

5-4 Cases

Alignment of the Majority

| Majority | 11 | Cases |
|---|----|--|
| Roberts, Thomas, Alito, Gorsuch, Kavanaugh | 4 | <i>Preap, Lamps Plus, Bucklew, Hyatt</i> |
| Ginsburg, Breyer, Sotomayor, Kagan, Gorsuch | 2 | <i>Cougar Den, Herrera</i> |
| Roberts, Ginsburg, Breyer, Sotomayor, Kagan | 1 | <i>Madison</i> |
| Roberts, Thomas, Ginsburg, Alito, Kavanaugh | 1 | <i>Mont</i> |
| Thomas, Ginsburg, Breyer, Sotomayor, Kagan | 1 | <i>Home Depot</i> |
| Ginsburg, Breyer, Sotomayor, Kagan, Kavanaugh | 1 | <i>Apple</i> |
| Thomas, Breyer, Alito, Gorsuch, Kavanaugh | 1 | <i>Stokeling</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% | 53% | 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 |
| OT17 | 19 | 26% | 74% | 100% | 74% | 5 |
| OT18 | 11 | 22% | 82% | 44% | 36% | 7 |
| Average | 15 | 20% | 75% | 57% | 43% | 6 |

* For the purposes of this chart, a “Conservative Victory” occurs whenever the majority consists of Chief Justice Roberts and Justices Thomas, Alito, Gorsuch and Kavanaugh. A “Liberal Victory” occurs whenever the majority consists of Justices Ginsburg, Breyer, Sotomayor, Kagan and one conservative. An ideological split occurs with either of these two types of victories.

5-4 Cases

Membership in a 5-4 Majority

| Justice | Cases Decided | Frequency in Majority | OT17 | OT16 | OT15 | OT14 | OT13 | OT12 | OT11 | OT10 | |
|-----------|---------------|-----------------------|------|------|------|------|------|------|------|------|-----|
| Kavanaugh | 10 | 7 | 70% | - | - | - | - | - | - | - | |
| Thomas | 11 | 7 | 64% | 79% | 43% | 25% | 37% | 50% | 65% | 67% | 75% |
| Gorsuch | 11 | 7 | 64% | 84% | 67% | - | - | - | - | - | |
| Roberts | 11 | 6 | 55% | 89% | 29% | 25% | 53% | 70% | 61% | 67% | 63% |
| Breyer | 11 | 6 | 55% | 21% | 71% | 75% | 74% | 50% | 48% | 47% | 31% |
| Alito | 11 | 6 | 55% | 79% | 29% | 25% | 47% | 60% | 57% | 60% | 63% |
| Ginsburg | 11 | 5 | 45% | 26% | 71% | 75% | 63% | 40% | 43% | 33% | 38% |
| Sotomayor | 11 | 5 | 45% | 21% | 71% | 75% | 68% | 30% | 39% | 47% | 38% |
| Kagan | 11 | 5 | 45% | 17% | 71% | 50% | 53% | 50% | 43% | 40% | 38% |

5-4 Majority Opinion Authorship *

| Justice | Cases Decided | Frequency in the Majority | Opinions Authored | Frequency as Author | OT17 | OT16 | OT15 | OT14 | OT13 | OT12 | OT11 | OT10 |
|-----------|---------------|---------------------------|-------------------|---------------------|------|------|------|------|------|------|------|------|
| Thomas | 11 | 7 | 4 | 57% | 20% | 33% | 0% | 0% | 20% | 13% | 0% | 33% |
| Sotomayor | 11 | 5 | 1 | 20% | 0% | 0% | 0% | 15% | 0% | 22% | 29% | 17% |
| Kagan | 11 | 5 | 1 | 20% | 33% | 20% | 0% | 10% | 60% | 10% | 17% | 0% |
| Roberts | 11 | 6 | 1 | 17% | 12% | 0% | 0% | 20% | 14% | 14% | 10% | 30% |
| Breyer | 11 | 6 | 1 | 17% | 25% | 20% | 33% | 21% | 0% | 18% | 43% | 20% |
| Alito | 11 | 6 | 1 | 17% | 27% | 0% | 100% | 33% | 33% | 46% | 33% | 0% |
| Gorsuch | 11 | 7 | 1 | 14% | 31% | 0% | - | - | - | - | - | - |
| Kavanaugh | 10 | 7 | 1 | 14% | - | - | - | - | - | - | - | - |
| Ginsburg | 11 | 5 | 0 | 0% | 20% | 20% | 0% | 25% | 0% | 10% | 0% | 33% |

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