

## Frequency in the Majority

(Through April 29, 2009)

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 dismissed cases where the vote was not disclosed (*al-Marri*, *Bell v. Kelly* and *Phillip Morris v. Mayola*), but does include the three per curiam summary reversals (*Moore*, *Spears*, and *Nelson*).

The first chart examines the results for all cases, the second only for divided cases with at least one dissenting vote. 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 OT08 thus far, and the corresponding figure for the full OT07 term.

Justice	Majority votes	Total votes	% in majority	%in OT07
Kennedy	45	48	93.8%	85.5%
Thomas	41	48	85.4%	75.4%
Scalia	41	48	85.4%	81.2%
Roberts	40	48	83.3%	89.7%
Alito	40	48	83.3%	82.4%
Breyer	37	48	77.1%	78.5%
Ginsburg	35	48	72.9%	75.4%
Souter	33	48	68.8%	76.8%
Stevens	32	48	66.7%	75.4%

Justice	Majority votes	Total votes	% in majority	%in OT07
Kennedy	26	29	89.7%	79.2%
Thomas	22	29	75.9%	64.6%
Scalia	22	29	75.9%	72.9%
Roberts	21	29	72.4%	85.1%
Alito	21	29	72.4%	74.5%
Breyer	18	29	62.1%	68.2%
Ginsburg	16	29	55.2%	64.6%
Souter	14	29	48.3%	66.7%
Stevens	13	29	44.8%	64.6%