### Merits Cases by Vote Split

<table>
<thead>
<tr>
<th>9-0</th>
<th>8-1</th>
<th>7-2</th>
<th>6-3</th>
<th>5-4</th>
</tr>
</thead>
<tbody>
<tr>
<td>22 (56%)</td>
<td>2 (5%)</td>
<td>4 (10%)</td>
<td>5 (13%)</td>
<td>6 (15%)</td>
</tr>
</tbody>
</table>

Lefemine v. Wideman (PC)
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
Chafin v. Chafin
FTC v. Phoebe Putney
Florida v. Harris
Gunn v. Minton
Johnson v. Williams
Gabelli v. SEC
Levin v. U.S.
Std. Fire Ins. v. Knowles
Millbrook v. U.S.
Marshall v. Rodgers (PC)
Kiobel v. Royal Dutch
McBurney v. Young

Evans v. Michigan
Decker v. NW Envt’l Def. Center (7-1)
Lozman v. Riviera Beach
U.S. v. Chaidez
Marx v. General Revenue
Moncrieffe v. Holder
Bailey v. U.S.
Henderson v. U.S.
Ampen v. Conn. Retirement Plans
Kirtsaeng v. Wiley & Sons
Wos v. E.M.A.
Clapper v. Amnesty Int’l
Florida v. Jardines
Comcast v. Behrend
Genesis v. Symczyk
U.S. Airways v. McCutchen
Missouri v. McNeely

* 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 assume that the recused Justice would have joined the majority. In cases that were decided 5-3, we looked at each case individually 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 count only actual votes.