

STATUS OF CASES ARGUED
BEFORE THE UNITED STATES SUPREME COURT
OCTOBER TERM, 2007

The following charts summarize the final disposition of all cases argued before the Supreme Court of the United States during October Term 2007. For purposes of arguments and opinions, the Term will begin on October 1, 2007 and is scheduled to end in late June or early July, 2008—when the Court finishes disposing of all cases argued during the Term. During this Term, the Court will hear oral arguments in seven “sessions” between October and April. Using recent Terms as a guide, each session will likely include 9–13 arguments, although the Court routinely heard as many as 24 arguments in a session as recently as the early 1990s. Although the number of arguments has continued to decline, with last year’s total of 68 decisions after argument constituting the lowest total in decades, Chief Justice Roberts has indicated that he believes the Court should hear more arguments than it has done in the past. We therefore expect the number of arguments to go up in the foreseeable future—but it seems unlikely that it will change materially in the middle of the current Term.

Court-watchers often find that they can predict who will be the author of the final opinions issued from each session based on the previous authorship distribution, because typically each Justice is assigned at least one majority opinion per session. Because the author of the final opinion is not always the same Justice who initially received the writing assignment, and because the Court sometimes departs from its usual patterns for various reasons (including assigning extra opinions to Justices who are more current on their assignments than other Justices), the exercise of predicting the author of a not-yet-released majority opinion is always one with a high potential for error. Nevertheless, experience has shown that the predictive exercise yields correct results often enough to make it interesting, even if not totally reliable.

The first chart below summarizes the Term, with each session represented by a column. The chart lists the number of cases that were or will be argued during the session, the number resolved to date, and how those cases were resolved—how many majority opinions each Justice drafted, and the number resolved *per curiam* or otherwise without a majority opinion. Calculated from these data is the number of cases still pending before the Court.

The remaining tables present more detailed information on each session of the Term than that included in the summary table. Each session is presented as its own page, and includes a row for each case argued—specifying the case’s name, the date of argument, a brief summary of the issue presented, and, for those cases already decided, the date of decision and the author of the majority opinion. A final table includes similar information for opinions issued during the Term where oral argument was never conducted.

We try to update these charts each day the Court schedules additional cases for oral argument or issues an opinion. We hope that you find this document useful, and we welcome your feedback on it (which should be directed to dgossett@mayerbrown.com or kranlett@mayerbrown.com).

**SUMMARY TABLE
OCTOBER TERM, 2007**

	<i>Session beginning:</i>							NA	Tot.
	Oct. 1	Oct. 29	Nov. 26	Jan. 7	Feb. 19	Mar. 17	Apr. 14		
TOTAL ARGUMENTS SCHEDULED	9	10	0	0	0	0	0		19
ROBERTS									0
STEVENS									0
SCALIA									0
KENNEDY									0
SOUTER									0
THOMAS									0
GINSBURG									0
BREYER									0
ALITO									0
PC									0
DIG									0
AEDC									0
R									0
Disposed of	0	0	0	0	0	0	0	0	0
Pending	9	10	0	0	0	0	0	0	19

KEY

- PC = Per Curiam
- DIG = Dismissed as Improvidently Granted
- AEDC = Affirmed by an Equally Divided Court
- R = Set for Reargument

DETAILED CASE DISPOSITION TABLES

1: Session beginning October 1, 2007

Case Name	Docket Number	Issue	Argument Date	Decision Date	Author
<i>Washington State Grange v. Washington State Republican Party</i> <i>Washington v. Washington State Republican Party</i>	06-713 06-730	Use of “blanket primary” in which candidates identify their party on common ballot as violation of parties’ First Amendment rights	10/1		
<i>Bd. of Educ. of City of New York v. Tom F.</i>	06-637	Entitlement to tuition reimbursement under IDEA if child had not previously received special education from public school system	10/1		
<i>Gall v. United States</i>	06-7949	Reasonableness of below-Guidelines sentence without special circumstances	10/2		
<i>Kimbrough v. United States</i>	06-6330	Sentencing judge’s authority under the Sentencing Guidelines to consider 100:1 disparity between crack and powder cocaine	10/2		
<i>New York State Bd. of Elec. v. Torres</i>	06-766	Constitutionality of using convention rather than primary to choose nominees for state judgeships	10/3		
<i>United States v. Santos</i>	06-1005	Whether a crime’s “proceeds” for purposes of money laundering statute are the profits or the revenues from the unlawful activity	10/3		
<i>Watson v. United States</i>	06-571	Trading drugs for gun as “use” of gun under law criminalizing use of gun in drug crime	10/9		
<i>Stoneridge Inv. v. Scientific Atlanta</i>	06-43	Liability under Rule 10b-5 for participants in scheme to defraud who neither make or cause any misrepresentation or omission nor engage directly in any manipulative securities trading practices	10/9		
<i>Medellin v. Texas</i>	06-984	Presidential authority to order state courts to comply with a judgment of the International Court of Justice	10/10		

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2: Session beginning October 29, 2007

Case Name	Docket Number	Issue	Argument Date	Decision Date	Author
<i>Klein & Co. Futures, Inc. v. Bd. of Trade</i>	06-1265	Standing of futures commissions merchants under the Commodities Exchange Act to sue for losses from manipulation of futures prices	10/29		
<i>Ali v. Fed'l Bd. of Prisons</i>	06-9130	Prisoner's claim for property lost during prison transfer as a claim for "the detention of any goods" by "law enforcement" that is barred by the Federal Tort Claims Act	10/29		
<i>United States v. Williams</i>	06-694	Vagueness challenge to 2003 law criminalizing distribution of material purported or believed to be illegal child pornography	10/30		
<i>Logan v. United States</i>	06-6911	Application of career criminal Guidelines category to individual convicted only of misdemeanors	10/30		
<i>Danforth v. Minnesota</i>	06-8273	Whether states may apply a Supreme Court constitutional decision retroactively when <i>Teague</i> dictates that it has no retroactive effect	10/31		
<i>CSX Transp., Inc. v. Georgia State Bd. of Equalization</i>	06-1287	Ability to challenge state's method of valuing railroads' property for tax purposes under federal law prohibiting state tax discrimination against railroads	11/1		
<i>Dept. of Revenue of Ky. v. Davis</i>	06-666	Dormant commerce clause challenge to state's taxing the interest of only out-of-state municipal bonds	11/1		
<i>John R. Sand & Gravel Co. v. United States</i>	06-1164	Whether six-year limitations period under Tucker Act is jurisdictional	11/6		
<i>Fed. Express Corp. v. Holowecki</i>	06-1322	EEOC intake questionnaire as an ADEA charge of discrimination	11/6		
<i>Hall Street Assocs. v. Mattel</i>	06-989	Ability to contract around limits on appellate review of arbitral awards imposed by Federal Arbitration Act	11/7		

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3: Cases in which certiorari has been granted but where the argument date has not yet been set

Case Name	Docket Number	Issue
<i>Sprint/United Mgmt. Co. v. Mendelson</i>	06-1221	Admissibility in employment discrimination case of a nonparty workers' testimony that they too were victims of discrimination
<i>LaRue v. DeWolff, Boberg & Assocs.</i>	06-856	Right of participant in defined contribution pension plan to recover losses to plan from administrator's breach of fiduciary duty
<i>Riegel v. Medtronic, Inc.</i>	06-179	Preemption of state tort suits against manufacturers of medical device that received pre-market approval from the FDA
<i>Rowe v. New Hampshire Motor Transp. Ass'n</i>	06-457	Preemption of state regulation of commercial shipment of tobacco products by Federal Aviation Authorization Act of 1994
<i>Knight v. Comm'r of Internal Revenue</i>	06-1286	Deductibility of investment-advice fees by trusts under 26 U.S.C. § 67(e)(1) as a "cost * * * which would not have been incurred if the property were not held in such trust"
<i>Snyder v. Louisiana</i>	06-10119	<i>Batson</i> challenge to all-white jury urged by references to O.J. Simpson verdict to give death sentence
<i>Boumediene v. Bush</i> <i>Al Odah v. United States</i>	06-1195 06-1196	Constitutionality and applicability of jurisdiction-stripping provision of Military Commission Act of 2006 on pending Guantanamo Bay detainees' habeas petitions