

5-4 Cases Alignment of the Majority

Majority	7	Cases
Kennedy, Ginsburg, Breyer, Sotomayor, Kagan	2	<i>Alabama Black Caucus, Wong</i>
Roberts, Ginsburg, Breyer, Alito, Sotomayor	2	<i>Dart Cherokee, Yates</i>
Roberts, Scalia, Thomas, Breyer, Alito	1	<i>Armstrong</i>
Roberts, Kennedy, Alito, Breyer, Sotomayor	1	<i>Wynne</i>
Roberts, Ginsburg, Breyer, Sotomayor, Kagan	1	<i>Williams-Yulee</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
OT05	11	12%	73%	63%	45%	7
OT06	24	33%	79%	68%	54%	6
OT07	12	17%	67%	50%	33%	6
OT08	23	29%	70%	69%	48%	7
OT09	16	19%	69%	73%	50%	7
OT10	16	20%	88%	71%	63%	4
OT11	15	20%	67%	50%	33%	7
OT12	23	29%	9%	63%	43%	7
OT13	10	14%	60%	67%	40%	5
OT14	8	14%	38%	33%	13%	5
Average	16	21%	62%	61%	42%	6

* 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

Justice	Cases Decided	Frequency in Majority		OT13	OT12	OT11	OT10	OT09	OT08	OT07
Breyer	8	7	88%	50%	48%	47%	31%	38%	39%	45%
Roberts	8	6	75%	70%	61%	67%	63%	56%	48%	58%
Sotomayor	8	6	75%	30%	39%	47%	38%	43%	-	-
Ginsburg	8	5	63%	40%	43%	33%	38%	25%	52%	50%
Alito	8	5	63%	60%	57%	60%	63%	63%	52%	50%
Kennedy	8	4	50%	100%	87%	80%	88%	69%	78%	67%
Kagan	8	3	38%	50%	43%	40%	38%	-	-	-
Scalia	8	2	25%	50%	60%	60%	69%	69%	70%	58%
Thomas	8	2	25%	50%	65%	67%	75%	69%	65%	67%

Five-to-Four Majority Opinion Authorship

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

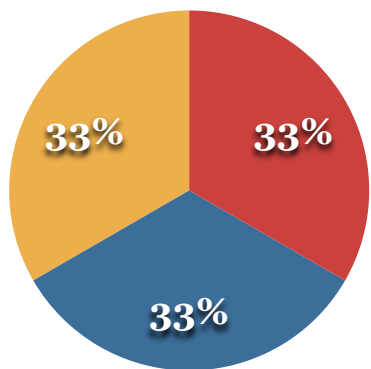
Justice	Cases Decided	Frequency in the Majority	Opinions Authored	Frequency as Author	OT13	OT12	OT11	OT10	OT09	OT08	OT07
Scalia	8	2	2	100%	0%	23%	0%	9%	18%	33%	29%
Ginsburg	8	5	2	40%	0%	10%	0%	33%	50%	27%	0%
Kagan	8	3	1	33%	60%	10%	17%	0%	-	-	-
Alito	8	5	1	20%	33%	46%	33%	0%	40%	8%	17%
Roberts	8	6	1	17%	14%	14%	10%	30%	22%	18%	14%
Breyer	8	7	1	14%	0%	18%	43%	20%	25%	0%	40%
Kennedy	8	4	0	0%	30%	20%	33%	21%	22%	28%	50%
Thomas	8	2	0	0%	20%	13%	0%	33%	9%	13%	13%
Sotomayor	8	6	0	0%	0%	22%	29%	17%	0%	-	-

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

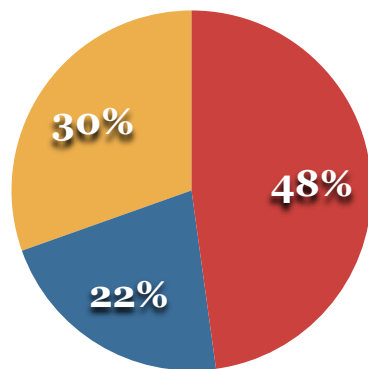
5-4 Case Majorities

- Conservative bloc + Kennedy
- Liberal bloc + Kennedy
- Other

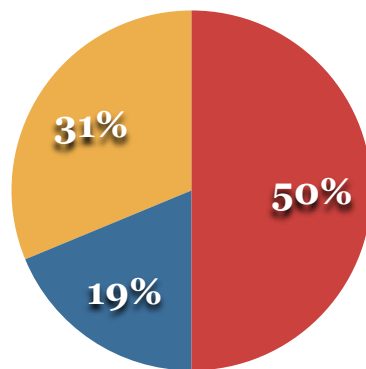
OT07



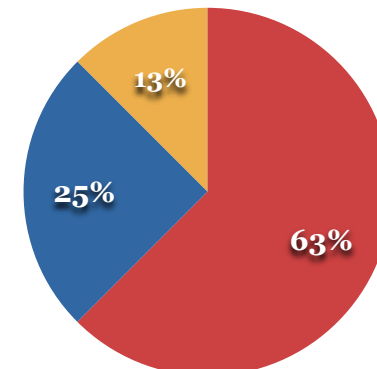
OT08



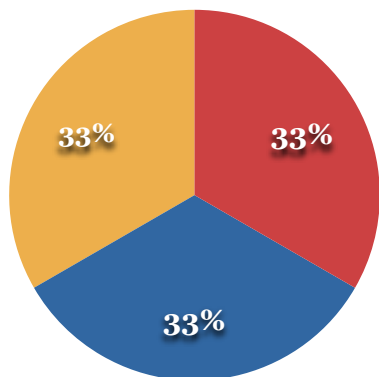
OT09



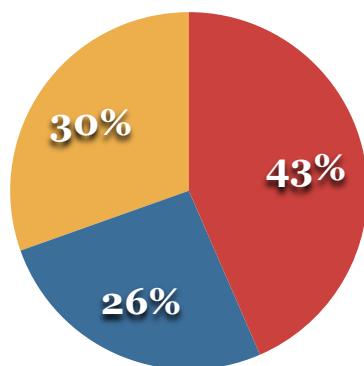
OT10



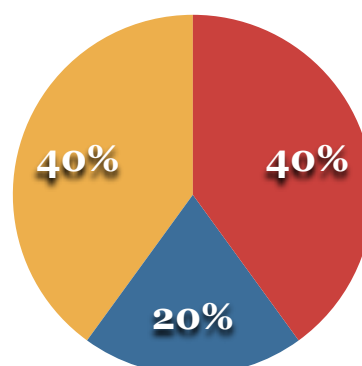
OT11



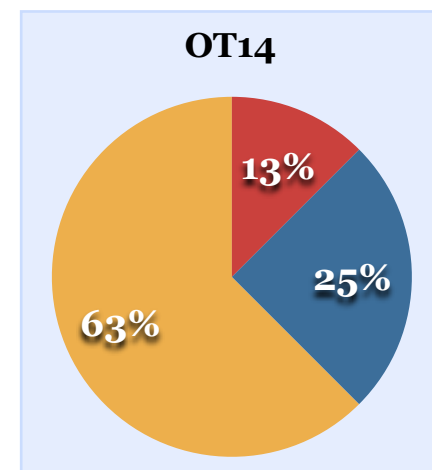
OT12



OT13

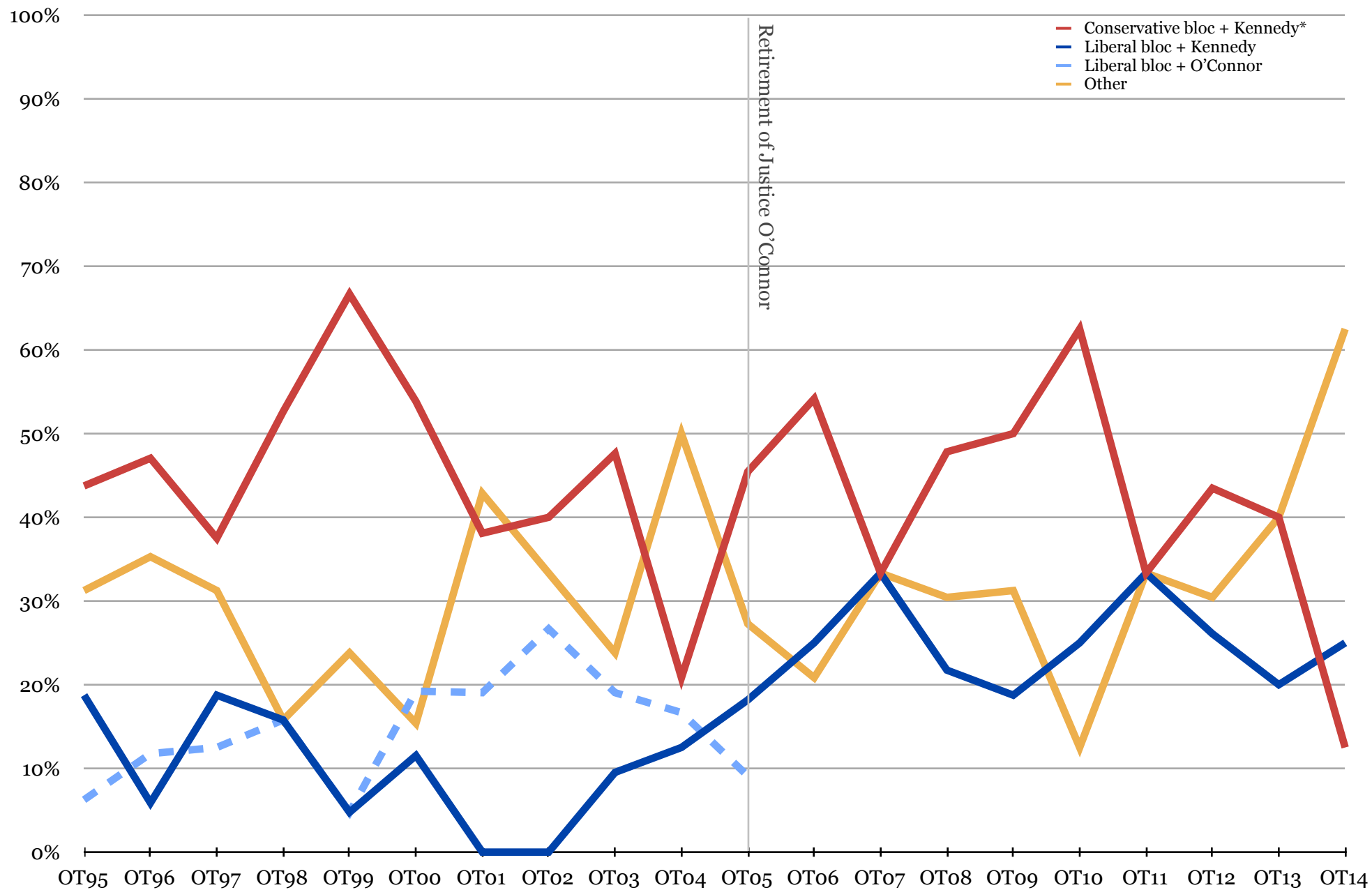


OT14



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

5-4 Case Majorities



*The conservative bloc is the combination of Rehnquist/Roberts, O'Connor/Alito, Scalia, and Thomas; the liberal bloc is the combination of Stevens/Kagan, Souter/Sotomayor, Ginsburg, and Breyer. All other alignments of five-Justice majorities are grouped into the "other" category.