

Five-to-Four Cases

Alignment of the Majority

Majority*	Total (16)	Cases
Roberts, Scalia, Kennedy, Thomas, Alito	10	<i>Connick, Winn, Concepcion, Whiting, Schindler, Janus, Stern, PLIVA, AZ Free Ent., Juvenile Male (PC)</i>
Kennedy, Ginsburg, Breyer, Sotomayor, Kagan	4	<i>Plata, J.D.B., Turner, Freeman</i>
Scalia, Thomas, Ginsburg, Sotomayor, Kagan	1	<i>Bullcoming</i>
Thomas, Ginsburg, Breyer, Sotomayor, Kagan	1	<i>McBride</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	Alignments Divided by 5-4 Opinions
2000	26	31%	85%	64%	54%	7	0.27
2001	21	26%	57%	67%	38%	8	0.38
2002	15	16%	67%	60%	40%	7	0.47
2003	21	24%	76%	63%	48%	8	0.38
2004	24	20%	50%	42%	21%	14	0.58
2005	11	12%	73%	63%	45%	7	0.64
2006	24	33%	79%	68%	54%	6	0.25
2007	12	17%	67%	50%	33%	6	0.50
2008	23	29%	70%	69%	48%	7	0.30
2009	16	18%	69%	73%	50%	7	0.44
2010	16	20%	88%	71%	63%	4	0.25
Average	19	22%	71%	63%	45%	7	0.41

* Justice Kagan has recused this Term in three 5-3 cases, *Schindler, Whiting, and Juvenile Male*.

** For the purposes of this chart, a "Conservative Win" occurs whenever the majority consists of WHR/JGR, SOC/SAA, AS, CT, and AMK.

Five-to-Four Cases

(continued)

Membership in a Five-to-Four Majority

Justice	Frequency in Majority		OTo9	OTo8	OTo7	OTo6
Kennedy	14	88%	69%	78%	67%	100%
Thomas	12	75%	69%	65%	67%	61%
Scalia	11	69%	69%	70%	58%	58%
Roberts	10	63%	56%	48%	58%	67%
Alito	10	63%	63%	52%	50%	71%
Ginsburg	6	38%	25%	52%	50%	33%
Sotomayor	6	38%	43%	-	-	-
Kagan*	6	38%	-	-	-	-
Breyer	5	31%	38%	39%	45%	46%

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	Opinions	Frequency as Author	OTo9	OTo8	OTo7	OTo6
Thomas	4	33%	9%	13%	13%	29%
Ginsburg	2	33%	50%	27%	0%	13%
Roberts	3	30%	22%	18%	14%	19%
Kennedy	3	21%	22%	28%	50%	25%
Breyer	1	20%	25%	0%	40%	18%
Sotomayor	1	17%	0%	-	-	-
Scalia	1	9%	18%	33%	29%	0%
Alito	0	0%	40%	8%	17%	24%
Kagan	0	0%	-	-	-	-

* Justice Kagan has recused this Term in three 5-3 cases, *Schindler*, *Whiting*, and *Juvenile Male*.

** Percentages represent the number of majority opinions authored divided by the number of times a Justice was in the majority for a signed opinion. As such, 5-4 *per curiam* opinions are omitted entirely.