

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	61	65	94%	81%	90%
Kennedy	59	65	91%	92%	86%
Alito	56	64	88%	81%	82%
Sotomayor	53	60	88%	-----	-----
Scalia	56	65	86%	84%	81%
Ginsburg	56	65	86%	70%	75%
Thomas	53	65	82%	81%	75%
Breyer	53	65	82%	75%	79%
Stevens	50	65	77%	65%	75%

Justice	Majority Votes	Total Votes	Percent in the Majority	OT08 Final	OT07 Final
Roberts	29	33	88%	72%	73%
Kennedy	27	33	82%	89%	79%
Alito	25	33	76%	72%	75%
Sotomayor	22	29	76%	-----	-----
Scalia	24	33	73%	76%	65%
Ginsburg	24	33	73%	55%	65%
Thomas	21	33	64%	72%	85%
Breyer	21	33	64%	62%	68%
Stevens	18	33	55%	47%	65%

†Chief Justice Roberts and Justice Breyer each wrote a concurrence in part and dissent in part in *Alabama v. North Carolina*; Justice Thomas joined the Chief Justice’s opinion. For these charts, all three of their votes are counted as dissents. For this chart and all others in this document, the case’s vote is listed as 7-2, as all substantive parts of the opinion had 7 votes.