

5-4 Cases

Alignment of the Majority

Majority	7	Cases
Kennedy, Ginsburg, Breyer, Sotomayor, Kagan	4	<i>Pena-Rodriguez, Moore, McWilliams, Murr</i>
Roberts, Kennedy, Thomas, Alito, Gorsuch	2	<i>Cal. Public Employees' Retirement System, Davila</i>
Thomas, Ginsburg, Breyer, Sotomayor, Kagan	1	<i>Harris</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
OT05	11	12%	73%	63%	45%	7
OT06	24	33%	79%	68%	54%	6
OT07	12	17%	67%	50%	33%	6
OT08	23	29%	70%	69%	48%	7
OT09	16	19%	69%	73%	50%	7
OT10	16	20%	88%	71%	63%	4
OT11	15	20%	67%	50%	33%	7
OT12	23	29%	70%	63%	43%	7
OT13	10	14%	60%	67%	40%	7
OT14	19	26%	68%	38%	26%	7
OT15	4	5%	100%	25%	25%	2
OT16	7	10%	86%	33%	29%	3
Average	16	20%	74%	58%	42%	6

* For the purposes of this chart, a “Conservative Victory” occurs whenever the majority consists of Chief Justice Roberts and Justices Kennedy, Thomas, Alito and Gorsuch.

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Membership in a 5-4 Majority

Justice	Cases Decided	Frequency in Majority		OT15	OT14	OT13	OT12	OT11	OT10
Kennedy	7	6	86%	100%	74%	100%	87%	80%	88%
Ginsburg	7	5	71%	75%	63%	40%	43%	33%	38%
Breyer	7	5	71%	75%	74%	50%	48%	47%	31%
Sotomayor	7	5	71%	75%	68%	30%	39%	47%	38%
Kagan	7	5	71%	50%	53%	50%	43%	40%	38%
Gorsuch	3	2	67%	-	-	-	-	-	-
Thomas	7	3	43%	25%	37%	50%	65%	67%	75%
Roberts	7	2	29%	25%	53%	70%	61%	67%	63%
Alito	7	2	29%	25%	47%	60%	57%	60%	63%

5-4 Majority Opinion Authorship

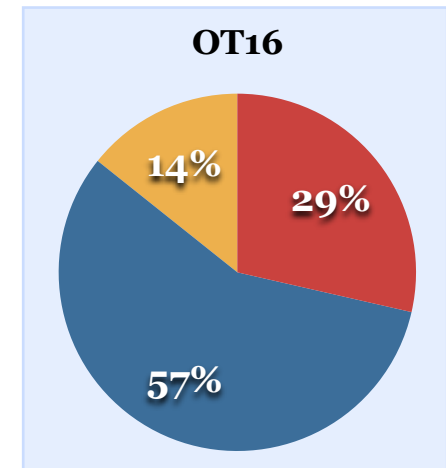
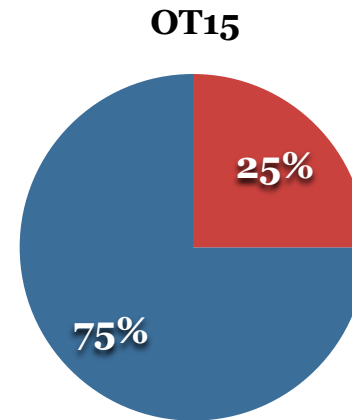
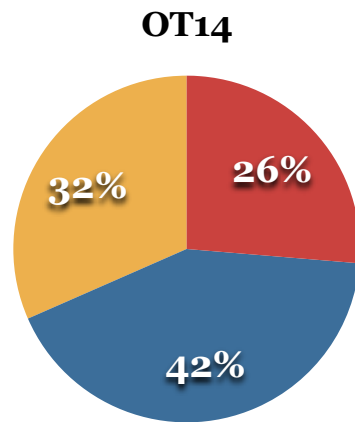
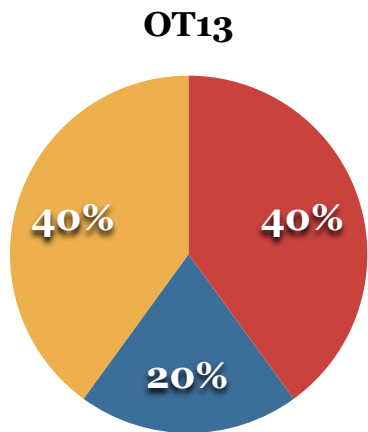
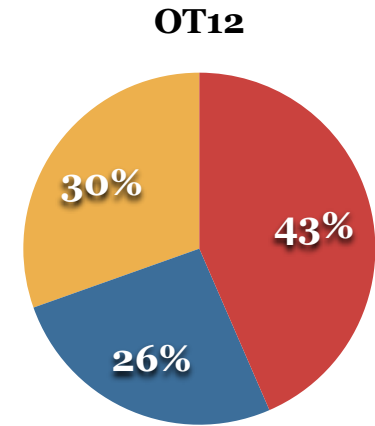
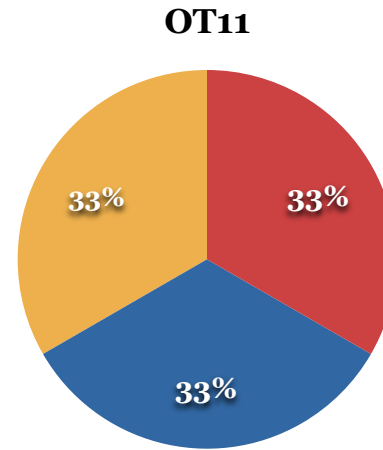
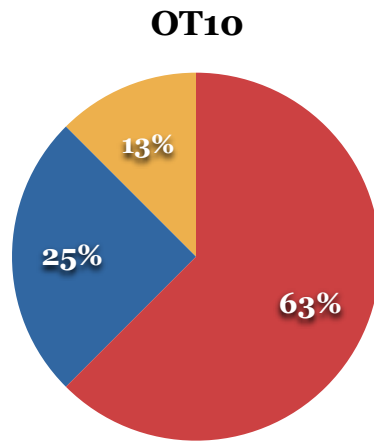
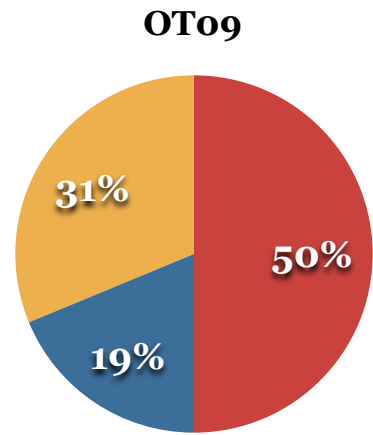
These percentages consider how often a justice authors the majority opinion when that justice is in the majority.*

Justice	Cases Decided	Frequency in the Majority	Opinions Authored	Frequency as Author	OT15	OT14	OT13	OT12	OT11	OT10
Kennedy	7	6	3	50%	50%	14%	30%	20%	33%	21%
Thomas	7	3	1	33%	0%	0%	20%	13%	0%	33%
Ginsburg	7	5	1	20%	0%	25%	0%	10%	0%	33%
Breyer	7	5	1	20%	33%	21%	0%	18%	43%	20%
Kagan	7	5	1	20%	0%	10%	60%	10%	17%	0%
Roberts	7	2	0	0%	0%	20%	14%	14%	10%	30%
Alito	7	2	0	0%	100%	33%	33%	46%	33%	0%
Sotomayor	7	5	0	0%	0%	15%	0%	22%	29%	17%
Gorsuch	3	2	0	0%	-	-	-	-	-	-

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

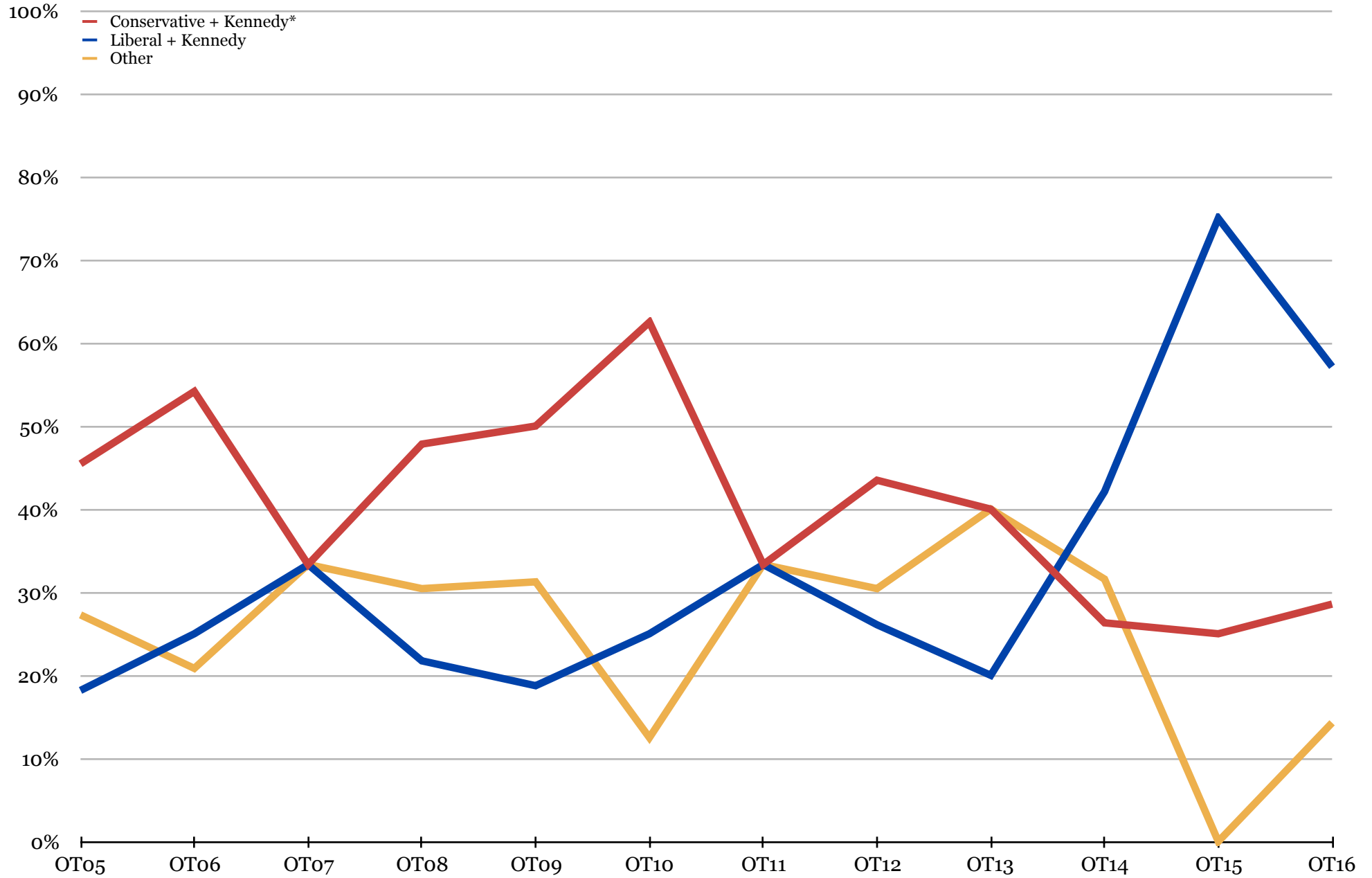
5-4 Cases

- Conservative + Kennedy
- Liberal + Kennedy
- Other



*Conservative = Roberts, Kennedy, Scalia/Gorsuch, Thomas, Alito;
Liberal = Stevens/Kagan, Kennedy, Souter/Sotomayor, Ginsburg, Breyer

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*The conservative line includes the combination of Roberts, Kennedy, Scalia/Gorsuch, Thomas and Alito; the liberal line counts the combination of Kennedy, Stevens/Kagan, Souter/Sotomayor, Ginsburg and Breyer. All other alignments of five-justice majorities are grouped into the "other" category.