

5-4 Cases

Alignment of the Majority

Majority	4	Cases
Kennedy, Ginsburg, Breyer, Sotomayor, Kagan	3	<i>Williams, Fisher, Whole Woman's Health</i>
Roberts, Scalia, Kennedy, Thomas, Alito	1	<i>Nabisco</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%	70%	63%	43%	7
OT13	10	14%	60%	67%	40%	7
OT14	19	26%	68%	38%	26%	7
OT15	4	5%	100%	25%	25%	2
Average	16	20%	74%	58%	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
Kennedy	4	4	100%	100%	87%	80%	88%	69%	78%	67%
Ginsburg	4	3	75%	40%	43%	33%	38%	25%	52%	50%
Breyer	4	3	75%	50%	48%	47%	31%	38%	39%	45%
Sotomayor	3	3	75%	30%	39%	47%	38%	43%	-	-
Kagan	3	2	50%	50%	43%	40%	38%	-	-	-
Roberts	4	1	25%	70%	61%	67%	63%	56%	48%	58%
Thomas	4	1	25%	50%	65%	67%	75%	69%	65%	67%
Alito	4	1	25%	60%	57%	60%	63%	63%	52%	50%
Scalia	0	0	0%	50%	60%	60%	69%	69%	70%	58%

Five-to-Four Majority Opinion Authorship

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

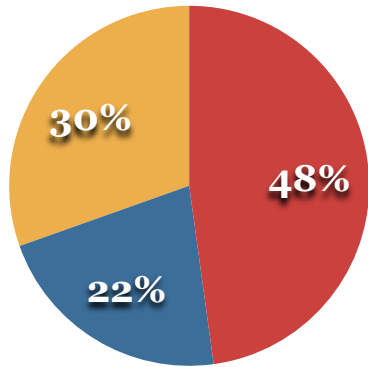
Justice	Cases Decided	Frequency in the Majority	Opinions Authored	Frequency as Author	OT13	OT12	OT11	OT10	OT09	OT08	OT07
Alito	4	1	1	100%	33%	46%	33%	0%	40%	8%	17%
Kennedy	4	4	2	50%	30%	20%	33%	21%	22%	28%	50%
Breyer	4	3	1	33%	0%	18%	43%	20%	25%	0%	40%
Roberts	4	1	0	0%	14%	14%	10%	30%	22%	18%	14%
Scalia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

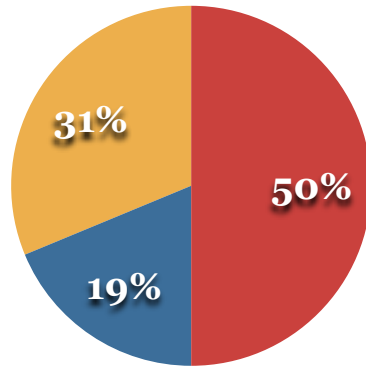
5-4 Case Majorities

- Conservative + Kennedy
- Liberal + Kennedy
- Other

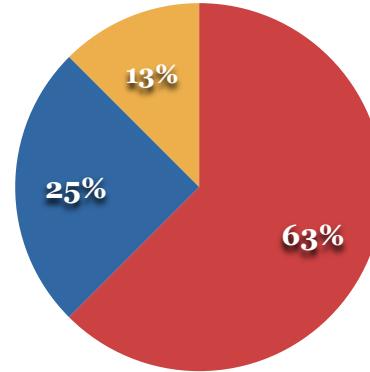
OT08



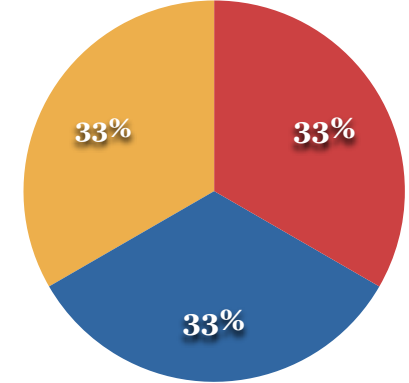
OT09



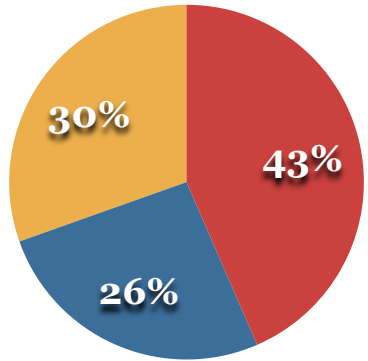
OT10



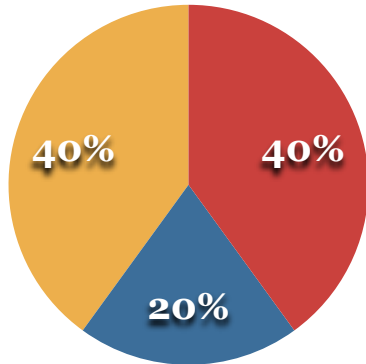
OT11



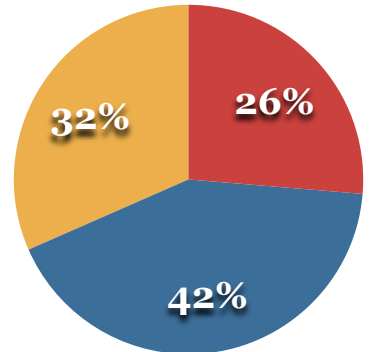
OT12



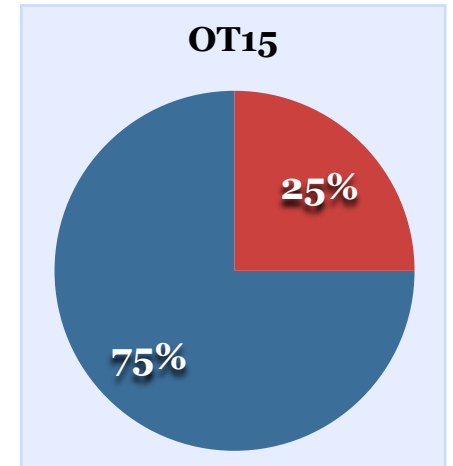
OT13



OT14

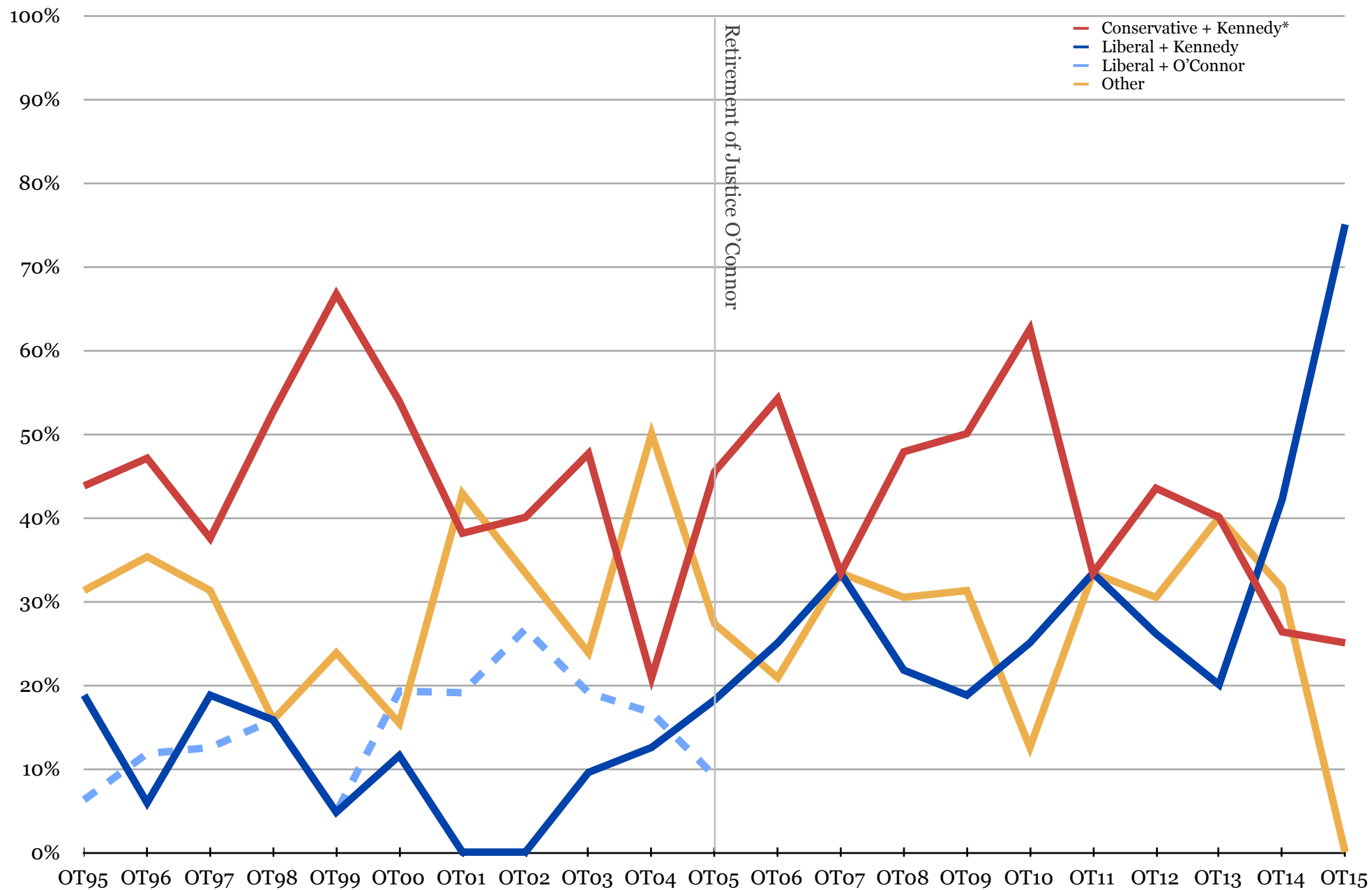


OT15



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

5-4 Case Majorities



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