

## 5-4 Cases

### Alignment of the Majority

Majority	16	Cases
Kennedy, Ginsburg, Breyer, Sotomayor, Kagan	7	<i>Alabama Black Caucus, Wong, Brumfield, Kingsley, Patel, Inclusive Comm., Obergefell</i>
Roberts, Scalia, Kennedy, Thomas, Alito	3	<i>Din, Ayala, Horne</i>
Roberts, Ginsburg, Breyer, Alito, Sotomayor	2	<i>Dart Cherokee, Yates</i>
Roberts, Scalia, Thomas, Breyer, Alito	1	<i>Armstrong</i>
Roberts, Kennedy, Alito, Breyer, Sotomayor	1	<i>Wynne</i>
Roberts, Ginsburg, Breyer, Sotomayor, Kagan	1	<i>Williams-Yulee</i>
Thomas, Ginsburg, Breyer, Sotomayor, Kagan	1	<i>Walker</i>

Term	Number of 5-4 Opinions	Percentage of Total Opinions	Percentage of 5-4 Split Ideological	Conservative Victory* (Percentage of Ideological)	Conservative Victory (Percentage of All 5-4)	Number of Different Alignments
<b>OT05</b>	11	12%	73%	63%	45%	7
<b>OT06</b>	24	33%	79%	68%	54%	6
<b>OT07</b>	12	17%	67%	50%	33%	6
<b>OT08</b>	23	29%	70%	69%	48%	7
<b>OT09</b>	16	19%	69%	73%	50%	7
<b>OT10</b>	16	20%	88%	71%	63%	4
<b>OT11</b>	15	20%	67%	50%	33%	7
<b>OT12</b>	23	29%	30%	63%	43%	7
<b>OT13</b>	10	14%	60%	67%	40%	7
<b>OT14</b>	16	23%	63%	30%	19%	7
<b>Average</b>	<b>17</b>	<b>22%</b>	<b>66%</b>	<b>60%</b>	<b>43%</b>	<b>7</b>

\* For the purposes of this chart, a “Conservative Win” occurs whenever the majority consists of Chief Justice Roberts and Justices Scalia, Kennedy, Thomas, and O’Connor or Alito.

## 5-4 Cases

### Membership in a Five-to-Four Majority

Justice	Cases Decided	Frequency in Majority		OT13	OT12	OT11	OT10	OT09	OT08	OT07
Breyer	16	13	81%	50%	48%	47%	31%	38%	39%	45%
Sotomayor	16	12	75%	30%	39%	47%	38%	43%	-	-
Kennedy	16	11	69%	100%	87%	80%	88%	69%	78%	67%
Ginsburg	16	11	69%	40%	43%	33%	38%	25%	52%	50%
Kagan	16	9	56%	50%	43%	40%	38%	-	-	-
Roberts	16	8	50%	70%	61%	67%	63%	56%	48%	58%
Alito	16	7	44%	60%	57%	60%	63%	63%	52%	50%
Thomas	16	5	31%	50%	65%	67%	75%	69%	65%	67%
Scalia	16	4	25%	50%	60%	60%	69%	69%	70%	58%

### Five-to-Four Majority Opinion Authorship

These percentages consider how often a Justice authors the majority opinion *when that Justice is in the majority*.\*

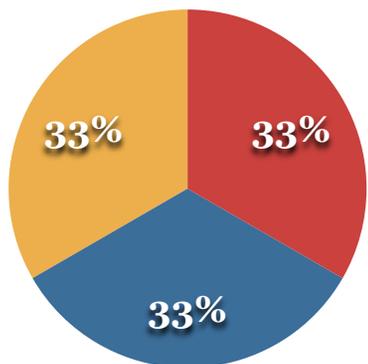
Justice	Cases Decided	Frequency in the Majority	Opinions Authored	Frequency as Author	OT13	OT12	OT11	OT10	OT09	OT08	OT07
Scalia	16	4	2	50%	0%	23%	0%	9%	18%	33%	29%
Alito	16	7	2	29%	33%	46%	33%	0%	40%	8%	17%
Roberts	16	8	2	25%	14%	14%	10%	30%	22%	18%	14%
Breyer	16	13	3	23%	0%	18%	43%	20%	25%	0%	40%
Kennedy	16	11	2	18%	30%	20%	33%	21%	22%	28%	50%
Ginsburg	16	11	2	18%	0%	10%	0%	33%	50%	27%	0%
Sotomayor	16	12	2	17%	0%	22%	29%	17%	0%	-	-
Kagan	16	9	1	11%	60%	10%	17%	0%	-	-	-
Thomas	16	5	0	0%	20%	13%	0%	33%	9%	13%	13%

\* Percentages represent the number of majority opinions authored divided by the number of times a Justice was in the majority for a *signed* opinion.

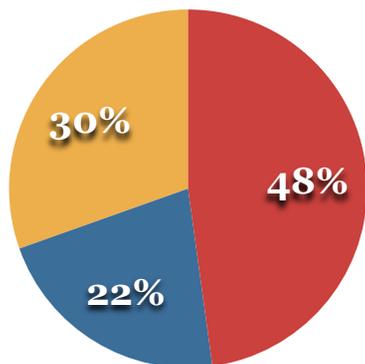
### 5-4 Case Majorities

- Conservative bloc + Kennedy
- Liberal bloc + Kennedy
- Other

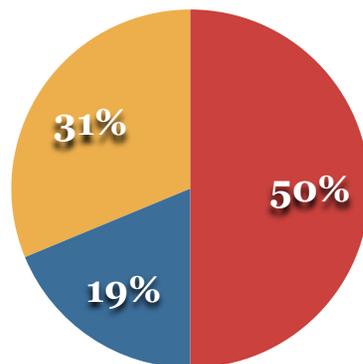
**OT07**



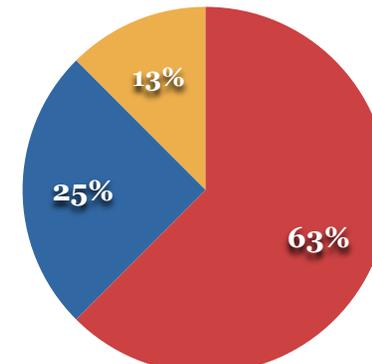
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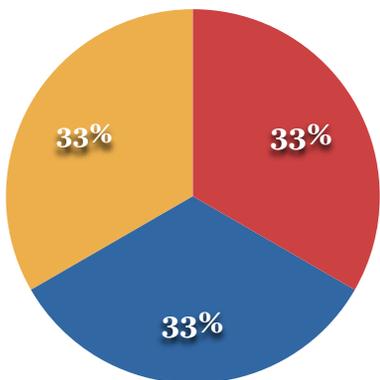
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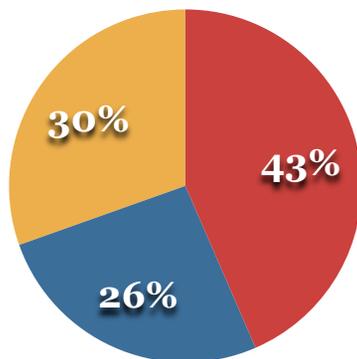
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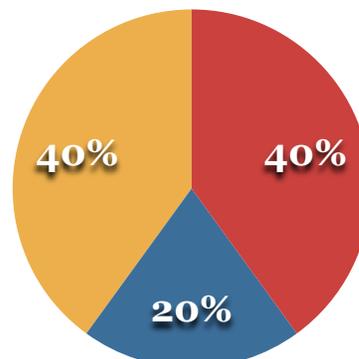
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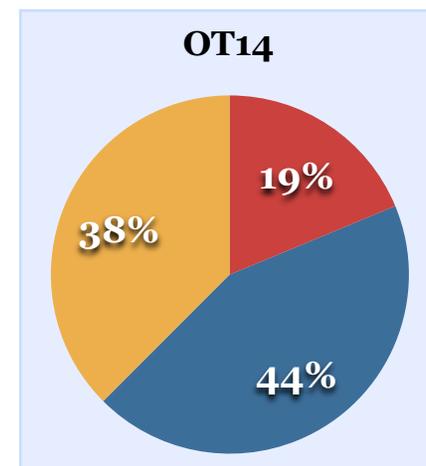
**OT12**



**OT13**

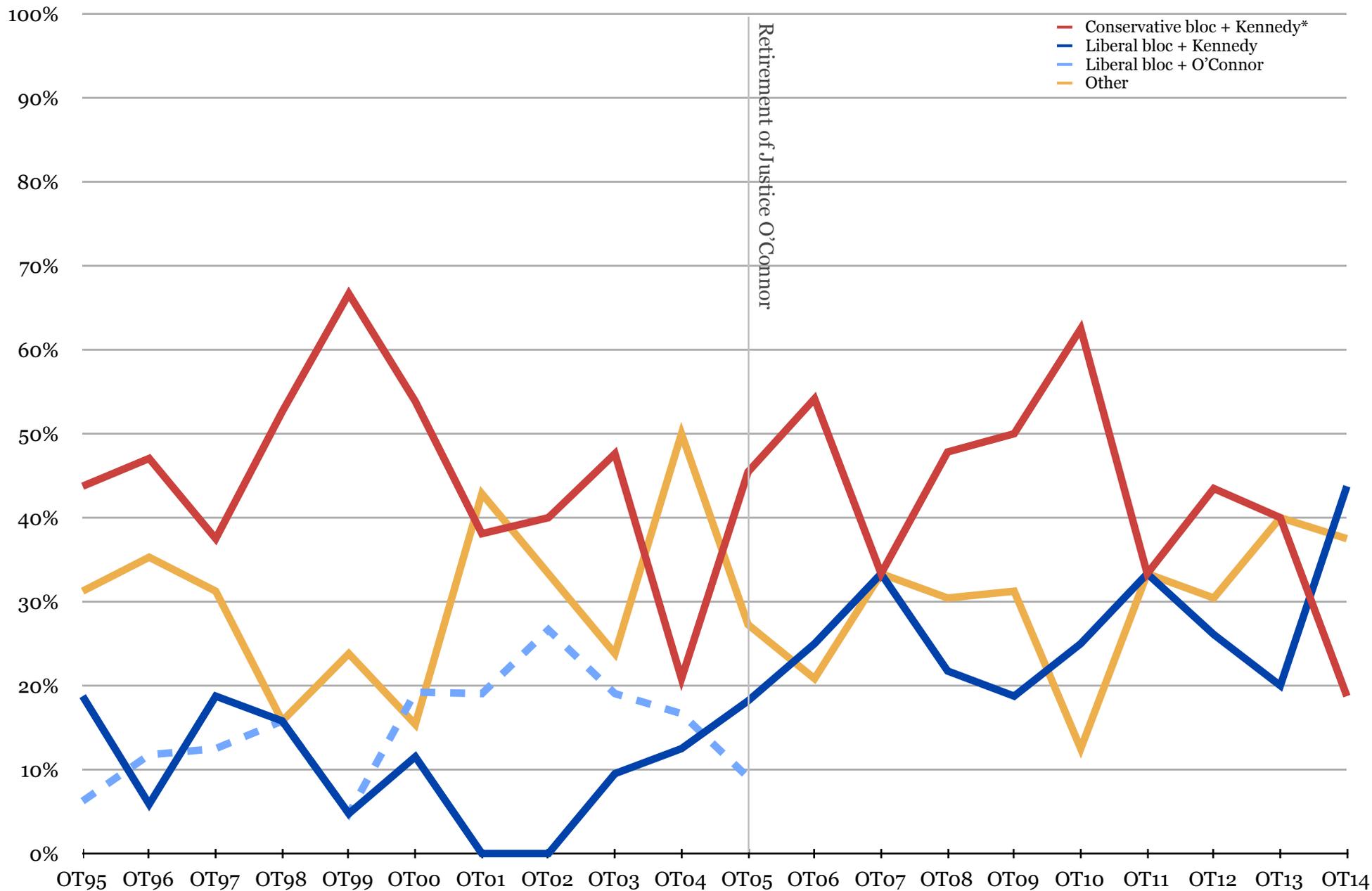


**OT14**



\*Conservative bloc = Roberts, Alito, Scalia, and Thomas;  
 Liberal bloc = Stevens/Kagan, Souter/Sotomayor, Ginsburg, and Breyer

### 5-4 Case Majorities



\*The conservative bloc is the combination of Rehnquist/Roberts, O'Connor/Alito, Scalia, and Thomas; the liberal bloc is the combination of Stevens/Kagan, Souter/Sotomayor, Ginsburg, and Breyer. All other alignments of five-Justice majorities are grouped into the "other" category.