

Frequency in the Majority

(Through June 26, 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
Roberts	61	68	89.7%	88.4%
Kennedy	59	69	85.5%	97.2%
Alito	56	68	82.4%	86.1%
Scalia	56	69	81.2%	79.2%
Breyer	51	65	78.5%	75.7%
Souter	53	69	76.8%	76.4%
Stevens	52	69	75.4%	63.9%
Ginsburg	52	69	75.4%	72.2%
Thomas	52	69	75.4%	77.5%

Divided cases only*

Justice	Majority votes	Total votes	% in majority	% in OT06
Roberts	40	47	85.1%	82.2%
Kennedy	38	48	79.2%	95.3%
Alito	35	47	74.5%	77.3%
Scalia	35	48	72.9%	65.9%
Breyer	30	44	68.2%	61.4%
Souter	32	48	66.7%	61.4%
Stevens	31	48	64.6%	36.6%
Ginsburg	31	48	64.6%	54.5%
Thomas	31	48	64.6%	62.8%

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

Chief Justice Roberts took no part in consideration of:

- *Morgan Stanley Capital Group v. Public Utility District No. 1* (06-1457)

Justice Alito took no part in consideration of:

- *Exxon v. Baker* (07-219)

Justice Breyer took no part in consideration of:

- *New Jersey v. Delaware* (Original, 134); *Stoneridge v. Scientific-Atlanta* (06-43); *Morgan Stanley Capital Group v. Public Utility District No. 1* (06-1457); and *Meacham v. Knolls Atomic Power Lab* (06-1505)