

Frequency in the Majority

The charts below measure how frequently each Justice has voted with the majority in October Term 2009 cases decided on the merits thus far. They do not include dismissed cases (*Pottawattamie County v. McGhee*, *Health Care Service Corp. v. Pollitt*, *Sullivan v. Florida*, *Robertson v. United States ex rel. Watson*); *Briscoe v. Virginia*, which was vacated after oral argument in a one-sentence opinion; or *Citizens United v. Federal Election Commission*, which we classify as an October Term 2008 case. They do include twelve *per curiam* opinions: ten summary dispositions (*Corcoran*, *Bobby*, *Wong*, *Porter*, *Fisher*, *Presley*, *Wellons*, *Thaler*, *Wilkins*, and *Jefferson*); the reversal before oral argument in *McDaniel v. Brown*; and *Kiyemba v. Obama*, which was vacated before oral argument, with an opinion.

The first chart lists majority votes in all cases, the second only in divided cases with at least one dissenting vote.

Justice	Majority Votes	Total Votes	Percent in the Majority	OT08 Final	OT07 Final
Roberts	58	61	95%	81%	90%
Kennedy	56	61	92%	92%	86%
Scalia	54	61	90%	84%	81%
Sotomayor	49	56	88%	-----	-----
Alito	52	60	87%	81%	82%
Ginsburg	52	61	85%	70%	75%
Thomas	50	61	82%	81%	75%
Breyer	49	61	80%	75%	79%
Stevens	47	61	77%	65%	75%

Justice	Majority Votes	Total Votes	Percent in the Majority	OT08 Final	OT07 Final
Roberts	28	31	90%	72%	73%
Kennedy	26	31	84%	89%	79%
Scalia	24	31	77%	76%	65%
Alito	23	31	74%	72%	75%
Sotomayor	20	27	74%	-----	-----
Ginsburg	22	31	71%	55%	65%
Thomas	20	31	65%	72%	85%
Breyer	19	31	61%	62%	68%
Stevens	17	31	55%	47%	65%

†Chief Justice Roberts and Justice Breyer each wrote a concurrence in part and dissent in part in *Alabama v. North Carolina*; Justice Thomas joined the Chief Justice’s. For these charts, all three of their votes are counted as dissents. For this chart and all others in this document, the case’s vote is listed as 7-2, as all substantive parts of the opinion had 7 votes.