

## 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. 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* and *Weyhrauch v. United States*, which were vacated after oral argument in one-sentence opinions; or *Citizens United v. Federal Election Commission*, which we classify as an October Term 2008 case. They do include fourteen *per curiam* opinions: eleven summary dispositions (*Corcoran*, *Bobby*, *Wong*, *Porter*, *Fisher*, *Presley*, *Wellons*, *Thaler*, *Wilkins*, *Jefferson*, and *Sears*); the reversal before oral argument in *McDaniel v. Brown*; *Kiyemba v. Obama*, which was vacated before oral argument, with an opinion; and *United States v. Juvenile*, which certified a question to a state court.

The first chart includes votes in all cases, the second only in divided cases with at least one dissent.

### All Cases

| Justice   | Majority Votes | Total Votes | Percent in the Majority | OT08 Final | OT07 Final |
|-----------|----------------|-------------|-------------------------|------------|------------|
| Kennedy   | 78             | 86          | 91%                     | 92%        | 86%        |
| Roberts   | 78             | 86          | 91%                     | 81%        | 90%        |
| Scalia    | 75             | 86          | 87%                     | 84%        | 81%        |
| Alito     | 73             | 84          | 87%                     | 81%        | 82%        |
| Sotomayor | 67             | 80          | 84%                     | -----      | -----      |
| Thomas    | 71             | 86          | 83%                     | 81%        | 75%        |
| Ginsburg  | 69             | 86          | 80%                     | 70%        | 75%        |
| Breyer    | 66             | 85          | 78%                     | 75%        | 79%        |
| Stevens   | 63             | 85          | 74%                     | 65%        | 75%        |

### Divided Cases

| Justice   | Majority Votes | Total Votes | Percent in the Majority | OT08 Final | OT07 Final |
|-----------|----------------|-------------|-------------------------|------------|------------|
| Kennedy   | 38             | 46          | 83%                     | 89%        | 79%        |
| Roberts   | 38             | 46          | 83%                     | 72%        | 73%        |
| Scalia    | 35             | 46          | 76%                     | 76%        | 65%        |
| Alito     | 34             | 45          | 76%                     | 72%        | 75%        |
| Sotomayor | 29             | 42          | 69%                     | -----      | -----      |
| Thomas    | 31             | 46          | 67%                     | 72%        | 85%        |
| Ginsburg  | 29             | 46          | 63%                     | 55%        | 65%        |
| Breyer    | 26             | 45          | 58%                     | 62%        | 68%        |
| Stevens   | 24             | 46          | 52%                     | 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.