Merits Cases by Vote Split

9-0 10 (91%)	8-1 0 (0%)	7-2 1 (9%)	6-3 0 (0%)	5-4 0 (0%)
Lefemine v. Wideman (PC)		Lozman v. Riviera Beach		
U.S. v. Bormes				
Nitro-Lift v. Howard (PC)				
Ark. Game & Fish Comm'n v. U.S. (8-0)				
Kloeckner v. Solis				
Ryan v. Gonzales				
L.A. County Flood Dist. v. NRDC				
Already v. Nike				
Smith v. U.S.				
Sebelius v. Auburn Regional				

Not Included Above	
Tibbals v. Carter (11-218)	Decided with *Ryan v. Gonzales* (10-930)

Past Terms					
	9-0	8-1	7-2	6-3	5-4
OT06	39%	13%	11%	4%	33%
OT07	30%	9%	29%	14%	17%
OT08	33%	5%	16%	16%	29%
OT09	46%	10%	15%	11%	18%
OT10	48%	13%	15%	5%	20%
OT11	44%	11%	8%	17%	20%
Avg.	40%	10%	16%	11%	23%

We treat cases with eight or fewer votes as if they were decided by the full Court. For example, we treated *Arkansas Game & Fish Commission v. United States*, which had only eight Justices voting, as a 9-0 case throughout much of this Stat Pack. For 8-0, 7-1, and 6-3 decisions, we categorically assumed that the recused Justice would have joined the majority. In cases that were decided 5-3, we looked at each individual case to decide whether it was more likely that the recused Justice would join the majority or the dissent. Our assumption that nine Justices voted in each case applies only to figures that treat each case as a whole, like the chart above, and not to figures that focus on the behavior of individual Justices, like our Justice Agreement charts, *infra*. We have done our best to note where we assume a full Court and where we use a partial Court.