

SUPREME COURT OF THE UNITED STATES UPDATE 2019-2020

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A BLOCKBUSTER TERM?

- “I can safely predict that the new term will have a fair share of closely watched cases”
-- Justice Ruth Bader Ginsburg (Sept. 12, 2019)
- “a wide variety of hot-button issues ranging from immigration and employment protection for LGBTQ workers to the Second Amendment”, as well as “abortion, religious freedom and the battle over access to the president’s financial records”
-- Amy Howe, *Scotusblog* (Dec. 20, 2019)
- “For a term leading into a presidential election year, the justices are not shying away from headline-making cases that will place the Supreme Court squarely in the minds of Americans on Election Day 2020.”
- Elizabeth Slattery,
Heritage Foundation (Sept. 24, 2019)



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STATISTICS TO DATE

- October Term 2018
 - 67 merits decisions in argued cases
 - Decisions divided 5-3 or 5-4: 21 (29%)
 - Unanimous: 27 cases (38%)
- Number of 5-4 opinions (historical)
 - 2017: 19 (26%)
 - 2016: 7 (10%)
 - 2015: 4 (5%)
 - 2014: 19 (26%)
 - 2013: 10 (14%)
 - 2012: 23 (29%)
- October Term 2019 (as of June 2)
 - 58 argued cases*
 - 36 opinions issued in argued cases
 - Decisions divided 5-4 or 5-3: 5 (14%)
 - Unanimous: 16 (44%)

* Some cases originally scheduled for March and April sittings were deferred to October 2020

Historical data from Scotusblog



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SUBJECT MATTER OF ARGUED CASES OT 2019

- Business law: 13
- Other constitutional law: 12
- Criminal, habeas, and related: 8
- Intellectual Property: 7
- Immigration: 6
- Procedure and jurisdiction: 5
- Environmental law: 3
- Voting rights: 2
- Other: 2

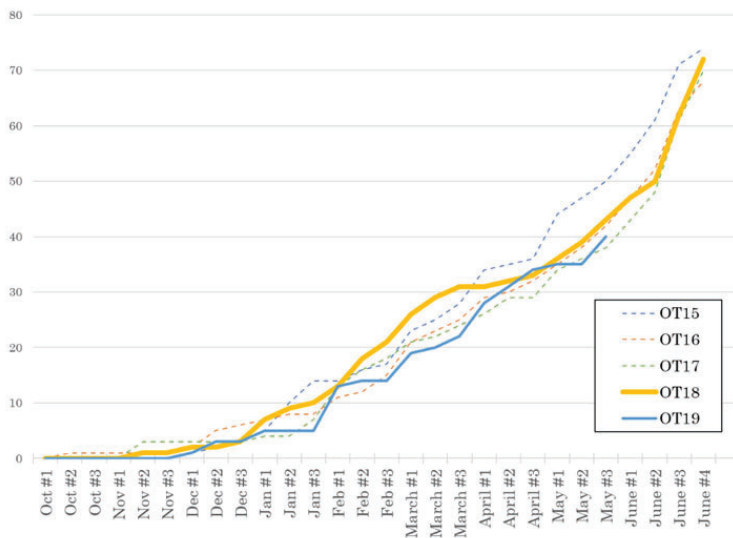


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PACE OF DECISIONS (AS OF JUNE 2)



As of June 2, major cases awaiting decision (argued):

Bostock/Harris (Oct.)
Regents of Univ. Cal. (Nov.)
Espinosa (Jan.)
Seila Law (Feb.)
June Medical (Feb.)
Mazars (May)
Vance (May)
Chifalo (May)
Baca (May)

Source: Scotusblog

THE “SHADOW DOCKET”

- Summary dispositions, orders on applications for stay, other orders
- “[I]n less than three years, the Solicitor General has filed at least twenty-one applications for stays in the Supreme Court ... During the sixteen years of the George W. Bush and Obama Administrations, the Solicitor General filed a total of eight such applications.” Stephen Vladeck, *The Solicitor General and the Shadow Docket*, 133 Harv. L. Rev. 124 (Nov. 2019)
- Notable orders granting stay applications
 - *Republican Nat’l Committee v. Democratic Nat’l Committee* (19A1016; Apr. 6)
 - Stayed order requiring Wisconsin to count absentee ballots postmarked after April 7, 2020
 - *Wolf v. Innovation Law Lab* (19A960; Mar. 11)
 - Stayed order enjoining “Remain in Mexico” policy for asylum seekers
 - *Wolf v. Cook County* (19A905; Feb. 21; 5-4); *DHS v. NY* (19A785; Jan. 27; 5-4)
 - Stayed orders enjoining “Public Charge Rule” on nationwide basis and in Illinois

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