

Five-to-Four Cases

Alignment of the Majority

Majority	Total (8)	Cases
Roberts, Scalia, Kennedy, Thomas, Alito	6	<i>Connick, Winn, Concepcion, Whiting, Schindler, Janus</i>
Kennedy, Ginsburg, Breyer, Sotomayor, Kagan	2	<i>Plata, J.D.B.</i>

Membership in a Five-to-Four Majority

Justice	Votes	Frequency in Majority	OTo9	OTo8	OTo7	OTo6
Kennedy	8	100%	69%	78%	67%	100%
Roberts	6	75%	56%	48%	58%	67%
Scalia	6	75%	69%	70%	58%	58%
Thomas	6	75%	69%	65%	67%	61%
Alito	6	75%	63%	52%	50%	71%
Kagan*	2	33%	-	-	-	-
Ginsburg	2	25%	25%	52%	50%	33%
Breyer	2	25%	38%	39%	45%	46%
Sotomayor	2	25%	43%	-	-	-

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	Opinions	Frequency as Author	OTo9	OTo8	OTo7	OTo6
Thomas	3	38%	9%	13%	13%	29%
Kennedy	2	25%	22%	28%	50%	25%
Roberts	1	13%	22%	18%	14%	19%
Scalia	1	13%	18%	33%	29%	0%
Sotomayor	1	13%	0%	-	-	-
Ginsburg	0	0%	50%	27%	0%	13%
Breyer	0	0%	25%	0%	40%	18%
Alito	0	0%	40%	8%	17%	24%
Kagan	0	0%	-	-	-	-

* Justice Kagan has recused this Term in two 5-3 cases, *Schindler* and *Whiting*.

** Percentages represent the number of majority opinions authored divided by the number of times a Justice was in the majority for a *signed* opinion. As such, 5-4 *per curiam* opinions are omitted entirely.