

## Merits Cases by Vote Split

9-0 22 (56%)	8-1 2 (5%)	7-2 4 (10%)	6-3 5 (13%)	5-4 6 (15%)
Lefemine v. Wideman (PC)	Evans v. Michigan	Lozman v. Riviera Beach	Bailey v. U.S.	Clapper v. Amnesty Int'l
U.S. v. Bormes	Decker v. NW Env't'l Def. Center (7-1)	U.S. v. Chaidez	Henderson v. U.S.	Florida v. Jardines
Nitro-Lift v. Howard (PC)		Marx v. General Revenue	Amgen v. Conn. Retirement Plans	Comcast v. Behrend
Ark. Game & Fish Comm'n v. U.S. (8-0)		Moncrieffe v. Holder	Kirtsaeng v. Wiley & Sons	Genesis v. Symczyk
Kloeckner v. Solis			Wos v. E.M.A.	U.S. Airways v. McCutchen
Ryan v. Gonzales				Missouri v. McNeely
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				

Not Included Above	
<i>Tibbals v. Carter</i>	Decided with <i>Ryan v. Gonzales</i>
<i>Boyer v. Louisiana</i>	Dismissed as Improvidently Granted

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