

## 5-4 Cases

### Alignment of the Majority

Majority	10	Cases
Roberts, Scalia, Kennedy, Thomas, Alito	4	<i>McCutcheon v. FEC, Town of Greece v. Galloway, Harris v. Quinn, Burwell v. Hobby Lobby Stores</i>
Kennedy, Ginsburg, Breyer, Sotomayor, Kagan	2	<i>Hall v. Florida, Abramski v. United States</i>
Roberts, Kennedy, Thomas, Breyer, Alito	1	<i>Navarette v. California</i>
Roberts, Scalia, Kennedy, Ginsburg, Kagan	1	<i>Scialabba v. Cuellar de Osorio</i>
Roberts, Kennedy, Breyer, Sotomayor, Kagan	1	<i>Michigan v. Bay Mills</i>
Kennedy, Ginsburg, Breyer, Alito, Kagan	1	<i>Paroline v. United States</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
<b>OT05</b>	11	12%	73%	63%	45%	7
<b>OT06</b>	24	33%	79%	68%	54%	6
<b>OT07</b>	12	17%	67%	50%	33%	6
<b>OT08</b>	23	29%	70%	69%	48%	7
<b>OT09</b>	16	19%	69%	73%	50%	7
<b>OT10</b>	16	20%	88%	71%	63%	4
<b>OT11</b>	15	20%	67%	50%	33%	7
<b>OT12</b>	23	29%	26%	63%	43%	7
<b>OT13</b>	10	14%	60%	67%	40%	6
<b>Average</b>	<b>17</b>	<b>21%</b>	<b>66%</b>	<b>64%</b>	<b>46%</b>	<b>6</b>

\* 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.

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### Membership in a Five-to-Four Majority

Justice	Cases Decided	Frequency in Majority		OT12	OT11	OT10	OT09	OT08	OT07
Kennedy	10	10	100%	87%	80%	88%	69%	78%	67%
Roberts	10	7	70%	61%	67%	63%	56%	48%	58%
Alito	10	6	60%	57%	60%	63%	63%	52%	50%
Scalia	10	5	50%	60%	60%	69%	69%	70%	58%
Thomas	10	5	50%	65%	67%	75%	69%	65%	67%
Breyer	10	5	50%	48%	47%	31%	38%	39%	45%
Kagan	10	5	50%	43%	40%	38%	-	-	-
Ginsburg	10	4	40%	43%	33%	38%	25%	52%	50%
Sotomayor	10	3	30%	39%	47%	38%	43%	-	-

### 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	OT12	OT11	OT10	OT09	OT08	OT07
Kagan	10	5	3	60%	10%	17%	0%	-	-	-
Alito	10	6	2	33%	46%	33%	0%	40%	8%	17%
Kennedy	10	10	3	30%	20%	33%	21%	22%	28%	50%
Thomas	10	5	1	20%	13%	0%	33%	9%	13%	13%
Roberts	10	7	1	14%	14%	10%	30%	22%	18%	14%
Scalia	10	5	0	0%	23%	0%	9%	18%	33%	29%
Ginsburg	10	4	0	0%	10%	0%	33%	50%	27%	0%
Breyer	10	5	0	0%	18%	43%	20%	25%	0%	40%
Sotomayor	10	3	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.