

Frequency in the Majority

The charts below measure how frequently each Justice has voted with the majority in October Term 2009 cases decided on the merits thus far. They do not include dismissed cases in which the vote was not disclosed (*Pottawattamie County v. McGhee* and *Health Care Service Corp. v. Pollitt*); *Briscoe v. Virginia*, which was vacated after oral argument in a one-sentence opinion; or *Citizens United v. Federal Election Commission*, which we classify as an October Term 2008 case. They do include eleven *per curiam* opinions: nine summary dispositions (*Corcoran*, *Bobby*, *Wong*, *Porter*, *Fisher*, *Presley*, *Wellons*, *Thaler*, and *Wilkins*); the reversal before oral argument in *McDaniel v. Brown*; and *Kiyemba v. Obama*, which was vacated before oral argument.

The first chart lists majority votes in all cases, the second only in divided cases with at least one dissenting vote.

Justice	Majority Votes	Total Votes	Percent in the Majority	OT08 Final	OT07 Final
C. J. Roberts	40	42	95%	81%	90%
Scalia	39	42	93%	84%	81%
Kennedy	38	42	90%	92%	86%
Thomas	37	42	88%	81%	75%
Sotomayor	33	38	87%	-----	-----
Ginsburg	36	42	86%	70%	75%
Alito	35	41	85%	81%	82%
Breyer	34	42	81%	75%	79%
Stevens	33	42	79%	65%	75%

Justice	Majority Votes	Total Votes	Percent in the Majority	OT08 Final	OT07 Final
C. J. Roberts	18	20	90%	72%	73%
Scalia	17	20	85%	76%	65%
Kennedy	16	20	80%	89%	79%
Thomas	15	20	75%	72%	85%
Sotomayor	12	17	71%	-----	-----
Alito	14	20	70%	72%	75%
Ginsburg	14	20	70%	55%	65%
Breyer	12	20	60%	62%	68%
Stevens	11	20	55%	47%	65%