

Oral Argument - Justices

For our purposes, the number of “questions” per argument is simply the number of times a given Justice’s name appears in the argument transcript in capital letters. In order to account for the Chief Justice’s administrative comments – such as his call for an advocate to begin – his tally for each case has been uniformly reduced by three “questions.”

Average Number of Questions Per Argument

| | Average |
|------------------|---------|
| Sotomayor | 21.6 |
| Scalia | 20.5 |
| Roberts | 17.9 |
| Breyer | 17.5 |
| Kagan | 11.2 |
| Ginsburg | 10.5 |
| Kennedy | 10.2 |
| Alito | 7.7 |
| Thomas | 0.0 |

Frequency as the Top Questioner or as a Top 3 Questioner

| | Freq. Top 1 | Freq. Top 3 |
|------------------|-------------|-------------|
| Sotomayor | 35% | 80% |
| Scalia | 33% | 68% |
| Roberts | 16% | 53% |
| Breyer | 14% | 57% |
| Kagan | 4% | 19% |
| Kennedy | 3% | 16% |
| Alito | 1% | 9% |
| Ginsburg | 1% | 15% |
| Thomas | 0% | 0% |

Average Number of Questions Arranged by Vote Split

| | 9-0 | 8-1 | 7-2 | 6-3 | 5-4 |
|------------------|------------|------------|------------|------------|------------|
| Roberts | 16 | 25 | 19 | 17 | 19 |
| Scalia | 21 | 21 | 19 | 24 | 19 |
| Kennedy | 9 | 11 | 9 | 9 | 12 |
| Thomas | 0 | 0 | 0 | 0 | 0 |
| Ginsburg | 11 | 10 | 8 | 9 | 11 |
| Breyer | 18 | 19 | 17 | 18 | 17 |
| Alito | 6 | 13 | 7 | 5 | 11 |
| Sotomayor | 21 | 26 | 21 | 21 | 22 |
| Kagan | 9 | 13 | 15 | 11 | 13 |
| Overall | 112 | 131 | 112 | 113 | 122 |

Frequency as the First Questioner

| | Frequency | |
|------------------|-----------|-----|
| Ginsburg | 28 /75 | 37% |
| Sotomayor | 20 /74 | 27% |
| Scalia | 12 /75 | 16% |
| Roberts | 9 /75 | 12% |
| Kennedy | 3 /75 | 4% |
| Kagan | 2 /72 | 3% |
| Alito | 1 /74 | 1% |
| Thomas | 0 /75 | 0% |
| Breyer | 0 /74 | 0% |