

Unanimity

To take a closer look at unanimity at the court, we created three distinct measures of unanimity. The measures of unanimity are defined as follows:

Measure #1: When all justices simply voted for the same judgment – i.e., whether to affirm or reverse the judgment below. This is the broadest measure of unanimity because it allows for justices to write separate opinions – and sometimes even conflicting ones – as long as each justice voted to affirm or reverse the decision below.

Measure #2: When all justices joined some part of the same majority opinion, but one or more justices (1) wrote separately to state an individual position or (2) did not join the majority opinion in full.

Measure #3: When all justices joined a single majority opinion in full, and without any justices writing separate concurring opinions. This is the narrowest measure of unanimity because it requires that the justices agree in full and without any written reservations or additions.

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|--|-------------------|--|-----------|------------|
| | Measure #3 | <i>All Justices In Total Agreement</i> | 19 | 26% |
| | Measure #2 | <i>All Justices Join The Majority Opinion</i> | 25 | 35% |
| | Measure #1 | <i>All Justices Vote For The Same Judgment</i> | 28 | 39% |

| | | | |
|----------------|--|-----------|------------|
| Divided | <i>Justices Disagree On Whether To Affirm, Reverse, Or Vacate The Decision Below</i> | 44 | 61% |
|----------------|--|-----------|------------|

* Note that Measure #2 incorporates the cases captured in Measure #1, just as Measure #3 captures those cases included in Measures #1 and #2. For more information on our measures of unanimity, see Kedar S. Bhatia, *A Few Notes On Unanimity*, SCOTUSBLOG (July 10, 2014 10:40 AM), <http://www.scotusblog.com/2014/07/a-few-notes-on-unanimity/>.

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