## 5-4 Cases

### Alignment of the Majority

<table>
<thead>
<tr>
<th>Majority</th>
<th>Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>Roberts, Scalia, Kennedy, Thomas, Alito</td>
<td>McCutcheon v. FEC, Town of Greece v. Galloway, Harris v. Quinn, Burwell v. Hobby Lobby Stores</td>
</tr>
<tr>
<td>Kennedy, Ginsburg, Breyer, Sotomayor, Kagan</td>
<td>Hall v. Florida, Abramski v. United States</td>
</tr>
<tr>
<td>Roberts, Kennedy, Thomas, Breyer, Alito</td>
<td>Navarette v. California</td>
</tr>
<tr>
<td>Roberts, Scalia, Kennedy, Ginsburg, Kagan</td>
<td>Scialabba v. Cuellar de Osorio</td>
</tr>
<tr>
<td>Kennedy, Ginsburg, Breyer, Alito, Kagan</td>
<td>Paroline v. United States</td>
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</tbody>
</table>

### Term Analysis

<table>
<thead>
<tr>
<th>Term</th>
<th>Number of 5-4 Opinions</th>
<th>Percentage of Total Opinions</th>
<th>Percentage of 5-4 Split Ideological</th>
<th>Conservative Victory* (Percentage of Ideological)</th>
<th>Conservative Victory (Percentage of All 5-4)</th>
<th>Number of Different Alignments</th>
</tr>
</thead>
<tbody>
<tr>
<td>OT05</td>
<td>11</td>
<td>12%</td>
<td>73%</td>
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<td>45%</td>
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<td>48%</td>
<td>7</td>
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<tr>
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<td>69%</td>
<td>73%</td>
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<td>7</td>
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<tr>
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<td>67%</td>
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<td>33%</td>
<td>7</td>
</tr>
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<td>43%</td>
<td>7</td>
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<td>6</td>
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<td>Average</td>
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<td>21%</td>
<td>66%</td>
<td>64%</td>
<td>46%</td>
<td>6</td>
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* For the purposes of this chart, a “Conservative Win” occurs whenever the majority consists of Chief Justice Roberts and Justices Scalia, Kennedy, Thomas, and O'Connor or Alito.
5-4 Cases

Membership in a Five-to-Four Majority

<table>
<thead>
<tr>
<th>Justice</th>
<th>Cases Decided</th>
<th>Frequency in Majority</th>
<th>OT12</th>
<th>OT11</th>
<th>OT10</th>
<th>OT09</th>
<th>OT08</th>
<th>OT07</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kennedy</td>
<td>10</td>
<td>100%</td>
<td>87%</td>
<td>80%</td>
<td>88%</td>
<td>69%</td>
<td>78%</td>
<td>67%</td>
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<td>70%</td>
<td>61%</td>
<td>67%</td>
<td>63%</td>
<td>56%</td>
<td>48%</td>
<td>58%</td>
</tr>
<tr>
<td>Alito</td>
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<td>57%</td>
<td>60%</td>
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<td>63%</td>
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<td>50%</td>
</tr>
<tr>
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<td>50%</td>
<td>60%</td>
<td>60%</td>
<td>69%</td>
<td>69%</td>
<td>70%</td>
<td>58%</td>
</tr>
<tr>
<td>Thomas</td>
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<td>67%</td>
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<tr>
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<td>47%</td>
<td>31%</td>
<td>38%</td>
<td>39%</td>
<td>45%</td>
</tr>
<tr>
<td>Kagan</td>
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<td>50%</td>
<td>43%</td>
<td>40%</td>
<td>38%</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Ginsburg</td>
<td>10</td>
<td>40%</td>
<td>43%</td>
<td>33%</td>
<td>38%</td>
<td>25%</td>
<td>52%</td>
<td>50%</td>
</tr>
<tr>
<td>Sotomayor</td>
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<td>30%</td>
<td>39%</td>
<td>47%</td>
<td>38%</td>
<td>43%</td>
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Five-to-Four Majority Opinion Authorship

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

<table>
<thead>
<tr>
<th>Justice</th>
<th>Cases Decided</th>
<th>Frequency in the Majority</th>
<th>Opinions Authored</th>
<th>Frequency as Author</th>
<th>OT12</th>
<th>OT11</th>
<th>OT10</th>
<th>OT09</th>
<th>OT08</th>
<th>OT07</th>
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<tbody>
<tr>
<td>Kagan</td>
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<td>10%</td>
<td>17%</td>
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<td>-</td>
<td>-</td>
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<tr>
<td>Alito</td>
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<td>0%</td>
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<td>33%</td>
<td>21%</td>
<td>22%</td>
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<td>50%</td>
</tr>
<tr>
<td>Thomas</td>
<td>10</td>
<td>5</td>
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<td>9%</td>
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<td>13%</td>
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<td>Roberts</td>
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<td>7</td>
<td>1</td>
<td>14%</td>
<td>14%</td>
<td>10%</td>
<td>30%</td>
<td>22%</td>
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<td>Scalia</td>
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<td>29%</td>
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<tr>
<td>Ginsburg</td>
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<tr>
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<td>29%</td>
<td>17%</td>
<td>0%</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

* Percentages represent the number of majority opinions authored divided by the number of times a Justice was in the majority for a signed opinion.