

Five-to-Four Decisions

Alignment of the Majority

Majority*	Total (15)	Cases
Roberts, Scalia, Kennedy, Thomas, Alito	5	<i>Coleman, Federal Aviation Administration, Florence, Christopher, American Tradition Partnership (PC)</i>
Kennedy, Ginsburg, Breyer, Sotomayor, Kagan	5	<i>Douglas, Frye, Lafler, Dorsey, Miller</i>
Roberts, Scalia, Thomas, Breyer, Alito	1	<i>Home Concrete & Supply</i>
Roberts, Scalia, Thomas, Alito, Sotomayor	1	<i>Hall</i>
Roberts, Ginsburg, Breyer, Sotomayor, Kagan	1	<i>National Federation Independent Businesses</i>
Roberts, Kennedy, Thomas, Breyer, Alito	1	<i>Williams</i>
Scalia, Kennedy, Thomas, Sotomayor, Kagan	1	<i>Salazar</i>

Term	Number of 5-4 Opinions**	Percentage of Total Opinions	Percentage of 5-4 Split Ideological	Conservative Victory (Percentage of Ideological)	Conservative Victory (Percentage of All 5-4)	Number of Different Alignments	Alignments Divided by 5-4 Opinions
OT00	26	31%	85%	64%	54%	7	0.27
OT01	21	26%	57%	67%	38%	8	0.38
OT02	15	16%	67%	60%	40%	7	0.47
OT03	21	24%	76%	63%	48%	8	0.38
OT04	24	20%	50%	42%	21%	14	0.58
OT05	11	12%	73%	63%	45%	7	0.64
OT06	24	33%	79%	68%	54%	6	0.25
OT07	12	17%	67%	50%	33%	6	0.50
OT08	23	29%	70%	69%	48%	7	0.30
OT09	16	19%	69%	73%	50%	7	0.44
OT10	16	20%	88%	71%	63%	4	0.25
OT11	15	20%	67%	50%	33%	7	0.47
Average	19	22%	70%	62%	44%	7	0.41

* Only one Justice has been recused in a 5-4 decision this Term: Justice Kagan in *Federal Aviation Administration v. Cooper*.

** For the purposes of this chart, the total number of 5-4 opinions is the number of cases that split 5-4 on a major issue. It may differ from the number of cases that split 5-4 elsewhere in this Stat Pack.

*** For the purposes of this chart, a "Conservative Win" occurs whenever the majority consists of Chief Justices Rehnquist or Roberts and Justices Scalia, Kennedy, Thomas, and O'Connor or Alito.

Five-to-Four Cases

(continued)

Membership in a Five-to-Four Majority

Justice	Cases Decided	Frequency in Majority		OT10	OT09	OT08	OT07	OT06
Kennedy	15	12	80%	88%	69%	78%	67%	100%
Roberts	15	10	67%	63%	56%	48%	58%	67%
Thomas	15	10	67%	75%	69%	65%	67%	61%
Scalia	15	9	60%	69%	69%	70%	58%	58%
Alito	15	9	60%	63%	63%	52%	50%	71%
Breyer	15	7	47%	31%	38%	39%	45%	46%
Sotomayor	15	7	47%	38%	43%	-	-	-
Kagan	14	6	40%	38%	-	-	-	-
Ginsburg	15	5	33%	38%	25%	52%	50%	33%

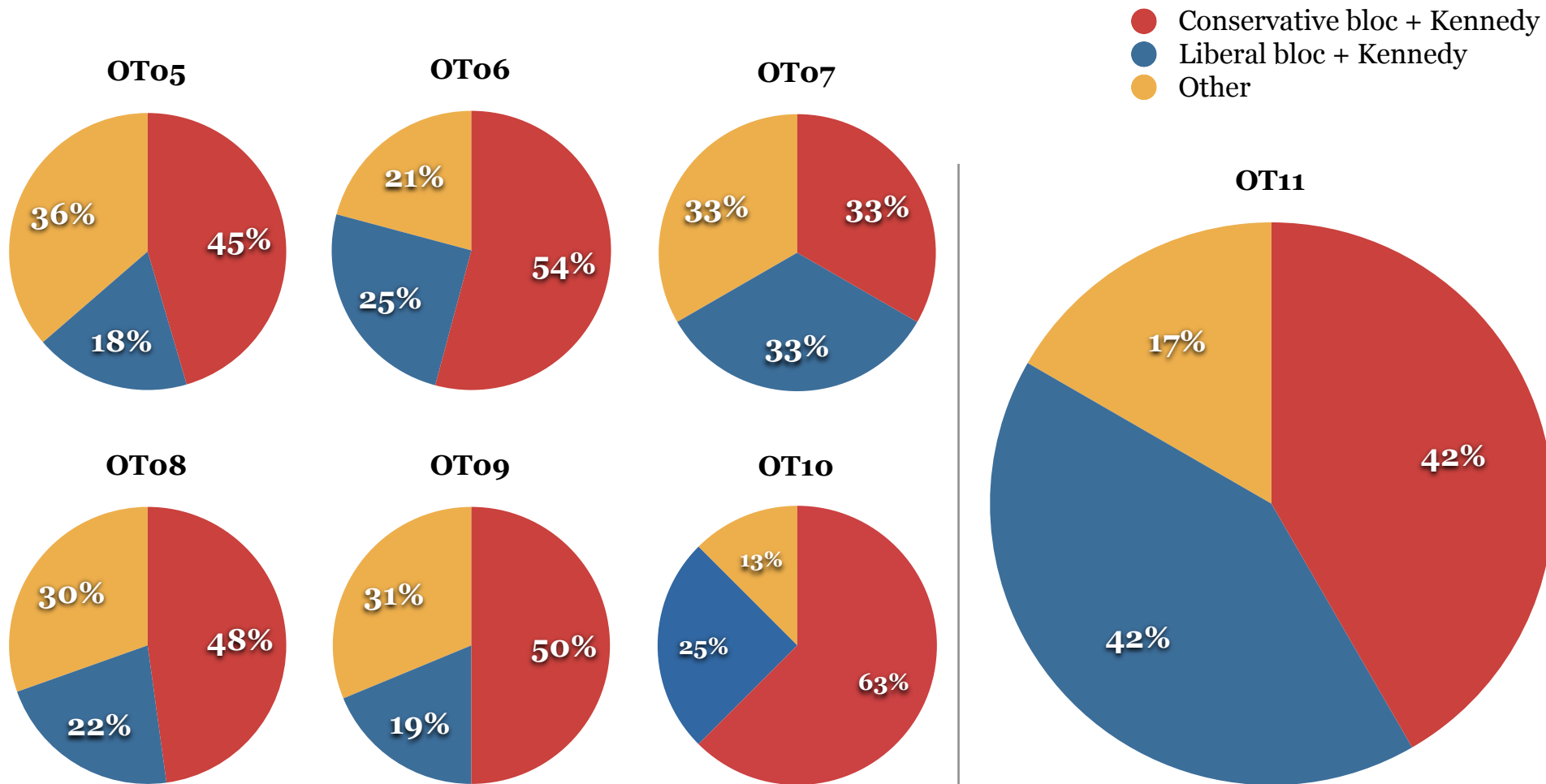
Five-to-Four Majority Opinion Authorship

These percentages consider how often a Justice authors the majority opinion *when that Justice is in the majority*.*

Justice	Cases Decided	Frequency in the Majority	Opinions Authored	Frequency as Author	OT10	OT09	OT08	OT07	OT06
Breyer	15	7	3	43%	20%	25%	0%	40%	18%
Kennedy	15	12	4	33%	21%	22%	28%	50%	25%
Alito	15	9	3	33%	0%	40%	8%	17%	24%
Sotomayor	15	7	2	29%	17%	0%	-	-	-
Kagan	14	6	1	17%	0%	-	-	-	-
Roberts	15	10	1	10%	30%	22%	18%	14%	19%
Scalia	15	9	0	0%	9%	18%	33%	29%	0%
Thomas	15	10	0	0%	33%	9%	13%	13%	29%
Ginsburg	15	5	0	0%	33%	50%	27%	0%	13%

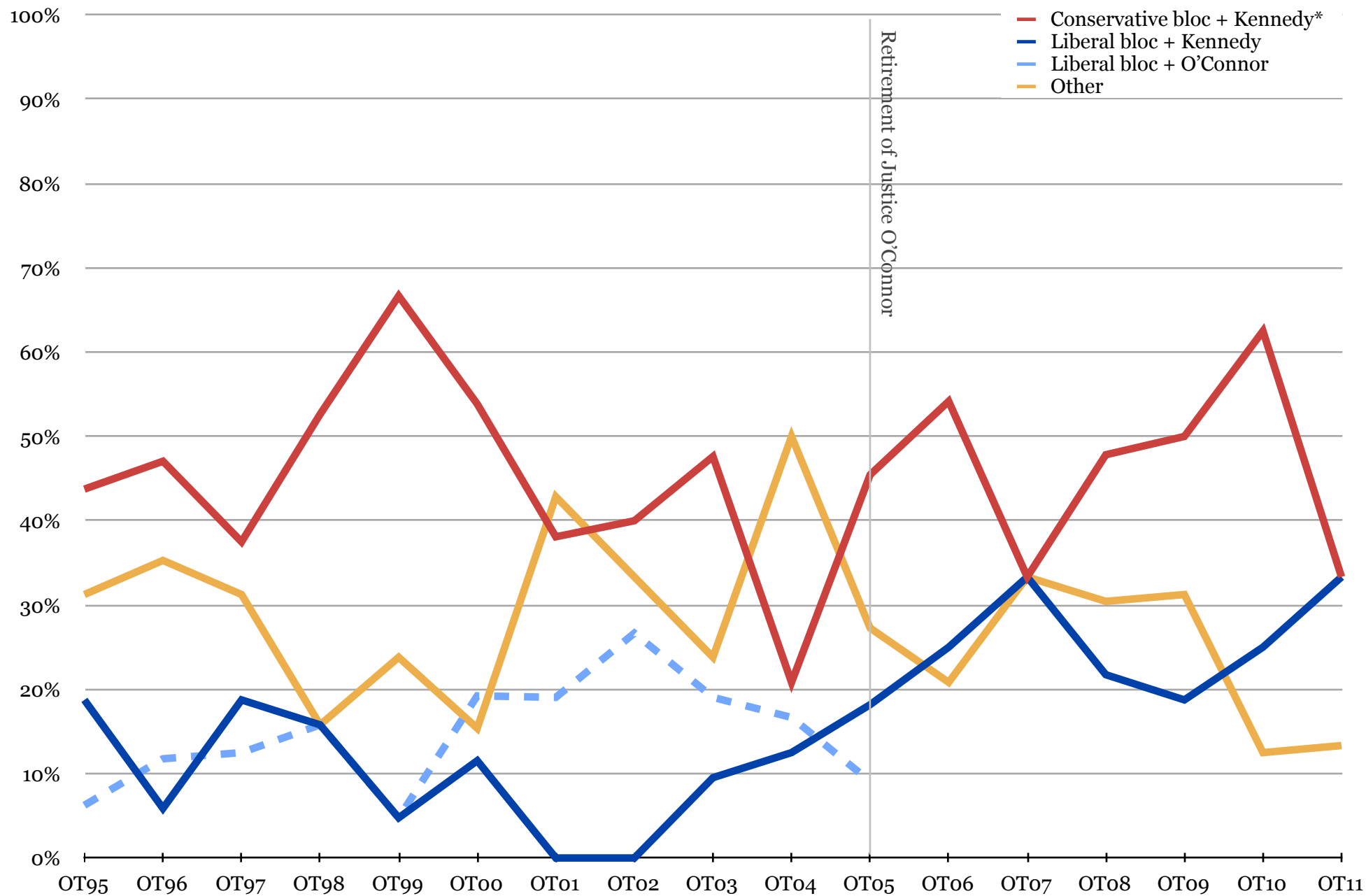
* Percentages represent the number of majority opinions authored divided by the number of times a Justice was in the majority for a *signed* opinion. As such, 5-4 *per curiam* opinions are omitted entirely.

Composition of 5-4 Majorities (OT2005-2011)



*Conservative bloc = Roberts, O'Connor/Alito, Scalia and Thomas;
 Liberal bloc = Stevens/Kagan, Souter/Sotomayor, Ginsburg, Breyer.

5-4 Majority Make-up



*Conservative bloc = Rehnquist/Roberts, O'Connor/Alito, Scalia and Thomas;
 Liberal bloc = Stevens/Kagan, Souter/Sotomayor, Ginsburg, Breyer.