

SCOTUSblog PRELIMINARY Stats OT09 – 6.20.10

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	69	74	93%	81%	90%
Kennedy	67	74	91%	92%	86%
Alito	64	72	89%	81%	82%
Scalia	65	74	88%	84%	81%
Thomas	62	74	84%	81%	75%
Sotomayor	58	69	84%	-----	-----
Ginsburg	60	74	81%	70%	75%
Breyer	56	73	77%	75%	79%
Stevens	53	73	73%	65%	75%

Justice	Majority Votes	Total Votes	Percent in the Majority	OT08 Final	OT07 Final
Roberts	35	40	88%	72%	73%
Kennedy	33	40	83%	89%	79%
Alito	31	39	79%	72%	75%
Scalia	31	40	78%	76%	65%
Thomas	28	40	70%	72%	85%
Sotomayor	25	36	69%	-----	-----
Ginsburg	26	40	65%	55%	65%
Breyer	22	39	56%	62%	68%
Stevens	20	40	50%	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.