

## 5-4 Cases

### Alignment of the Majority

Majority	15	Cases
Roberts, Kennedy, Thomas, Alito, Gorsuch	11	<i>Epic, Jesner, SAS Institute, Husted, Jennings, Smith, Encino Motorcars, Currier, AmEx, Perez, Wisconsin Cent.</i>
Roberts, Ginsburg, Breyer, Sotomayor, Kagan	2	<i>Artis, Carpenter</i>
Kennedy, Thomas, Ginsburg, Alito, Gorsuch	1	<i>Wayfair</i>
Ginsburg, Breyer, Sotomayor, Kagan, Gorsuch	1	<i>Dimaya</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%	70%	63%	43%	7
<b>OT13</b>	10	14%	60%	67%	40%	7
<b>OT14</b>	19	26%	68%	38%	26%	7
<b>OT15</b>	4	5%	100%	25%	25%	2
<b>OT16</b>	7	10%	86%	33%	29%	3
<b>OT17</b>	15	23%	73%	100%	73%	4
<b>Average</b>	<b>15</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>6</b>

\* 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.

## 5-4 Cases

### Membership in a 5-4 Majority

Justice	Cases Decided	Frequency in Majority		OT16	OT15	OT14	OT13	OT12	OT11	OT10
Roberts	15	13	87%	29%	25%	53%	70%	61%	67%	63%
Gorsuch	15	13	87%	67%	-	-	-	-	-	-
Kennedy	15	12	80%	86%	100%	74%	100%	87%	80%	88%
Thomas	15	12	80%	43%	25%	37%	50%	65%	67%	75%
Alito	15	12	80%	29%	25%	47%	60%	57%	60%	63%
Ginsburg	15	4	27%	71%	75%	63%	40%	43%	33%	38%
Kagan	14	3	21%	71%	50%	53%	50%	43%	40%	38%
Breyer	15	3	20%	71%	75%	74%	50%	48%	47%	31%
Sotomayor	15	3	20%	71%	75%	68%	30%	39%	47%	38%

### 5-4 Majority Opinion Authorship

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

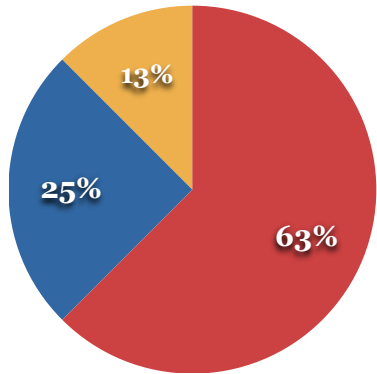
Justice	Cases Decided	Frequency in the Majority	Opinions Authored	Frequency as Author	OT16	OT15	OT14	OT13	OT12	OT11	OT10
Gorsuch	15	13	5	38%	0%	-	-	-	-	-	-
Kagan	14	3	1	33%	20%	0%	10%	60%	10%	17%	0%
Ginsburg	15	4	1	25%	20%	0%	25%	0%	10%	0%	33%
Alito	15	12	3	25%	0%	100%	33%	33%	46%	33%	0%
Kennedy	15	12	2	17%	50%	50%	14%	30%	20%	33%	21%
Thomas	15	12	2	17%	33%	0%	0%	20%	13%	0%	33%
Roberts	15	13	1	8%	0%	0%	20%	14%	14%	10%	30%
Breyer	15	3	0	0%	20%	33%	21%	0%	18%	43%	20%
Sotomayor	15	3	0	0%	0%	0%	15%	0%	22%	29%	17%

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

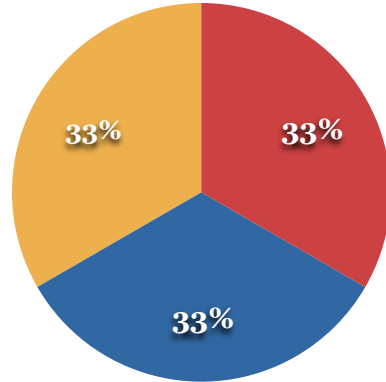
### 5-4 Cases

- Conservative + Kennedy
- Liberal + Kennedy
- Other

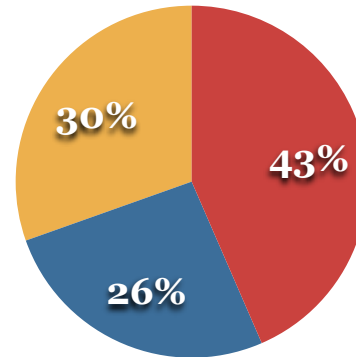
**OT10**



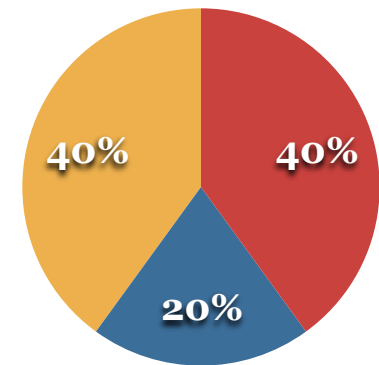
**OT11**



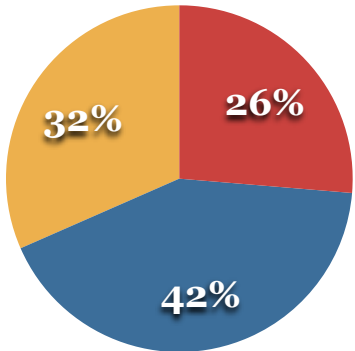
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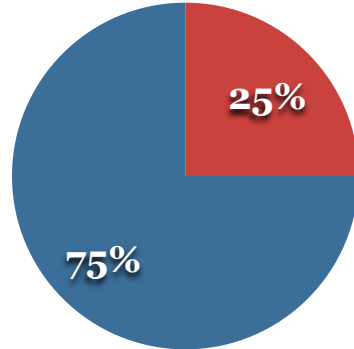
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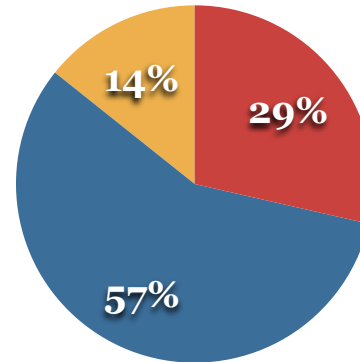
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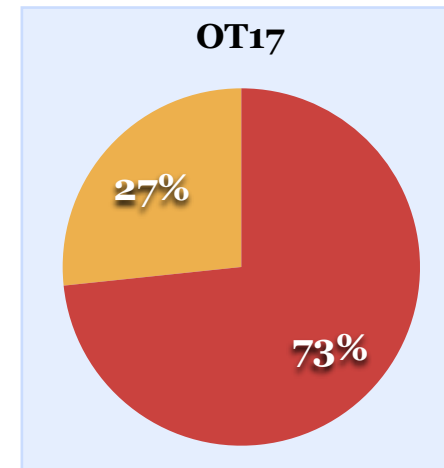
**OT15**



**OT16**

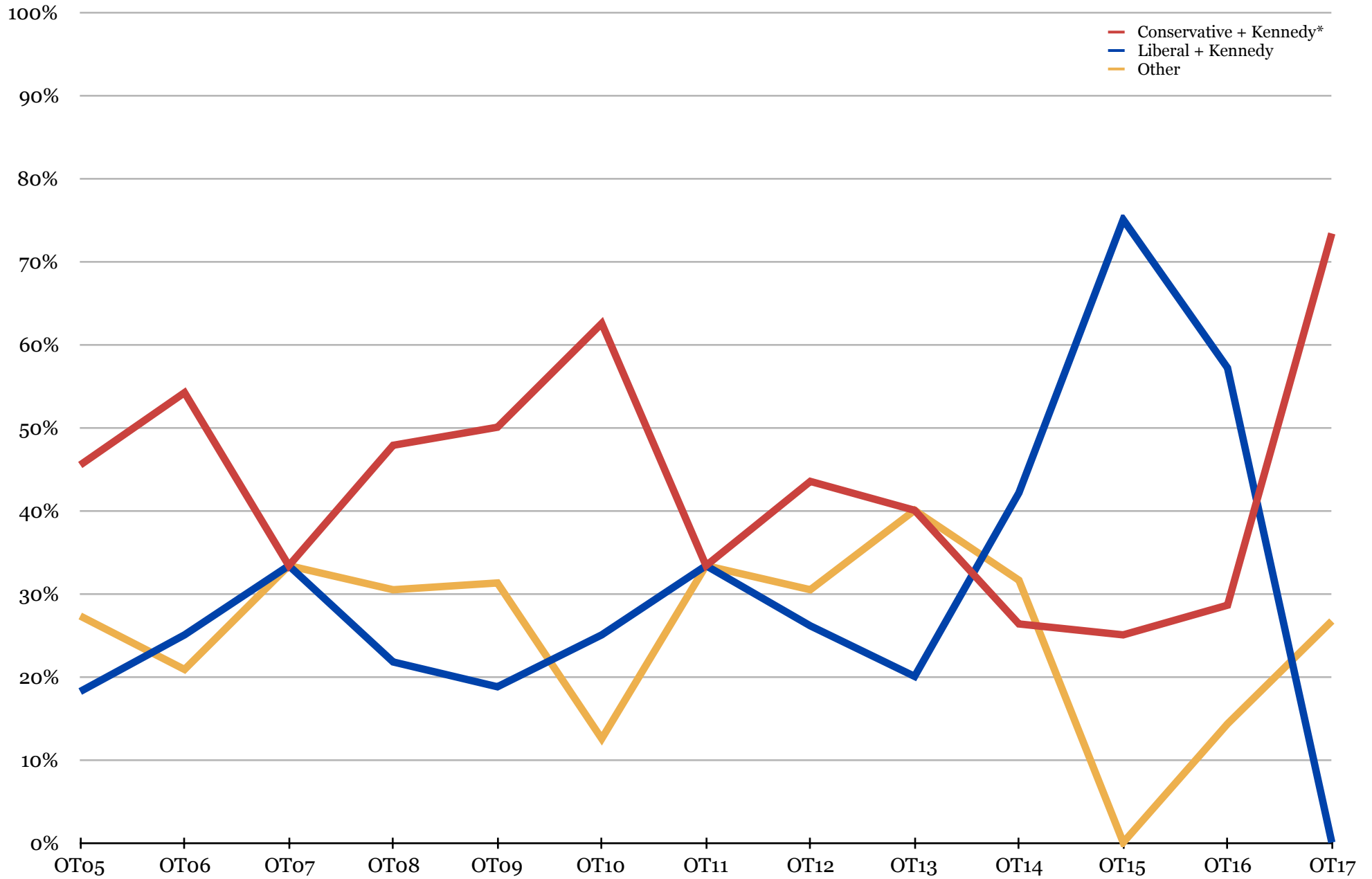


**OT17**



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

### 5-4 Cases



\*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.