

EXHIBIT 1

**SUPREME COURT REVERSALS OF LOWER COURT DECISIONS
2005 – 2011**

	Traditional Method				Full Method				Full Decisions per Traditional Decision
	Total Reversals	Total Decisions	Reversal Rate	Rank	Total Reversals	Total Decisions	Reversal Rate	Rank	
Overall	385	538	71.6%		738	1307	56.5%		2.43
Split	124	202	61.4%		473	971	48.7%		4.81
Non-split	261	336	77.7%		265	336	78.9%		1.00
By circuit									
1st	7	15	46.7%	15	45	77	58.4%	5	5.13
2nd	29	41	70.7%	6	64	119	53.8%	7	2.90
3rd	14	23	60.9%	13	36	83	43.4%	15	3.61
4th	17	26	65.4%	10	41	83	49.4%	11	3.19
5th	22	32	68.8%	8	54	102	52.9%	10	3.19
6th	31	38	81.6%	1	70	105	66.7%	3	2.76
7th	22	32	68.8%	8	51	110	46.4%	14	3.44
8th	17	22	77.3%	3	44	82	53.7%	8	3.73
9th	100	128	78.1%	2	137	201	68.2%	2	1.57
10th	10	18	55.6%	14	35	75	46.7%	13	4.17
11th	24	37	64.9%	12	50	94	53.2%	9	2.54
DC	13	20	65.0%	11	27	56	48.2%	12	2.80
Fed	19	27	70.4%	7	22	34	64.7%	4	1.26
St	60	79	75.9%	4	62	86	72.1%	1	1.09
Total	385	538	71.6%	5	738	1307	56.5%	6	2.43
By year of Supreme Court decision									
2005	58	81	71.6%	3	102	177	57.6%	4	2.19
2006	50	70	71.4%	4	86	172	50.0%	6	2.46
2007	44	69	63.8%	6	106	181	58.6%	2	2.62
2008	63	79	79.7%	2	111	192	57.8%	3	2.43
2009	69	86	80.2%	1	131	200	65.5%	1	2.33
2010	56	80	70.0%	5	109	222	49.1%	7	2.78
2011	45	73	61.6%	7	93	163	57.1%	5	2.23
Total	385	538	71.6%		738	1307	56.5%		2.43
By type of case									
Civil	222	316	70.3%	2	475	846	56.1%	2	2.68
Criminal	115	165	69.7%	3	193	370	52.2%	3	2.24
Habeas	48	57	84.2%	1	70	91	76.9%	1	1.60
Total	385	538	71.6%		738	1307	56.5%		2.43

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**SUPREME COURT REVERSALS OF LOWER COURT DECISIONS
2005 – 2011**

	Traditional Method				Full Method				Full Decisions per Traditional Decision
	Total Reversals	Total Decisions	Reversal Rate	Rank	Total Reversals	Total Decisions	Reversal Rate	Rank	
By strength of Supreme Court majority¹									
Divided	124	190	65.3%	3	239	434	55.1%	2	2.28
Intermediate	87	123	70.7%	2	167	311	53.7%	3	2.53
Unanimous	174	225	77.3%	1	332	562	59.1%	1	2.50
Total	385	538	71.6%		738	1307	56.5%		2.43
By number of circuits with a full method decision									
1	261	336	77.7%	2	265	336	78.9%	1	1.00
2	24	39	61.5%	7	43	72	59.7%	2	1.85
3	26	41	63.4%	6	66	123	53.7%	5	3.00
4	17	31	54.8%	9	54	124	43.5%	9	4.00
5	19	23	82.6%	1	66	115	57.4%	4	5.00
6	13	20	65.0%	5	57	120	47.5%	7	6.00
7	10	15	66.7%	4	61	105	58.1%	3	7.00
8	5	10	50.0%	10	38	80	47.5%	7	8.00
9	3	4	75.0%	3	18	36	50.0%	6	9.00
10	4	7	57.1%	8	21	60	35.0%	11	8.57
11	3	8	37.5%	11	35	88	39.8%	10	11.00
12	0	4	0.0%	12	14	48	29.2%	12	12.00
Total	385	538	71.6%		738	1307	56.5%		2.43

Notes & Sources:

¹ Calculated as (number of majority votes)/(number of majority votes + number of dissenting votes).

"Divided" represents a strength, as calculated above, of 6/9 or less.

"Intermediate" represents a strength, as calculated above, greater than 6/9 and less than 1.

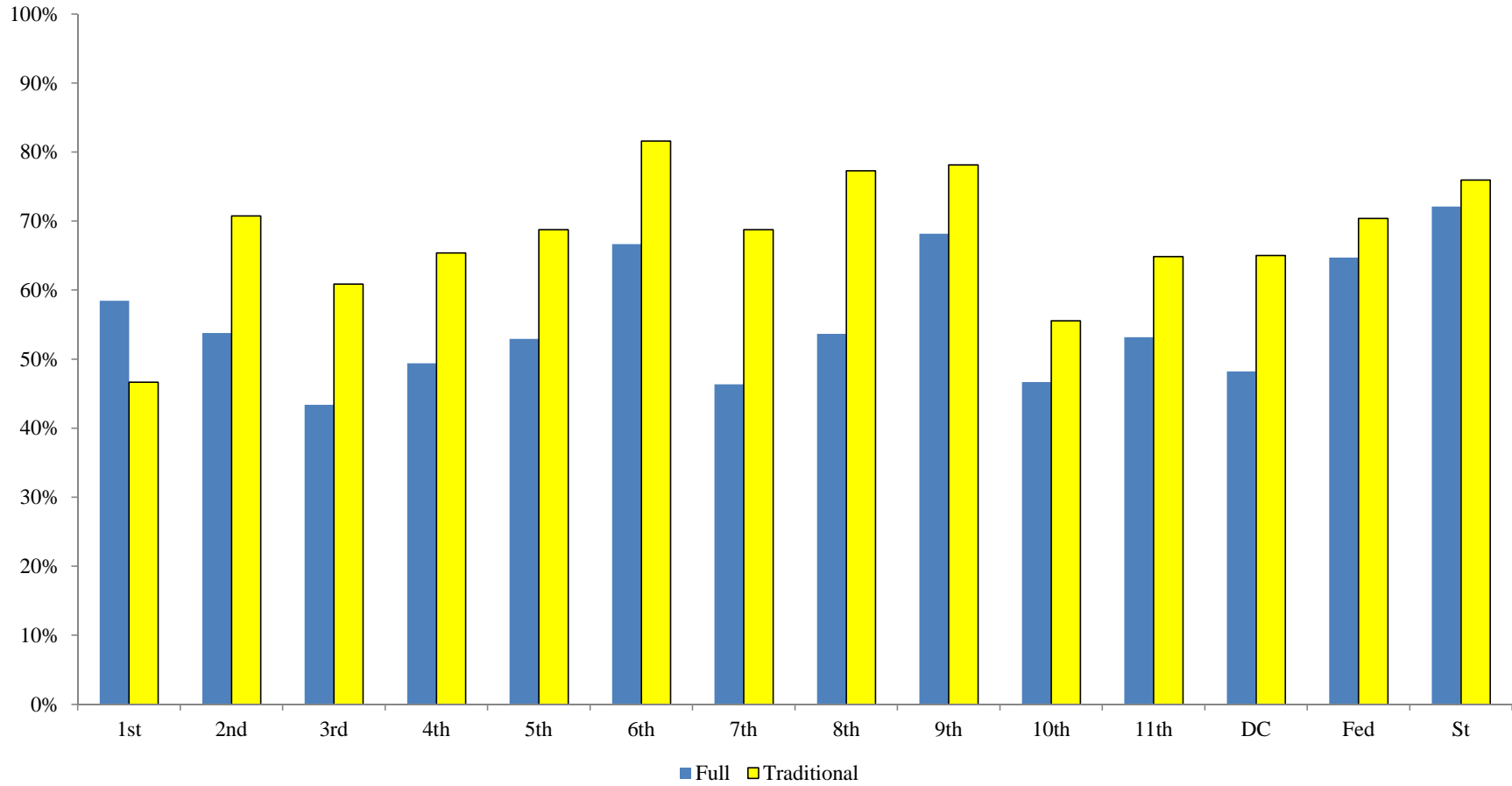
"Unanimous" represents a strength, as calculated above, of 1.

Excludes cases with missing vote data.

From dataset assembled by Hangley Aronchick Segal Pudlin & Schiller.

EXHIBIT 2

**SUPREME COURT REVERSAL RATES BY APPEALS COURT
2005 – 2011**

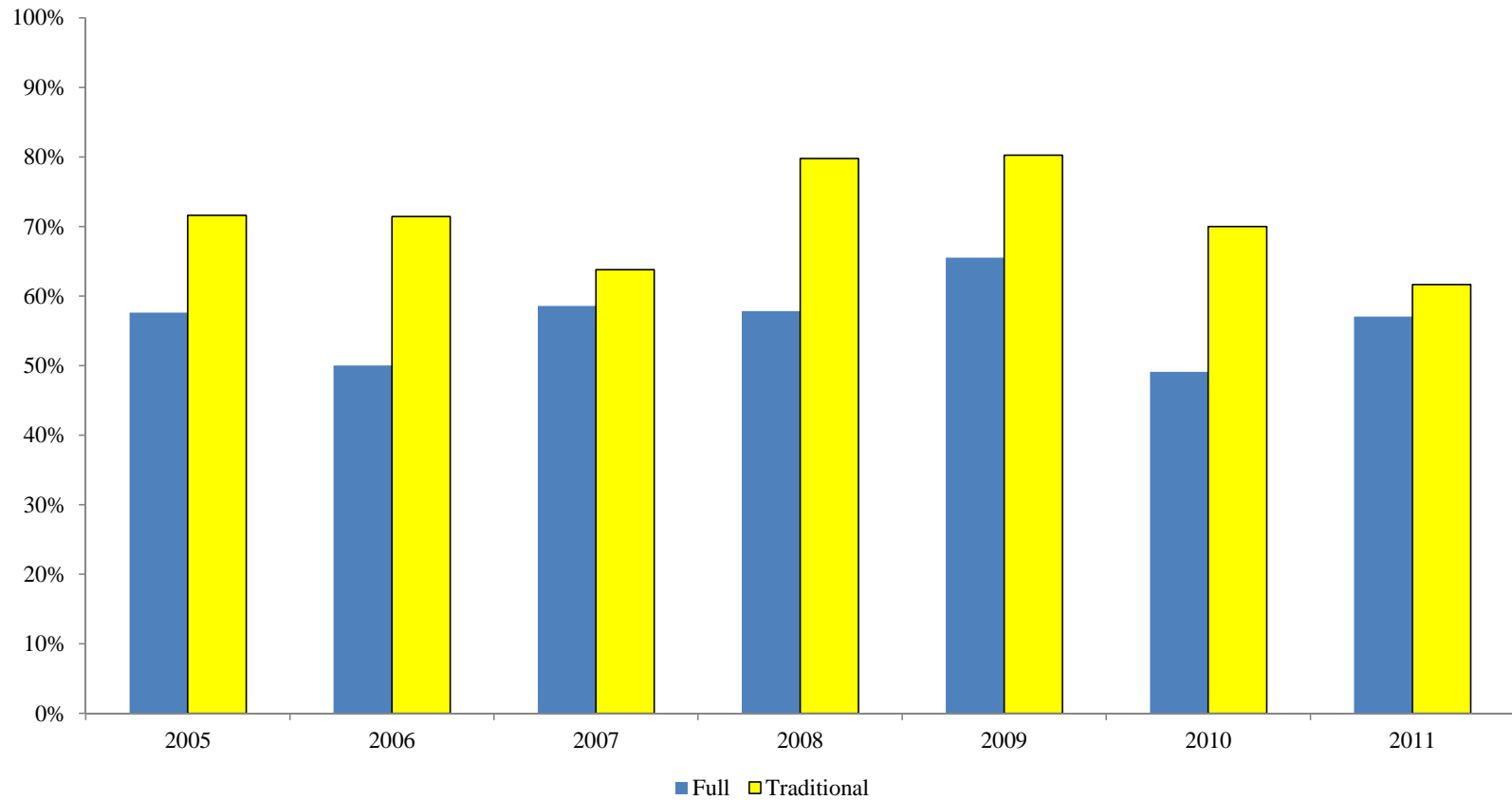


Notes & Sources:

From Exhibit 1.

EXHIBIT 3

**SUPREME COURT REVERSAL RATES BY YEAR
2005 – 2011**

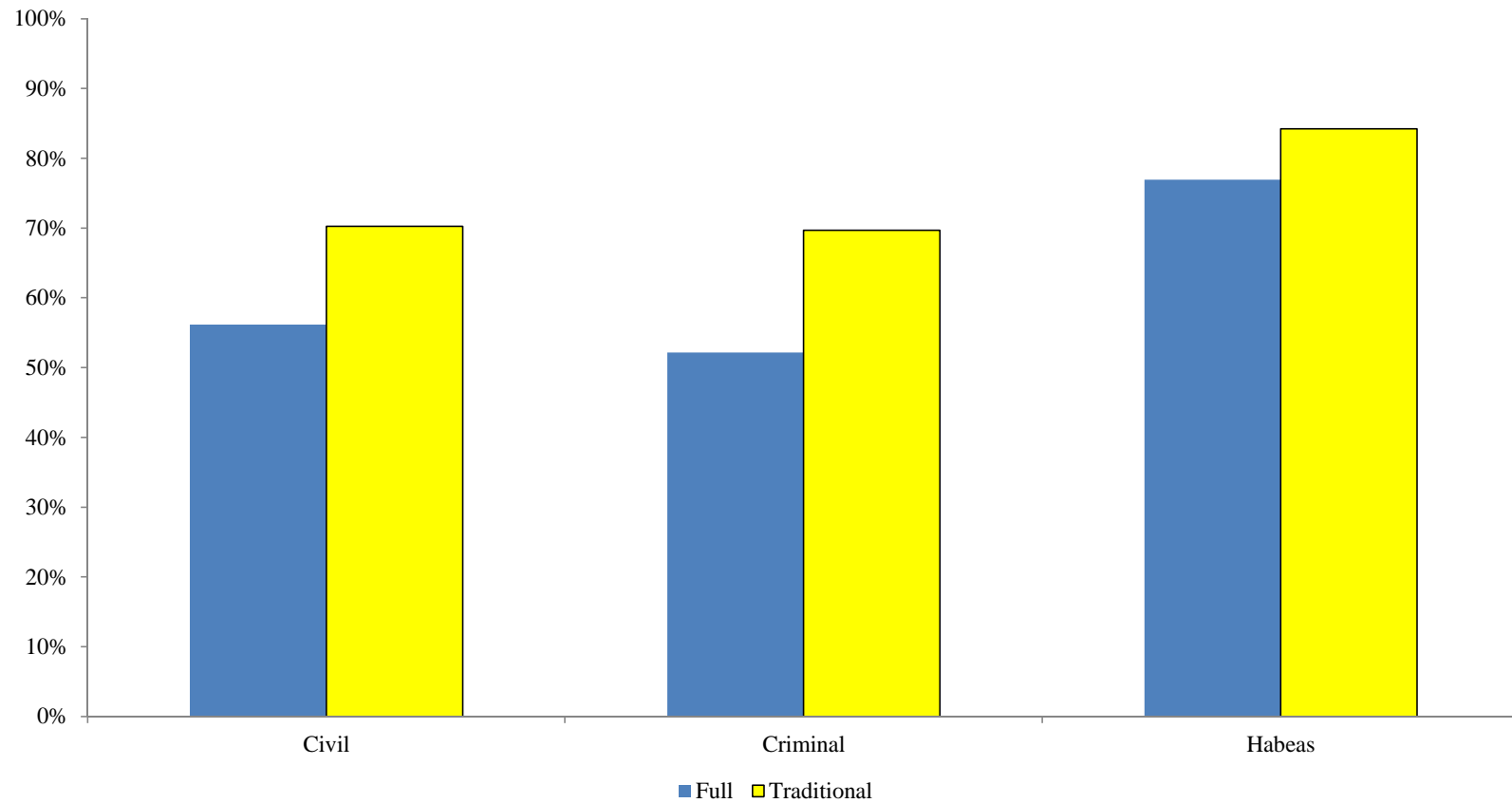


Notes & Sources:

From Exhibit 1.

EXHIBIT 4

**SUPREME COURT REVERSAL RATES BY CASE TYPE
2005 – 2011**

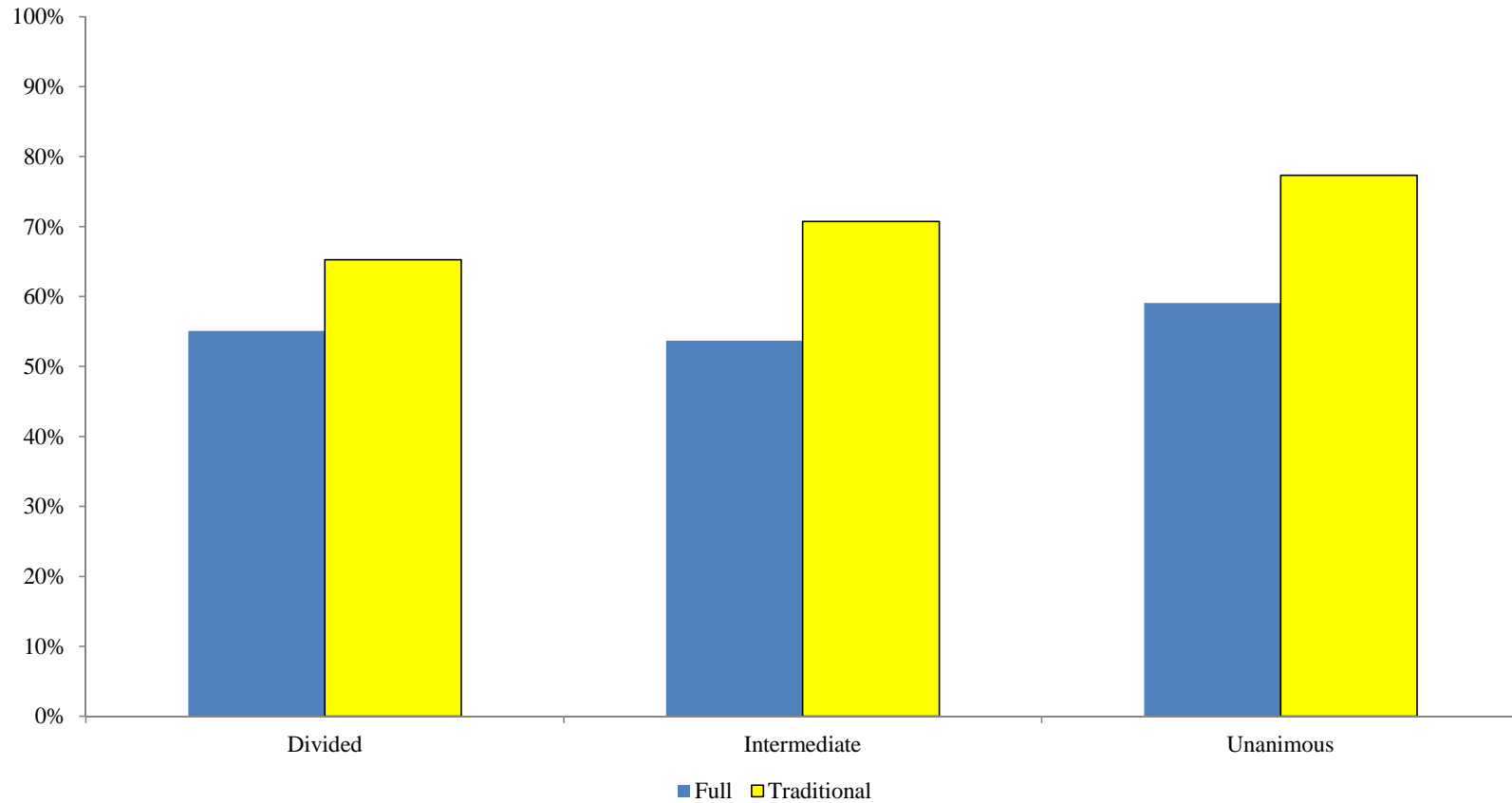


Notes & Sources:

From Exhibit 1.

EXHIBIT 5

**SUPREME COURT REVERSAL RATES BY STRENGTH OF SUPREME COURT MAJORITY
2005 – 2011**

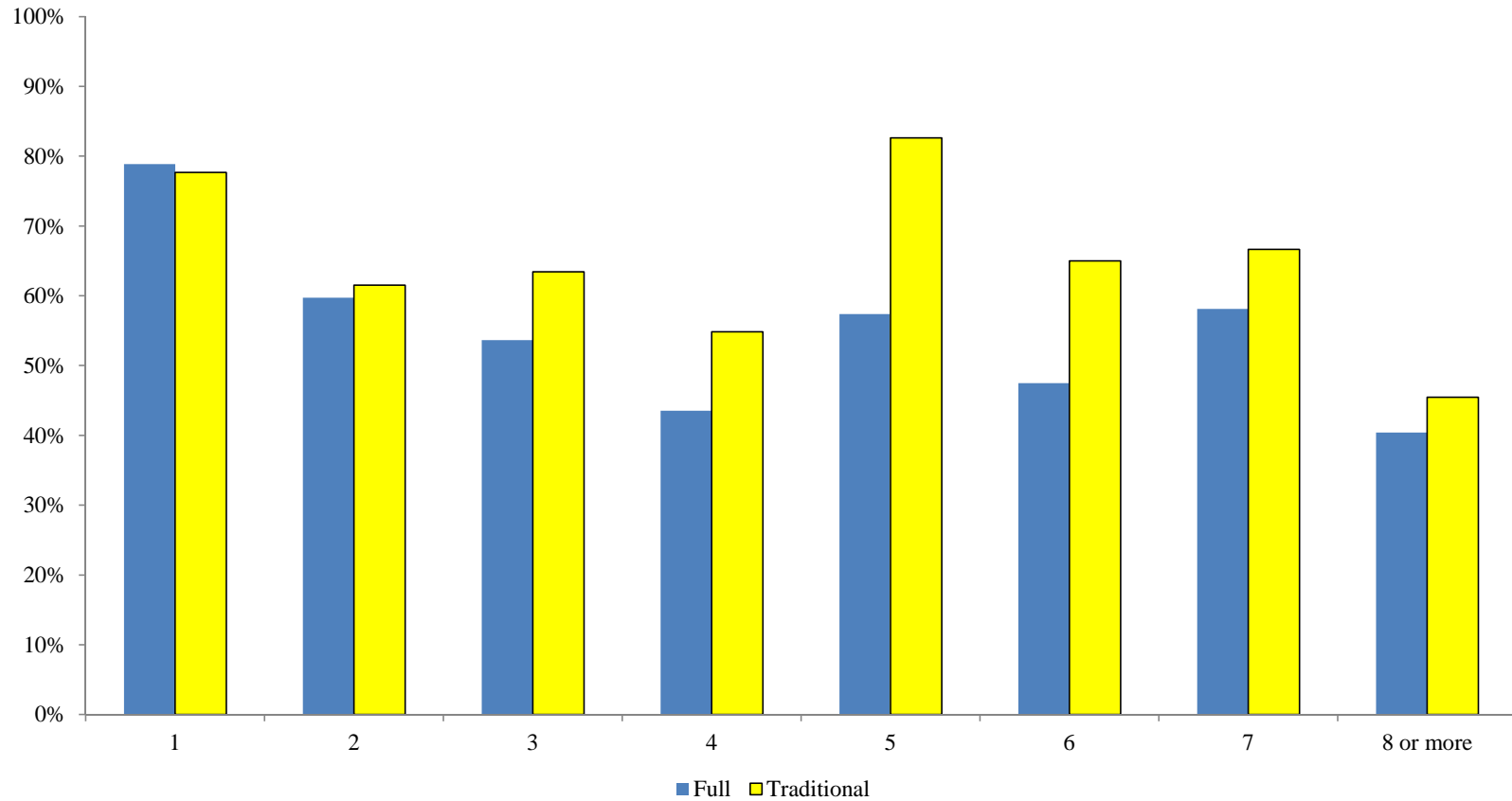


Notes & Sources:

From Exhibit 1.

EXHIBIT 6

SUPREME COURT REVERSAL RATES BY NUMBER OF CIRCUITS WITH A DECISION 2005 – 2011



Notes & Sources:

From Exhibit 1.

EXHIBIT 7
SUPREME COURT REVERSALS OF LOWER COURT DECISIONS
BY YEAR AND CIRCUIT
2005 – 2011

	Traditional Method								Full Method							
	2005	2006	2007	2008	2009	2010	2011	Total	2005	2006	2007	2008	2009	2010	2011	Total
Reversal Percentage																
Circuit																
1st	100.00%	0.00%	50.00%	50.00%	50.00%	0.00%	50.00%	46.67%	85.71%	54.55%	66.67%	53.33%	66.67%	33.33%	62.50%	58.44%
2nd	85.71%	60.00%	28.57%	77.78%	85.71%	75.00%	100.00%	70.73%	53.85%	43.75%	47.06%	63.16%	59.09%	42.86%	72.73%	53.78%
3rd	100.00%	100.00%	-	50.00%	40.00%	60.00%	57.14%	60.87%	45.45%	27.27%	50.00%	60.00%	45.45%	33.33%	46.67%	43.37%
4th	60.00%	50.00%	66.67%	100.00%	80.00%	50.00%	0.00%	65.38%	60.00%	33.33%	60.00%	66.67%	64.29%	35.29%	22.22%	49.40%
5th	66.67%	80.00%	80.00%	60.00%	100.00%	71.43%	0.00%	68.75%	38.46%	60.00%	62.50%	57.14%	54.55%	47.62%	50.00%	52.94%
6th	71.43%	50.00%	66.67%	100.00%	100.00%	83.33%	100.00%	81.58%	82.35%	33.33%	76.92%	62.50%	80.00%	62.50%	69.23%	66.67%
7th	100.00%	66.67%	16.67%	100.00%	90.91%	60.00%	66.67%	68.75%	50.00%	28.57%	31.25%	40.00%	85.00%	41.18%	33.33%	46.36%
8th	33.33%	75.00%	75.00%	100.00%	100.00%	75.00%	-	77.27%	54.55%	45.45%	50.00%	66.67%	46.15%	52.63%	71.43%	53.66%
9th	83.33%	85.00%	70.00%	93.75%	75.00%	70.83%	70.83%	78.13%	76.67%	74.07%	68.42%	62.07%	66.67%	65.71%	64.71%	68.16%
10th	25.00%	75.00%	100.00%	100.00%	0.00%	-	50.00%	55.56%	27.27%	58.33%	71.43%	50.00%	46.15%	12.50%	58.33%	46.67%
11th	83.33%	40.00%	66.67%	0.00%	80.00%	66.67%	75.00%	64.86%	50.00%	50.00%	60.00%	27.27%	68.18%	41.18%	66.67%	53.19%
DC	100.00%	33.33%	66.67%	100.00%	100.00%	-	25.00%	65.00%	37.50%	22.22%	50.00%	62.50%	85.71%	50.00%	33.33%	48.21%
Fed	100.00%	75.00%	75.00%	80.00%	0.00%	57.14%	66.67%	70.37%	100.00%	75.00%	50.00%	66.67%	33.33%	62.50%	75.00%	64.71%
St	46.67%	100.00%	81.82%	75.00%	90.00%	100.00%	63.64%	75.95%	47.06%	87.50%	81.82%	68.42%	90.00%	90.00%	63.64%	72.09%
Total	71.60%	71.43%	63.77%	79.75%	80.23%	70.00%	61.64%	71.56%	57.63%	50.00%	58.56%	57.81%	65.50%	49.10%	57.06%	56.47%
Rank																
Circuit																
1st	1	14	11	12	11	12	9	14	2	6	5	11	6	12	8	5
2nd	6	9	12	9	7	3	1	5	7	9	13	5	9	8	2	6
3rd	1	1	-	12	12	8	8	12	11	13	9	9	13	12	11	14
4th	11	10	7	1	8	11	12	9	5	10	7	2	8	11	14	10
5th	10	4	3	11	1	5	12	7	12	4	6	10	10	7	10	9
6th	9	10	7	1	1	2	1	1	3	10	2	6	4	3	4	3
7th	1	8	13	1	5	8	5	7	8	12	14	13	3	9	12	13
8th	13	5	4	1	1	3	-	3	6	8	9	2	11	5	3	7
9th	7	3	6	7	10	6	4	2	4	3	4	8	6	2	6	2
10th	14	5	1	1	13	-	9	13	14	5	3	12	11	14	9	12
11th	7	12	7	14	8	7	3	11	8	7	7	14	5	9	5	8
DC	1	13	7	1	1	-	11	10	13	14	9	6	2	6	12	11
Fed	1	5	4	8	13	10	5	6	1	2	9	2	14	3	1	4
St	12	1	2	10	6	1	7	4	10	1	1	1	1	1	7	1

EXHIBIT 7
SUPREME COURT REVERSALS OF LOWER COURT DECISIONS
BY YEAR AND CIRCUIT
2005 – 2011

	Traditional Method							Full Method								
	2005	2006	2007	2008	2009	2010	2011	Total	2005	2006	2007	2008	2009	2010	2011	Total
Total Number of Reversals																
Circuit																
1st	2	0	1	2	1	0	1	7	6	6	8	8	8	4	5	45
2nd	6	3	2	7	6	3	2	29	7	7	8	12	13	9	8	64
3rd	3	1	0	1	2	3	4	14	5	3	5	6	5	5	7	36
4th	3	1	2	5	4	2	0	17	6	3	9	6	9	6	2	41
5th	2	4	4	3	4	5	0	22	5	9	10	8	6	10	6	54
6th	5	3	2	5	7	5	4	31	14	5	10	10	12	10	9	70
7th	3	2	1	1	10	3	2	22	8	4	5	6	17	7	4	51
8th	1	3	3	4	3	3	0	17	6	5	6	6	6	10	5	44
9th	15	17	7	15	12	17	17	100	23	20	13	18	18	23	22	137
10th	1	3	2	2	0	0	2	10	3	7	5	6	6	1	7	35
11th	5	2	4	0	8	2	3	24	5	5	9	3	15	7	6	50
DC	2	1	4	2	3	0	1	13	3	2	6	5	6	3	2	27
Fed	3	3	3	4	0	4	2	19	3	3	3	4	1	5	3	22
St	7	7	9	12	9	9	7	60	8	7	9	13	9	9	7	62
Total	58	50	44	63	69	56	45	385	102	86	106	111	131	109	93	738
Total Number of Decisions																
Circuit																
1st	2	1	2	4	2	2	2	15	7	11	12	15	12	12	8	77
2nd	7	5	7	9	7	4	2	41	13	16	17	19	22	21	11	119
3rd	3	1	0	2	5	5	7	23	11	11	10	10	11	15	15	83
4th	5	2	3	5	5	4	2	26	10	9	15	9	14	17	9	83
5th	3	5	5	5	4	7	3	32	13	15	16	14	11	21	12	102
6th	7	6	3	5	7	6	4	38	17	15	13	16	15	16	13	105
7th	3	3	6	1	11	5	3	32	16	14	16	15	20	17	12	110
8th	3	4	4	4	3	4	0	22	11	11	12	9	13	19	7	82
9th	18	20	10	16	16	24	24	128	30	27	19	29	27	35	34	201
10th	4	4	2	2	2	0	4	18	11	12	7	12	13	8	12	75
11th	6	5	6	3	10	3	4	37	10	10	15	11	22	17	9	94
DC	2	3	6	2	3	0	4	20	8	9	12	8	7	6	6	56
Fed	3	4	4	5	1	7	3	27	3	4	6	6	3	8	4	34
St	15	7	11	16	10	9	11	79	17	8	11	19	10	10	11	86
Total	81	70	69	79	86	80	73	538	177	172	181	192	200	222	163	1307

Notes & Sources:

From dataset assembled by Hangley Aronchick Segal Pudlin & Schiller. See Appendix for details.

The 33% of circuits reversed the most by the Supreme Court are highlighted green, and the 33% of circuits reversed the least are highlighted red. Each column is color coded separately.

EXHIBIT 8
SUPREME COURT REVERSALS OF LOWER COURT DECISIONS
BY CIRCUIT
2005 – 2010 VERSUS 2011

	Traditional Method		Full Method	
	2005 – 2010	2011	2005 – 2010	2011
Reversal Percentage				
Circuit				
1st	46.15%	50.00%	57.97%	62.50%
2nd	69.23%	100.00%	51.85%	72.73%
3rd	62.50%	57.14%	42.65%	46.67%
4th	70.83%	0.00%	52.70%	22.22%
5th	75.86%	0.00%	53.33%	50.00%
6th	79.41%	100.00%	66.30%	69.23%
7th	68.97%	66.67%	47.96%	33.33%
8th	77.27%	-	52.00%	71.43%
9th	79.81%	70.83%	68.86%	64.71%
10th	57.14%	50.00%	44.44%	58.33%
11th	63.64%	75.00%	51.76%	66.67%
DC	75.00%	25.00%	50.00%	33.33%
Fed	70.83%	66.67%	63.33%	75.00%
St	77.94%	63.64%	73.33%	63.64%
Total	73.12%	61.64%	56.38%	57.06%

	2005 – 2010	2011	2005 – 2010	2011
Rank				
Circuit				
1st	14	9	5	8
2nd	9	1	9	2
3rd	12	8	14	11
4th	7	12	7	14
5th	5	12	6	10
6th	2	1	3	4
7th	10	5	12	12
8th	4	-	8	3
9th	1	4	2	6
10th	13	9	13	9
11th	11	3	10	5
DC	6	11	11	12
Fed	7	5	4	1
St	3	7	1	7

EXHIBIT 8
SUPREME COURT REVERSALS OF LOWER COURT DECISIONS
BY CIRCUIT
2005 – 2010 VERSUS 2011

	Traditional Method		Full Method	
	2005 – 2010	2011	2005 – 2010	2011
Total Number of Reversals				
Circuit				
1st	6	1	40	5
2nd	27	2	56	8
3rd	10	4	29	7
4th	17	0	39	2
5th	22	0	48	6
6th	27	4	61	9
7th	20	2	47	4
8th	17	0	39	5
9th	83	17	115	22
10th	8	2	28	7
11th	21	3	44	6
DC	12	1	25	2
Fed	17	2	19	3
St	53	7	55	7
Total	340	45	645	93

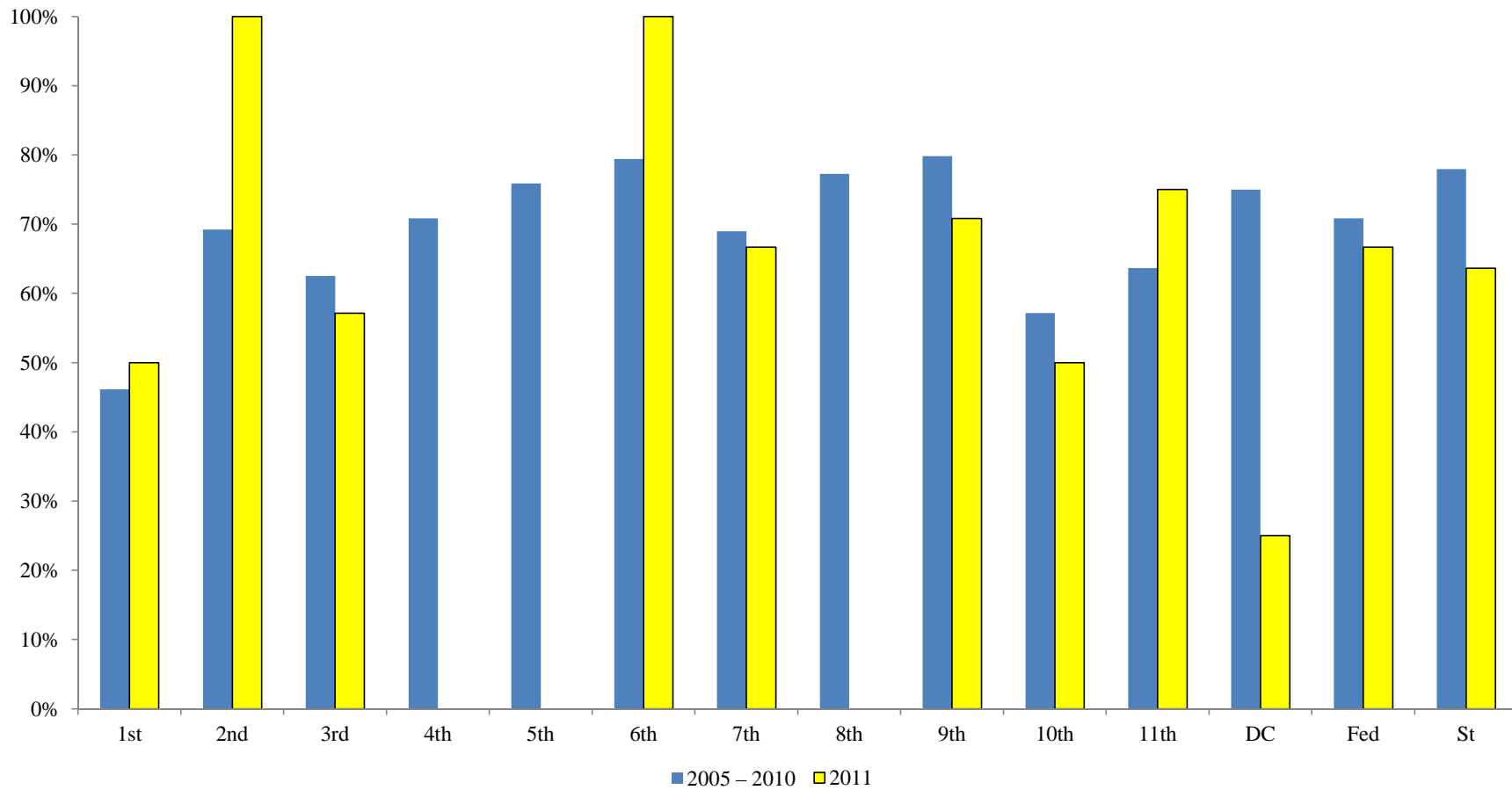
	2005 – 2010	2011	2005 – 2010	2011
	Total Number of Decisions			
Circuit				
1st	13	2	69	8
2nd	39	2	108	11
3rd	16	7	68	15
4th	24	2	74	9
5th	29	3	90	12
6th	34	4	92	13
7th	29	3	98	12
8th	22	0	75	7
9th	104	24	167	34
10th	14	4	63	12
11th	33	4	85	9
DC	16	4	50	6
Fed	24	3	30	4
St	68	11	75	11
Total	465	73	1144	163

Notes & Sources:

From dataset assembled by Hangley Aronchick Segal Pudlin & Schiller. See Appendix for details
The 33% of circuits reversed the most by the Supreme Court are highlighted green, and the 33%
of circuits reversed the least are highlighted red. Each column is color coded separately.

EXHIBIT 9

SUPREME COURT REVERSALS OF LOWER COURT DECISIONS TRADITIONAL METHOD 2005 – 2010 VERSUS 2011

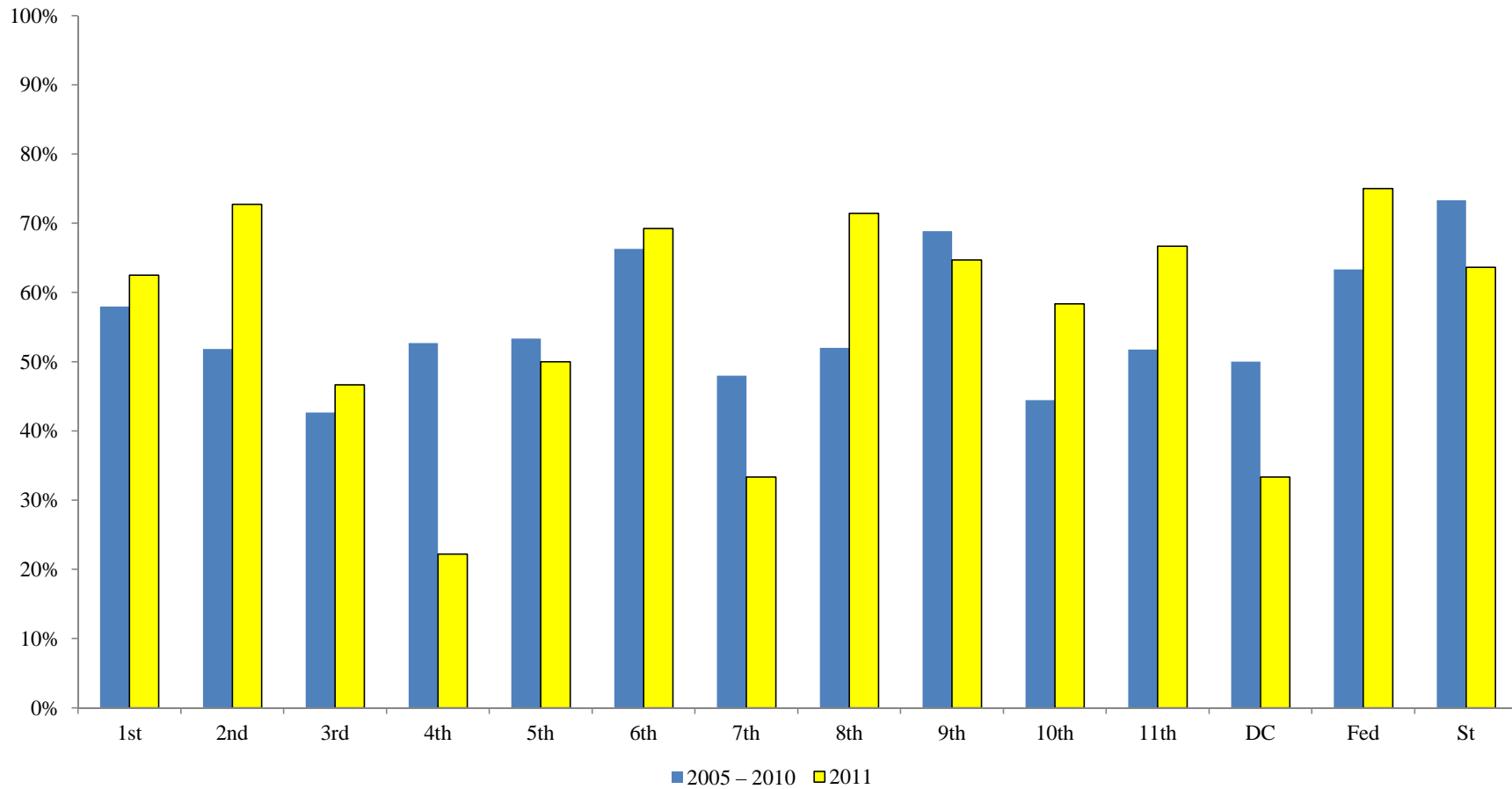


Notes & Sources:

From Exhibit 1.

EXHIBIT 10

**SUPREME COURT REVERSALS OF LOWER COURT DECISIONS
FULL METHOD
2005 – 2010 VERSUS 2011**



Notes & Sources:

From Exhibit 1.

EXHIBIT 11

**SUPREME COURT REVERSALS OF LOWER COURT DECISIONS
BY CASE TYPE AND CIRCUIT
2005 – 2011**

	Traditional Method				Full Method			
	Criminal	Civil	Habeas	Total	Criminal	Civil	Habeas	Total
Reversal Percentage								
Circuit								
1st	50.00%	50.00%	0.00%	46.67%	58.06%	60.00%	0.00%	58.44%
2nd	80.00%	67.74%	-	70.73%	53.57%	55.06%	0.00%	53.78%
3rd	50.00%	66.67%	66.67%	60.87%	40.00%	42.31%	66.67%	43.37%
4th	66.67%	64.29%	-	65.38%	41.67%	51.72%	100.00%	49.40%
5th	58.33%	73.33%	80.00%	68.75%	36.67%	58.46%	71.43%	52.94%
6th	80.00%	77.27%	90.91%	81.58%	54.17%	64.62%	93.75%	66.67%
7th	75.00%	57.14%	100.00%	68.75%	38.24%	48.61%	75.00%	46.36%
8th	90.00%	66.67%	-	77.27%	63.33%	46.00%	100.00%	53.66%
9th	80.95%	72.94%	95.45%	78.13%	62.96%	66.21%	82.76%	68.16%
10th	33.33%	57.14%	100.00%	55.56%	43.48%	48.98%	33.33%	46.67%
11th	53.85%	73.68%	60.00%	64.86%	50.00%	50.98%	72.73%	53.19%
DC	60.00%	58.33%	100.00%	65.00%	50.00%	41.67%	100.00%	48.21%
Fed	0.00%	76.00%	-	70.37%	0.00%	68.75%	-	64.71%
St	75.00%	80.65%	50.00%	75.95%	75.00%	70.27%	60.00%	72.09%
Total	69.70%	70.25%	84.21%	71.56%	52.16%	56.15%	76.92%	56.47%

	Criminal	Civil	Habeas	Total	Criminal	Civil	Habeas	Total
Rank								
Circuit								
1st	11	14	10	14	4	5	12	5
2nd	3	7	-	5	6	7	12	6
3rd	11	8	7	12	11	13	9	14
4th	7	10	-	9	10	8	1	10
5th	9	5	6	7	13	6	8	9
6th	3	2	5	1	5	4	4	3
7th	5	12	1	7	12	11	6	13
8th	1	8	-	3	2	12	1	7
9th	2	6	4	2	3	3	5	2
10th	13	12	1	13	9	10	11	12
11th	10	4	8	11	7	9	7	8
DC	8	11	1	10	7	14	1	11
Fed	14	3	-	6	14	2	-	4
St	5	1	9	4	1	1	10	1

EXHIBIT 11

**SUPREME COURT REVERSALS OF LOWER COURT DECISIONS
BY CASE TYPE AND CIRCUIT
2005 – 2011**

	Traditional Method				Full Method			
	Criminal	Civil	Habeas	Total	Criminal	Civil	Habeas	Total
Total Number of Reversals								
Circuit								
1st	2	5	0	7	18	27	0	45
2nd	8	21	0	29	15	49	0	64
3rd	4	8	2	14	10	22	4	36
4th	8	9	0	17	10	30	1	41
5th	7	11	4	22	11	38	5	54
6th	4	17	10	31	13	42	15	70
7th	12	8	2	22	13	35	3	51
8th	9	8	0	17	19	23	2	44
9th	17	62	21	100	17	96	24	137
10th	1	8	1	10	10	24	1	35
11th	7	14	3	24	16	26	8	50
DC	3	7	3	13	8	15	4	27
Fed	0	19	0	19	0	22	0	22
St	33	25	2	60	33	26	3	62
Total	115	222	48	385	193	475	70	738

	Criminal	Civil	Habeas	Total	Criminal	Civil	Habeas	Total
Total Number of Decisions								
Circuit								
1st	4	10	1	15	31	45	1	77
2nd	10	31	0	41	28	89	2	119
3rd	8	12	3	23	25	52	6	83
4th	12	14	0	26	24	58	1	83
5th	12	15	5	32	30	65	7	102
6th	5	22	11	38	24	65	16	105
7th	16	14	2	32	34	72	4	110
8th	10	12	0	22	30	50	2	82
9th	21	85	22	128	27	145	29	201
10th	3	14	1	18	23	49	3	75
11th	13	19	5	37	32	51	11	94
DC	5	12	3	20	16	36	4	56
Fed	2	25	0	27	2	32	0	34
St	44	31	4	79	44	37	5	86
Total	165	316	57	538	370	846	91	1,307

Notes & Sources:

From dataset assembled by Hangley Aronchick Segal Pudlin & Schiller. See Appendix for details.
The 33% of circuits reversed the most by the Supreme Court are highlighted in green, and the 33% of circuits reversed the least are highlighted in red. Each column is color coded separately.

EXHIBIT 12
SUPREME COURT REVERSALS OF LOWER COURT DECISIONS
BY CASE TYPE
2005 – 2010 VERSUS 2011

	Traditional Method								Full Method							
	Criminal		Civil		Habeas		Total		Criminal		Civil		Habeas		Total	
	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011
Reversal Percentage																
Circuit																
1st	33.33%	100.00%	55.56%	0.00%	0.00%	-	46.15%	50.00%	55.56%	75.00%	60.98%	50.00%	0.00%	-	57.97%	62.50%
2nd	80.00%	-	65.52%	100.00%	-	-	69.23%	100.00%	54.17%	50.00%	52.44%	85.71%	0.00%	-	51.85%	72.73%
3rd	42.86%	100.00%	77.78%	33.33%	-	66.67%	62.50%	57.14%	42.86%	25.00%	40.91%	50.00%	66.67%	66.67%	42.65%	46.67%
4th	66.67%	-	75.00%	0.00%	-	-	70.83%	0.00%	43.48%	0.00%	56.00%	25.00%	100.00%	-	52.70%	22.22%
5th	63.64%	0.00%	78.57%	0.00%	100.00%	0.00%	75.86%	0.00%	37.04%	33.33%	57.89%	62.50%	83.33%	0.00%	53.33%	50.00%
6th	80.00%	-	76.19%	100.00%	87.50%	100.00%	79.41%	100.00%	54.55%	50.00%	64.91%	62.50%	92.31%	100.00%	66.30%	69.23%
7th	73.33%	100.00%	61.54%	0.00%	100.00%	100.00%	68.97%	66.67%	41.38%	20.00%	50.00%	33.33%	66.67%	100.00%	47.96%	33.33%
8th	90.00%	-	66.67%	-	-	-	77.27%	-	60.71%	100.00%	45.65%	50.00%	100.00%	100.00%	52.00%	71.43%
9th	85.00%	0.00%	73.85%	70.00%	94.74%	100.00%	79.81%	70.83%	66.67%	33.33%	66.10%	66.67%	84.00%	75.00%	68.86%	64.71%
10th	33.33%	-	63.64%	33.33%	-	100.00%	57.14%	50.00%	40.00%	66.67%	48.78%	50.00%	0.00%	100.00%	44.44%	58.33%
11th	53.85%	-	75.00%	66.67%	50.00%	100.00%	63.64%	75.00%	51.61%	0.00%	47.73%	71.43%	70.00%	100.00%	51.76%	66.67%
DC	75.00%	0.00%	66.67%	33.33%	100.00%	-	75.00%	25.00%	53.33%	0.00%	41.94%	40.00%	100.00%	-	50.00%	33.33%
Fed	0.00%	-	77.27%	66.67%	-	-	70.83%	66.67%	0.00%	-	67.86%	75.00%	-	-	63.33%	75.00%
St	80.00%	25.00%	80.77%	80.00%	0.00%	100.00%	77.94%	63.64%	80.00%	25.00%	68.75%	80.00%	33.33%	100.00%	73.33%	63.64%
Total	71.61%	40.00%	72.39%	58.33%	83.33%	86.67%	73.12%	61.64%	53.45%	40.54%	55.77%	58.72%	75.68%	82.35%	56.38%	57.06%

	Criminal		Civil		Habeas		Total		Criminal		Civil		Habeas		Total	
	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011
Rank																
Circuit																
1st	12	1	14	10	7	-	14	9	4	2	5	8	11	-	5	8
2nd	3	-	11	1	-	-	9	1	6	4	8	1	11	-	9	2
3rd	11	1	3	7	-	7	12	8	10	8	14	8	8	8	14	11
4th	8	-	6	10	-	-	7	12	9	11	7	14	1	-	7	14
5th	9	5	2	10	1	8	5	12	13	6	6	6	6	9	6	10
6th	3	-	5	1	5	1	2	1	5	4	4	6	4	1	3	4
7th	7	1	13	10	1	1	10	5	11	10	9	13	8	1	12	12
8th	1	-	9	-	-	-	4	-	3	1	12	8	1	1	8	3
9th	2	5	8	4	4	1	1	4	2	6	3	5	5	7	2	6
10th	12	-	12	7	-	1	13	9	12	3	10	8	11	1	13	9
11th	10	-	6	5	6	1	11	3	8	11	11	4	7	1	10	5
DC	6	5	9	7	1	-	6	11	7	11	13	12	1	-	11	12
Fed	14	-	4	5	-	-	7	5	14	-	2	3	-	-	4	1
St	3	4	1	3	7	1	3	7	1	8	1	2	10	1	1	7

EXHIBIT 12
SUPREME COURT REVERSALS OF LOWER COURT DECISIONS
BY CASE TYPE
2005 – 2010 VERSUS 2011

	Traditional Method								Full Method							
	Criminal		Civil		Habeas		Total		Criminal		Civil		Habeas		Total	
	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011
Total Number of Reversals																
Circuit																
1st	1	1	5	0	0	0	6	1	15	3	25	2	0	0	40	5
2nd	8	0	19	2	0	0	27	2	13	2	43	6	0	0	56	8
3rd	3	1	7	1	0	2	10	4	9	1	18	4	2	2	29	7
4th	8	0	9	0	0	0	17	0	10	0	28	2	1	0	39	2
5th	7	0	11	0	4	0	22	0	10	1	33	5	5	0	48	6
6th	4	0	16	1	7	3	27	4	12	1	37	5	12	3	61	9
7th	11	1	8	0	1	1	20	2	12	1	33	2	2	1	47	4
8th	9	0	8	0	0	0	17	0	17	2	21	2	1	1	39	5
9th	17	0	48	14	18	3	83	17	16	1	78	18	21	3	115	22
10th	1	0	7	1	0	1	8	2	8	2	20	4	0	1	28	7
11th	7	0	12	2	2	1	21	3	16	0	21	5	7	1	44	6
DC	3	0	6	1	3	0	12	1	8	0	13	2	4	0	25	2
Fed	0	0	17	2	0	0	17	2	0	0	19	3	0	0	19	3
St	32	1	21	4	0	2	53	7	32	1	22	4	1	2	55	7
Total	111	4	194	28	35	13	340	45	178	15	411	64	56	14	645	93

	Traditional Method				Full Method											
	Criminal		Civil		Habeas		Total		Criminal		Civil		Habeas		Total	
	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011	2005 – 2010	2011
Total Number of Decisions																
Circuit																
1st	3	1	9	1	1	0	13	2	27	4	41	4	1	0	69	8
2nd	10	0	29	2	0	0	39	2	24	4	82	7	2	0	108	11
3rd	7	1	9	3	0	3	16	7	21	4	44	8	3	3	68	15
4th	12	0	12	2	0	0	24	2	23	1	50	8	1	0	74	9
5th	11	1	14	1	4	1	29	3	27	3	57	8	6	1	90	12
6th	5	0	21	1	8	3	34	4	22	2	57	8	13	3	92	13
7th	15	1	13	1	1	1	29	3	29	5	66	6	3	1	98	12
8th	10	0	12	0	0	0	22	0	28	2	46	4	1	1	75	7
9th	20	1	65	20	19	3	104	24	24	3	118	27	25	4	167	34
10th	3	0	11	3	0	1	14	4	20	3	41	8	2	1	63	12
11th	13	0	16	3	4	1	33	4	31	1	44	7	10	1	85	9
DC	4	1	9	3	3	0	16	4	15	1	31	5	4	0	50	6
Fed	2	0	22	3	0	0	24	3	2	0	28	4	0	0	30	4
St	40	4	26	5	2	2	68	11	40	4	32	5	3	2	75	11
Total	155	10	268	48	42	15	465	73	333	37	737	109	74	17	1144	163

Notes & Sources:

From dataset assembled by Hangley Aronchick Segal Pudlin & Schiller. See Appendix for details.

The 33% of circuits reversed the most by the Supreme Court are highlighted in green, and the 33% of circuits reversed the least are highlighted in red. Each column is color coded separately.

EXHIBIT 13

**PERCENTAGE OF AGREEMENTS IN CIRCUIT COURT RULINGS
2005 – 2011**

Concordance Table

	2d	3d	4th	5th	6th	7th	8th	9th	10th	11th	DC	Fed	State	All
1st	71.8%	69.4%	64.3%	65.7%	62.5%	66.7%	66.7%	51.3%	64.7%	44.1%	50.0%	100.0%	16.7%	61.7%
2d		52.2%	51.1%	59.2%	47.7%	60.3%	51.6%	54.2%	73.5%	52.3%	57.1%	60.0%	40.0%	56.9%
3d			54.3%	65.9%	45.9%	51.2%	48.6%	54.8%	56.7%	57.1%	64.3%	0.0%	60.0%	55.7%
4th				73.8%	55.0%	68.1%	61.5%	42.6%	58.1%	51.2%	50.0%	25.0%	50.0%	57.2%
5th					65.1%	60.4%	67.5%	53.7%	80.6%	61.5%	50.0%	75.0%	70.0%	64.2%
6th						55.6%	61.1%	63.5%	58.8%	54.3%	59.1%	0.0%	30.0%	56.3%
7th							59.1%	38.2%	55.8%	56.4%	68.4%	50.0%	83.3%	57.7%
8th								52.2%	71.9%	57.9%	57.9%	50.0%	20.0%	59.0%
9th									52.3%	52.2%	62.5%	50.0%	44.4%	51.8%
10th										53.3%	50.0%	80.0%	60.0%	62.0%
11th											47.6%	80.0%	33.3%	53.9%
DC												25.0%	50.0%	55.4%
Fed													-	53.7%

Number of Overlapping Decisions

	2d	3d	4th	5th	6th	7th	8th	9th	10th	11th	DC	Fed	State	All
1st	39	36	42	35	40	45	36	39	34	34	18	1	6	405
2d		46	45	49	44	58	31	48	34	44	21	5	5	469
3d			35	41	37	43	37	42	30	35	14	1	5	402
4th				42	40	47	39	47	31	43	20	4	4	439
5th					43	53	40	54	36	39	20	4	10	466
6th						54	36	52	34	35	22	2	10	449
7th							44	55	43	39	19	2	6	508
8th								46	32	38	19	4	5	407
9th									44	46	24	4	9	510
10th										30	16	5	5	374
11th											21	5	3	412
DC												4	4	222
Fed													0	41

Notes and Sources:

From dataset assembled by Hangley Aronchick Segal Pudlin & Schiller. See Appendix for details.

Agreement percentages are calculated as the number of agreements (both circuits affirmed, or both reversed by the Supreme Court) divided by the number of cases where both circuits have a decision (shown in the lower panel).

The 33% lowest concordance percentages are highlighted in red, and the 33% highest concordance percentages are highlighted in green. The top and bottom three are boxed. The 'All' column measures agreements with all other circuits and is excluded from the color coding.



EXHIBIT 14

**PERCENTAGE OF AGREEMENTS IN CIRCUIT COURT RULINGS
2005 – 2010 VERSUS 2011**

		2011												
	2d	3d	4th	5th	6th	7th	8th	9th	10th	11th	DC	Fed	State	All
1st	60.0%	60.0%	66.7%	50.0%	80.0%	33.3%	75.0%	33.3%	100.0%	0.0%	0.0%	-	0.0%	54.8%
2d		42.9%	50.0%	80.0%	40.0%	57.1%	100.0%	25.0%	100.0%	33.3%	0.0%	-	0.0%	51.9%
3d			25.0%	50.0%	20.0%	28.6%	25.0%	44.4%	50.0%	66.7%	100.0%	-	100.0%	43.1%
4th				100.0%	75.0%	75.0%	75.0%	57.1%	66.7%	60.0%	50.0%	-	-	63.6%
5th					75.0%	85.7%	60.0%	44.4%	80.0%	75.0%	0.0%	-	-	66.1%
6th						66.7%	66.7%	50.0%	66.7%	50.0%	50.0%	-	0.0%	56.3%
7th							75.0%	33.3%	80.0%	33.3%	0.0%	-	100.0%	56.1%
8th								0.0%	75.0%	0.0%	0.0%	-	-	52.6%
9th									42.9%	57.1%	66.7%	-	-	41.4%
10th												0.0%	0.0%	63.6%
11th											50.0%	-	-	47.5%
DC												-	-	36.8%
Fed												-	-	0.0%

		2005 – 2010												
	2d	3d	4th	5th	6th	7th	8th	9th	10th	11th	DC	Fed	State	All
1st	73.5%	71.0%	64.1%	67.7%	60.0%	71.8%	65.6%	52.8%	61.3%	46.9%	52.9%	100.0%	20.0%	62.5%
2d		53.8%	51.2%	56.8%	48.7%	60.8%	48.3%	60.0%	70.0%	53.7%	60.0%	60.0%	50.0%	57.6%
3d			58.1%	69.7%	50.0%	55.6%	51.5%	57.6%	57.7%	56.3%	61.5%	0.0%	50.0%	57.8%
4th				71.1%	52.8%	67.4%	60.0%	40.0%	57.1%	50.0%	50.0%	25.0%	50.0%	56.5%
5th					64.1%	56.5%	68.6%	55.6%	80.6%	60.0%	52.6%	75.0%	70.0%	63.9%
6th						54.2%	60.6%	65.2%	58.1%	54.8%	60.0%	0.0%	33.3%	56.4%
7th							57.5%	38.8%	52.6%	58.3%	72.2%	50.0%	80.0%	57.9%
8th								58.5%	71.4%	61.1%	61.1%	50.0%	20.0%	59.6%
9th									54.1%	51.3%	61.9%	50.0%	44.4%	53.4%
10th											57.1%	100.0%	60.0%	61.8%
11th											47.1%	80.0%	33.3%	54.6%
DC												25.0%	50.0%	57.1%
Fed													-	55.0%

Notes and Sources:

From dataset assembled by Hangley Aronchick Segal Pudlin & Schiller. See Appendix for details.

Agreement percentages are calculated as the number of agreements (both circuits affirmed, or both reversed by the Supreme Court) divided by the number of cases where both circuits have a decision (shown in the lower panel).

The 33% lowest concordance percentages are highlighted in red, and the 33% highest concordance percentages are highlighted in green. The top and bottom three are boxed. The 'All' column measures agreements with all other circuits and is excluded from the color coding.



EXHIBIT 15**FREQUENCY OF SUPREME COURT MAJORITY AGREEING WITH LOWER COURT
2005 – 2011**

Year	Number of Cases				Percent of Cases			Percent of Cases with Uneven Splits	
	Affirmances > Reversals	Affirmances = Reversals	Affirmances < Reversals	Total Cases	Affirmances > Reversals	Affirmances = Reversals	Affirmances < Reversals	Affirmances > Reversals	Affirmances < Reversals
2005	11	10	8	29	37.93%	34.48%	27.59%	57.89%	42.11%
2006	12	8	7	27	44.44%	29.63%	25.93%	63.16%	36.84%
2007	11	7	10	28	39.29%	25.00%	35.71%	52.38%	47.62%
2008	8	9	12	29	27.59%	31.03%	41.38%	40.00%	60.00%
2009	10	3	14	27	37.04%	11.11%	51.85%	41.67%	58.33%
2010	15	5	12	32	46.88%	15.63%	37.50%	55.56%	44.44%
2011	10	6	10	26	38.46%	23.08%	38.46%	50.00%	50.00%
Total	77	48	73	198	38.89%	24.24%	36.87%	51.33%	48.67%

Notes & Sources:

From dataset assembled by Hangley Aronchick Segal Pudlin & Schiller. See Appendix for details.

Sample includes only splits (i.e. cases with more than one decision under the Full method) and contains only one observation per case.