
Roberts	41	51	80%	43	51	84%
Stevens	19	52	37%	24	52	46%
Scalia	31	52	60%	36	52	69%
Kennedy	45	51	88%	49	51	96%
Souter	31	52	60%	33	52	63%
Thomas	28	51	55%	34	51	67%
Ginsburg	29	52	56%	31	52	60%
Breyer	30	51	59%	31	51	61%
Alito	38	52	73%	42	52	81%

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.*, *Carey v. Musladin*, 127 S. Ct. 649 (2006).

^j 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.

^k 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 ¹
Roberts, Scalia, Kennedy, Thomas, Alito ^m	14
Stevens, Kennedy, Souter, Ginsburg, Breyer ⁿ	6
Roberts, Kennedy, Souter, Breyer, Alito ^o	2
Roberts, Scalia, Kennedy, Thomas, Breyer ^p	1
Roberts, Stevens, Kennedy, Ginsburg, Alito ^q	1
Stevens, Kennedy, Ginsburg, Breyer, Alito ^r	1
Total ^s	25

¹ 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.,* *Hein v. Freedom from Religion Found., Inc.*, 127 S. Ct. 2553 (2007). 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.,* *Tenn. Secondary Sch. Athletic Ass’n v. Brentwood Acad.*, 127 S. Ct. 2489 (2007).

^m *Parents Involved in Cmty. Schs. v. Seattle Sch. Dist. No. 1*, 127 S. Ct. 2738 (2007) (Roberts, C.J.); *Leegin Creative Leather Prods., Inc. v. PSKS, Inc.*, 127 S. Ct. 2705 (2007) (Kennedy, J.); *FEC v. Wis. Right to Life, Inc.*, 127 S. Ct. 2652 (2007) (Roberts, C.J.); *Morse v. Frederick*, 127 S. Ct. 2618 (2007) (Roberts, C.J.); *Hein v. Freedom from Religion Found., Inc.*, 127 S. Ct. 2553 (2007) (Alito, J.); *Nat’l Ass’n of Homebuilders v. Defenders of Wildlife*, 127 S. Ct. 2518 (2007) (Alito, J.); *Bowles v. Russell*, 127 S. Ct. 2360 (2007) (Thomas, J.); *Fry v. Pliler*, 127 S. Ct. 2321 (2007) (Scalia, J.); *Uttecht v. Brown*, 127 S. Ct. 2218 (2007) (Kennedy, J.); *Ledbetter v. Goodyear Tire & Rubber Co.*, 127 S. Ct. 2162 (2007) (Alito, J.); *Schriro v. Landrigan*, 127 S. Ct. 1933 (2007) (Thomas, J.); *Gonzales v. Carhart*, 127 S. Ct. 1610 (2007) (Kennedy, J.); *Lawrence v. Florida*, 127 S. Ct. 1079 (2007) (Thomas, J.); *Ayers v. Belmontes*, 127 S. Ct. 469 (2006) (Kennedy, J.).

ⁿ *Panetti v. Quarterman*, 127 S. Ct. 2842 (2007) (Kennedy, J.); *Brewer v. Quarterman*, 127 S. Ct. 1706 (2007) (Stevens, J.); *Smith v. Texas*, 127 S. Ct. 1686 (2007) (Kennedy, J.); *Abdul-Kabir v. Quarterman*, 127 S. Ct. 1654 (2007) (Stevens, J.); *Massachusetts v. EPA*, 127 S. Ct. 1438 (2007) (Stevens, J.); *Marrama v. Citizens Bank of Mass.*, 127 S. Ct. 1105 (2007) (Stevens, J.).

^o *James v. United States*, 127 S. Ct. 1586 (2007) (Alito, J.); *Philip Morris USA v. Williams*, 127 S. Ct. 1057 (2007) (Breyer, J.).

^p *Limtiaco v. Camacho*, 127 S. Ct. 1413 (2007) (Thomas, J.).

^q *Osborn v. Haley*, 127 S. Ct. 881 (2007) (Ginsburg, J.).

^r *Zuni Pub. Sch. Dist. No. 89 v. Dep’t of Educ.*, 127 S. Ct. 1534 (2007) (Breyer, J.).

^s Justice Kennedy voted with the majority in every one of this Term’s 5–4 decisions.

TABLE II^a
(A) FINAL DISPOSITION OF CASES

	Disposed of	Remaining on Docket
Original Docket	1	5
Appellate Docket^b	1728	357^c
On Review ^d	78	
Summarily Decided ^e	39	
Appeals and Petitions for Review		
Denied, Dismissed, or Withdrawn ^f	1611	
Miscellaneous Docket^g	7173	1002^c
On Review	9	
Summarily Decided	239	
Appeals and Petitions for Review		
Denied, Dismissed, or Withdrawn	6925	
Total	8902^h	1364

^a All numbers in Tables II(A), II(B), and II(C) are derived from data provided by the Supreme Court. See October Term, 2006, Statistical Sheet No. 28 (June 29, 2007) (unpublished statistical sheet, on file with the Harvard Law School Library).

^b The appellate docket consists of all paid cases.

^c The numbers of cases remaining on the appellate and miscellaneous dockets are derived by adding the number of cases not acted upon in the 2006 Term to the number of cases granted review in the 2006 Term but carried over to the 2007 Term.

^d This category encompasses all cases granted plenary review in the 2006 Term or a prior Term and disposed of during the 2006 Term. The total excludes cases granted review but carried over to a subsequent Term. This number includes writs dismissed after review was granted.

^e This category includes cases summarily affirmed, reversed, or vacated.

^f This category primarily consists 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.

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

^h This Term's total represents the highest since the *Review* began compiling these statistics during the 1948 Term.

TABLE II (continued)
 (B) CASES GRANTED REVIEWⁱ

	Review Granted ^j	Petitions Considered ^k	Percent Granted
Appellate Docket	62	1736	3.6%
Miscellaneous Docket	15	7186	0.2%
Total	77	8922	0.9%

(C) METHOD OF DISPOSITION^l

On Review	87
Summarily Decided	278
By Denial, Dismissal, or Withdrawal of Appeals or Petitions for Review	8536
Total	8901

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

	Reversed ⁿ	Vacated ^o	Affirmed	TOTAL
Full Opinions	37 (53.6%)	14 (20.3%)	18 (26.1%)	69
Memorandum Orders	0 (0.0%)	269 (100%)	0 (0.0%)	269
Total	37 (10.9%)	283 (83.7%)	18 (5.3%)	338

ⁱ 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.

^j The number of cases granted review includes only those cases granted plenary review in the 2006 Term. It includes neither cases summarily decided nor those granted review in a previous Term and carried over to the 2006 Term. It does include cases granted review in the 2006 Term but carried over to a subsequent Term.

^k The number of petitions considered is calculated by adding the number of cases docketed in the 2006 Term to the number of cases carried over from prior Terms and subtracting the number of cases not acted upon in the 2006 Term.

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

^m Table II(D) reports the disposition of cases reviewed via writ of certiorari and decided on the merits. It thus excludes four full opinions rendered by the Court in the 2006 Term, see *FEC v. Wis. Right to Life, Inc.*, 127 S. Ct. 2652 (2007) (mandatory statutory appellate jurisdiction); *Roper v. Weaver*, 127 S. Ct. 2022 (2007) (dismissing writ of certiorari as improvidently granted); *Office of Senator Mark Dayton v. Hanson*, 127 S. Ct. 2018 (2007) (dismissing appeal for want of jurisdiction and denying certiorari); *Lance v. Coffman*, 127 S. Ct. 1194 (2007) (statutory appeal pursuant to 28 U.S.C. § 1253), and one memorandum order, see *Christian Civic League of Me., Inc. v. FEC*, 127 S. Ct. 3052 (2007) (mandatory statutory appellate jurisdiction).

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

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

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

	FULL OPINIONS ^q			MEMORANDUM ORDERS			Total
	Reversed ^r	Vacated ^s	Affirmed	Reversed	Vacated	Affirmed	
Federal Courts	36	11	19	0	64	0	130
Circuit Courts	36	10	18	0	63	0	127
First	0	0	1	0	0	0	1
Second	3	0	2	0	2	0	7
Third	1	0	0	0	3	0	4
Fourth	0	1	1	0	1	0	3
Fifth	4	0	1	0	22	0	27
Sixth	4	0	3	0	7	0	14
Seventh	1	1	1	0	2	0	5
Eighth	3	0	1	0	5	0	9
Ninth	12	7	2	0	11	0	32
Tenth	2	1	1	0	4	0	8
Eleventh	2	0	3	0	4	0	9
D.C.	1	0	1	0	1	0	3
Federal	3	0	1	0	1	0	5
District Courts	0	1	1	0	1	0	3
State Courts	3	4	0	0	206	0	213
Total	39	15	19	0	270	0	343

^p Table II(E) counts as a single case consolidated cases disposed of by the same lower court opinion. Consolidated cases disposed of by two different lower courts are counted twice. *See* Parents Involved in Cmty. Schs. v. Seattle Sch. Dist. No. 1., 127 S. Ct. 2738 (2007); Gonzales v. Carhart, 127 S. Ct. 1610 (2007).

^q This section reports only full opinions decided on the merits. It thus includes five per curiam decisions containing sufficient legal reasoning to be counted as full opinions, *see supra* Table I, note a, and excludes two full opinions disposed of on jurisdictional grounds, *see* Office of Senator Mark Dayton v. Hanson, 127 S. Ct. 2018 (2007) (dismissing appeal for want of jurisdiction and denying certiorari); Roper v. Weaver, 127 S. Ct. 2022 (2007) (per curiam) (dismissing writ of certiorari as improvidently granted).

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

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

TABLE II (*continued*)
 (F) DISPOSITION OF APPLICATIONS FOR
 STAYS OF EXECUTION[†]

	Granted ^u	Disposed of ^v	Percent Granted
Stay Applications	1	37	2.7%

[†] This is the first year that *The Statistics* has included data on applications for stays of execution, which are a substantial and noteworthy part of the Court's docket. Monitoring stays of execution will likely be useful for tracking agreement and disagreement among the Justices, as well as doctrinal changes in the Court's criminal procedure and habeas corpus jurisprudence. 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) [hereinafter REPORTER'S GUIDE], available at <http://www.supremecourtus.gov/publicinfo/reportersguide.pdf>; and ROBERT L. STERN ET AL., SUPREME COURT PRACTICE § 17.20, at 798–808 (8th ed. 2002).

Each week, the Clerk of the Supreme Court gives the Justices a list tracking the scheduled executions across the United States. REPORTER'S GUIDE, *supra*, at 12. In this way, the Justices are able to monitor the imposition of capital punishment around the country and act promptly on stay applications. Procedurally, applications for death penalty stays can reach the Court on direct review, from a federal habeas petition, or from state post-conviction proceedings. See STERN ET AL., *supra*, at 799 & n.77. Applications for stays are initially addressed to the specific Justice assigned to the circuit from which the application originates. In capital cases, the Circuit Justice often chooses to refer the application to the full Court. See *id.* at 798. Whereas the votes of only four Justices are sufficient to grant certiorari, an application for a stay requires five votes. REPORTER'S GUIDE, *supra*, at 3.

This table excludes applications to vacate stays of execution. The Court disposed of four such applications last Term, and all were unanimously denied.

^u The lone application for a stay granted last Term, *Turner v. Texas*, No. 07A272, 2007 WL 2803693 (U.S. Sept. 27, 2007), came after the Court granted certiorari in *Baze v. Rees*, No. 07-5439, 2007 WL 2075334 (U.S. Sept. 25, 2007), which presents the question of whether the Eighth Amendment prohibits certain methods of lethal injection.

^v This category treats multiple applications from the same death row inmate as a single application. Although the Court denied fifty-two applications for stays of execution last Term, these denials pertained to only thirty-seven 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. Justice Stevens dissented eleven times, Justice Souter dissented four times, Justice Ginsburg dissented eight times, and Justice Breyer dissented three times.

TABLE III^a
SUBJECT MATTER OF DISPOSITIONS WITH FULL OPINIONS

	Principal Issue		Decision		TOTAL
	Constitu- tional	Other	For Gov't ^b	Against Gov't ^b	
CIVIL ACTIONS FROM INFERIOR FEDERAL COURTS	10	37	20	9	47
FEDERAL GOVERNMENT LITIGATION	4	11	11	4	15
<i>Review of Administrative Action</i>	0	5	4	1	5
Clean Air Act	0	2	1	1	2
Endangered Species Act	0	1	1	0	1
Immigration and Nationality Act	0	1	1	0	1
Impact Aid Act	0	1	1	0	1
<i>Other Actions by or Against the United States or Its Officers</i>	4	4	5	3	8
Bipartisan Campaign Finance Reform Act	1	0	0	1	1
<i>Bivens</i> Action	1	0	1	0	1
Comprehensive Environmental Response, Compensation, and Liability Act	0	1	0	1	1
False Claims Act	0	1	0	1	1
Federal Employees Liability Reform and Tort Compensation Act	0	1	1	0	1
Partial-Birth Abortion Ban Act	1	0	1	0	1
Statute of Limitations on Government Contract Actions	0	1	1	0	1
Taxpayer Standing	1	0	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 five 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. 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.

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	5	9	9	5	14
Equal Protection	1	0	0	1	1
Individuals with Disabilities					
Education Act	0	1	0	1	1
Federal Rules of Civil Procedure	0	1	0	1	1
Foreign Sovereign Immunities Act	0	1	1	0	1
Fourth Amendment	1	0	1	0	1
Freedom of Speech	2	0	2	0	2
National Bank Act	0	1	0	1	1
Prison Litigation Reform Act	0	1	0	1	1
Section 1983	0	3	3	0	3
Standing	1	0	1	0	1
Voting Rights Act	0	1	1	0	1
PRIVATE LITIGATION	1	17	—	—	18
<i>Federal Question Jurisdiction</i>	1	17	—	—	18
Antitrust	0	4	—	—	4
Appellate Review	0	1	—	—	1
Bankruptcy	0	2	—	—	2
Communications Act	0	1	—	—	1
Employee Retirement Income Security Act	0	1	—	—	1
Fair Credit Reporting Act	0	1	—	—	1
Fair Labor Standards Act	0	1	—	—	1
Federal Rules of Civil Procedure	0	1	—	—	1
Intellectual Property	1	2	—	—	3
Private Securities Litigation					
Reform Act	0	1	—	—	1
Removal	0	1	—	—	1
Title VII	0	1	—	—	1

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	1	4	4	1	5
Armed Career Criminal Act	0	1	1	0	1
Controlled Substances Act	0	1	0	1	1
Excessive Force	1	0	1	0	1
Federal Rules of Criminal Procedure	0	1	1	0	1
Sentencing	0	1	1	0	1
FEDERAL HABEAS CORPUS	6	6	9	3	12
AEDPA Interpretation	0	3	3	0	3
Capital Jury Selection	1	0	1	0	1
Eighth Amendment	1	0	0	1	1
Federal Rules of Appellate Procedure	0	1	1	0	1
Mitigating Evidence	3	0	1	2	3
Review of Prejudicial Error	0	1	1	0	1
Right to Counsel	1	0	1	0	1
<i>Teague</i> Retroactivity	0	1	1	0	1
CIVIL ACTIONS FROM STATE COURTS^c	2	2	—	—	4
STATE OR LOCAL GOVERNMENT LITIGATION	0	1	—	—	1
Organic Act (Guam)	0	1	—	—	1
PRIVATE LITIGATION	2	1	—	—	3
Due Process	1	0	—	—	1
Federal Employers' Liability Act	0	1	—	—	1
First Amendment	1	0	—	—	1
STATE CRIMINAL CASES	3	0	0	3	3
Capital Sentencing	1	0	0	1	1
Fourth Amendment	1	0	0	1	1
Sentencing	1	0	0	1	1
Total	22	49	33	16	71

^c *Limtiaco v. Camacho*, 127 S. Ct. 1413 (2007), which reached the Court on writ of certiorari to the Supreme Court of Guam, is included under this category.