

SCOTUSblog PRELIMINARY Stats OT09 – 5.26.10

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 (*Pottawattamie County v. McGhee*, *Health Care Service Corp. v. Pollitt*, *Sullivan v. Florida*, *Robertson v. United States ex rel. Watson*); *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 twelve *per curiam* opinions: ten summary dispositions (*Corcoran*, *Bobby*, *Wong*, *Porter*, *Fisher*, *Presley*, *Wellons*, *Thaler*, *Wilkins*, and *Jefferson*); the reversal before oral argument in *McDaniel v. Brown*; and *Kiyemba v. Obama*, which was vacated before oral argument, with an opinion.

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
Roberts	51	53	96%	81%	90%
Kennedy	49	53	92%	92%	86%
Scalia	48	53	91%	84%	81%
Sotomayor	42	48	88%	-----	-----
Alito	45	52	87%	81%	82%
Ginsburg	47	53	87%	70%	75%
Thomas	44	53	83%	81%	75%
Breyer	43	53	81%	75%	79%
Stevens	41	53	77%	65%	75%

Justice	Majority Votes	Total Votes	Percent in the Majority	OT08 Final	OT07 Final
Roberts	24	26	92%	72%	73%
Kennedy	22	26	85%	89%	79%
Scalia	20	26	77%	76%	65%
Ginsburg	20	26	77%	55%	65%
Alito	19	26	73%	72%	75%
Sotomayor	16	22	73%	-----	-----
Thomas	17	26	65%	72%	85%
Breyer	16	26	62%	62%	68%
Stevens	14	26	54%	47%	65%