

Frequency in the Majority

(Through February 19, 2008)

The charts below measure how frequently each Justice has voted with the majority in cases decided on the merits thus far. It does not include opinions where the vote was not disclosed (*Board of Ed. of City School Dist. of New York v. Tom F.*) or where the case was dismissed as moot (*Arave v. Hoffman*).

The first chart examines the results for all cases, the second only for divided cases. In each, we list the number of times each Justice has voted with the majority, the number of times each Justice has voted overall, the frequency with which each Justice has voted with the majority in OT07, and the corresponding figure for OT06.

All cases

Justice	Majority votes	Total votes	% in majority	% in OT06
Scalia	17	17	100.0%	79.2%
Roberts	16	17	94.1%	88.4%
Breyer	15	16	93.8%	75.7%
Alito	15	17	88.2%	86.1%
Kennedy	15	17	88.2%	97.2%
Souter	15	17	88.2%	76.4%
Thomas	14	17	82.4%	77.5%
Ginsburg	13	17	76.5%	72.2%
Stevens	13	17	76.5%	63.9%

Divided cases only*

Justice	Majority votes	Total votes	% in majority	% in OT06
Scalia	9	9	100.0%	65.9%
Roberts	8	9	88.9%	82.2%
Breyer	7	8	87.5%	61.4%
Alito	7	9	77.8%	77.3%
Kennedy	7	9	77.8%	95.3%
Souter	7	9	77.8%	61.4%
Thomas	6	9	66.7%	62.8%
Ginsburg	5	9	55.6%	54.5%
Stevens	5	9	55.6%	36.6%

* This category consists of cases that attract at least one dissenting vote.