

# Strength of the Majority

Argument Sitting	Decided	9-0	8-1	7-2	6-3	5-4	Average Majority
October	9	4			1	4	6.89
November	12	3	3	1	2	3	7.08
December	9	4		2	2	1	7.44
January	10	5	1			4	7.27
February	5		1	1	1	2	6
March	8	3		1	1	3	6.88
April	12	5		1	3	3	7.08
Summary Reversal	5	3		1	1	1	8

Cases Affirmed by  
an Equally  
Divided Court

Term	Total
OT05	0
OT06	0
OT07	2
OT08	0
OT09	0
OT10	2
OT11	0
OT12	0
OT13	0
OT14	0
OT15	4
OT16	0
OT17	1
OT18	0
Average (OT05-OT17)	0.7

Number of Opinions Per Case	
	2
	3.67
	2.44
	1.9
	3.17
	2.29
	2.25
	2.33

Term Recusals	
Justice	Total
Kavanaugh	8

\* Averages consider only the terms during which a justice served on the court. Chief Justice Roberts and Justice Kagan have never filed a lone dissenting vote.

# Unanimity

To take a closer look at unanimity at the court, we created three distinct measures of unanimity. The measures of unanimity are defined as follows:

**Measure #1:** When all justices simply voted for the same judgment – i.e., whether to affirm or reverse the judgment below. This is the broadest measure of unanimity because it allows for justices to write separate opinions – and sometimes even conflicting ones – as long as each justice voted to affirm or reverse the decision below.

**Measure #2:** When all justices joined some part of the same majority opinion, but one or more justices (1) wrote separately to state an individual position or (2) did not join the majority opinion in full.

**Measure #3:** When all justices joined a single majority opinion in full, without any justices writing separate concurring opinions. This is the narrowest measure of unanimity because it requires that the justices agree in full and without any written reservations or additions.

Measure #3	All Justices in Total Agreement	19	26.64%
Measure #2	All Justices Join the Majority Opinion	24	33.33%
Measure #1	All Justices Vote For the Same Judgment	28	38.89%
Divided	Justices Disagree On Whether To Affirm, Reverse, Or Vacate The Decision Below	44	61.11%

\* Note that Measure #2 incorporates the cases captured in Measure #1, just as Measure #3 captures those cases included in Measures #1 and #2. For more information on our measures of unanimity, see Kedar S. Bhatia, A Few Notes On Unanimity, SCOTUSblog (July 10, 2014 10:40 AM), <<http://www.scotusblog.com/2014/07/a-few-notes-on-unanimity/>>.

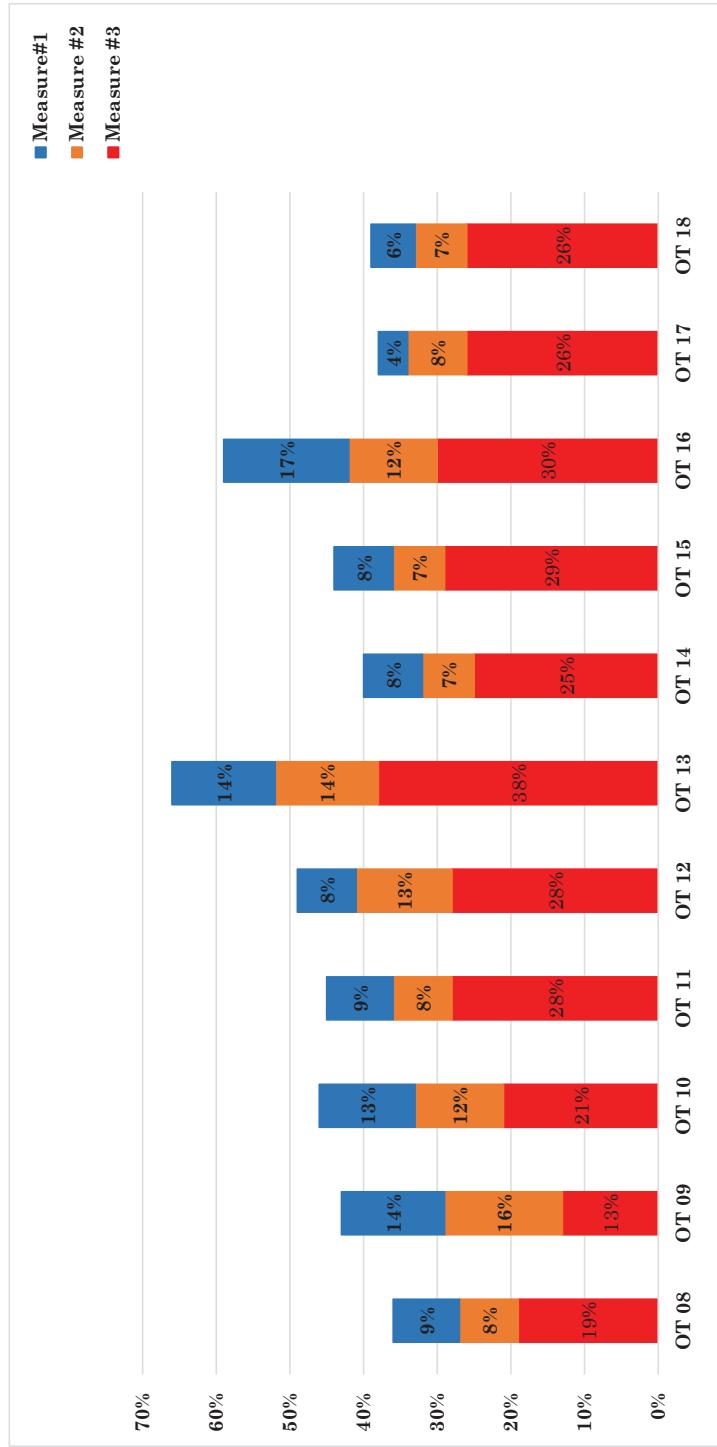
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# Frequency in the Majority

The following charts measure how frequently each justice has voted with the majority during October Term 2018. The charts include summary reversals but do not include cases that were dismissed.

All Cases							
Justice	Votes	Frequency in Majority	OT17	OT16	OT15	OT14	OT13
Roberts	72	61	85%	93%	92%	80%	92%
Thomas	72	52	72%	81%	82%	72%	61%
Ginsburg	72	55	76%	73%	85%	88%	86%
Breyer	72	56	78%	73%	90%	94%	92%
Alito	72	57	79%	79%	86%	84%	72%
Sotomayor	72	55	76%	68%	90%	83%	89%
Kagan	72	60	83%	74%	93%	95%	85%
Gorsuch	72	52	72%	85%	82%	-	-
Kavanaugh	64	56	88%	-	-	-	-

Divided Cases							
Justice	Votes	Frequency in Majority	OT17	OT16	OT15	OT14	OT13
Roberts	44	33	75%	89%	83%	84%	66%
Thomas	44	24	55%	69%	57%	49%	34%
Ginsburg	44	27	61%	56%	63%	78%	77%
Breyer	44	28	64%	56%	77%	89%	86%
Alito	44	29	66%	67%	67%	70%	52%
Sotomayor	44	27	61%	49%	76%	68%	82%
Kagan	44	32	73%	59%	83%	91%	75%
Gorsuch	44	24	55%	75%	63%	-	-
Kavanaugh	39	31	79%	-	-	-	-

## 5-4 Cases

Alignment of the Majority		Cases			
Majority	21				
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)
OT05	11	12%	73%	53%	45%
OT06	24	33%	79%	68%	54%
OT07	12	17%	67%	50%	33%
OT08	23	29%	70%	69%	48%
OT09	16	19%	69%	73%	50%
OT10	16	20%	88%	71%	63%
OT11	15	20%	67%	50%	33%
OT12	23	29%	70%	63%	43%
OT13	10	14%	60%	67%	40%
OT14	19	26%	68%	38%	26%
OT15	4	5%	100%	25%	25%
OT16	7	10%	86%	33%	29%
OT17	19	26%	74%	100%	74%
OT18	21	29%	81%	41%	33%
Average	16	21%	75%	57%	43%

\* 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**

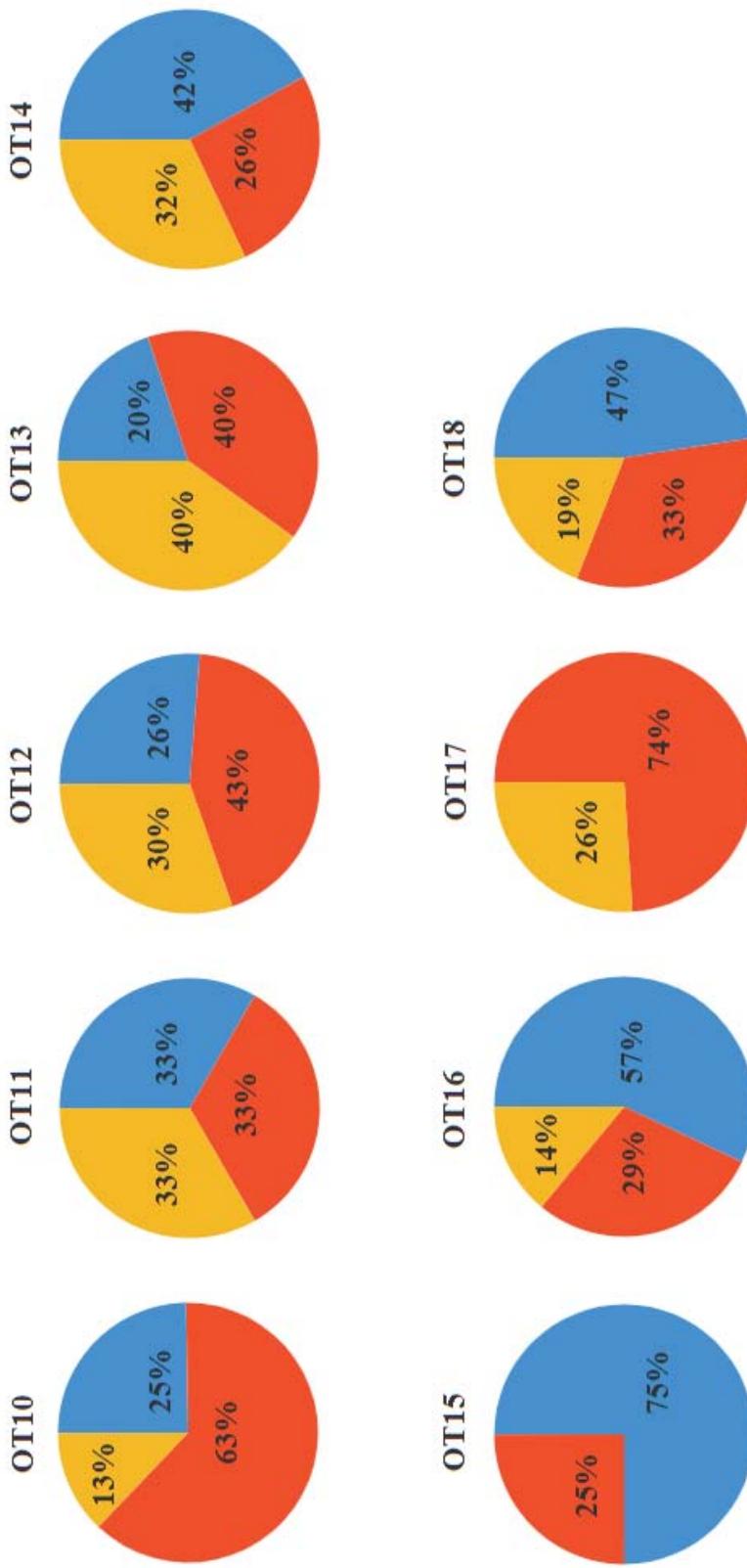
Justice	Cases Decided	Frequency in Majority	OT17	OT16	OT15	OT14	OT13	OT12	OT11	OT10
Gorsuch	21	13	62%	84%	67%	-	-	-	-	-
Kavanaugh	19	11	58%	-	-	-	-	-	-	-
Roberts	21	12	57%	89%	29%	25%	53%	70%	61%	67%
Thomas	21	12	57%	79%	43%	25%	37%	50%	65%	67%
Ginsburg	21	12	57%	26%	71%	75%	63%	40%	43%	33%
Breyer	21	12	57%	21%	71%	75%	74%	50%	48%	47%
Alito	21	11	52%	79%	29%	25%	47%	60%	57%	60%
Sotomayor	21	11	52%	21%	71%	75%	68%	30%	39%	47%
Kagan	21	11	52%	17%	71%	50%	53%	50%	43%	40%

**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
Roberts	21	12	4	33%	12%	0%	0%	0%	20%	14%	14%	10%
Thomas	21	12	4	33%	20%	33%	0%	0%	20%	13%	0%	30%
Kagan	21	11	3	27%	33%	20%	0%	10%	60%	10%	17%	33%
Gorsuch	21	13	3	23%	31%	0%	-	-	-	-	-	0%
Alito	21	11	2	18%	27%	0%	100%	33%	33%	46%	33%	0%
Kavanaugh	19	11	2	18%	-	-	-	-	-	-	-	-
Sotomayor	21	11	1	9%	0%	0%	15%	0%	22%	29%	0%	17%
Ginsburg	21	12	1	8%	20%	20%	0%	25%	0%	10%	0%	33%
Breyer	21	12	1	8%	25%	20%	33%	21%	0%	18%	43%	20%

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

## 5-4 Cases



\*For OT10 through OT17, a victorious conservative majority (in red) includes Kennedy, Roberts, Scalia/Gorsuch, Thomas and Alito. A victorious liberal majority (in blue) includes Kennedy, Ginsburg, Breyer, Sotomayor and Kagan. Different majorities are marked in yellow.

\*\*For OT18, a victorious conservative majority (in red) includes Roberts, Thomas, Alito, Gorsuch and Kavanaugh. A victorious liberal majority (in blue) includes Ginsburg, Breyer, Sotomayor, Kagan and one other justice. Different majorities are marked in yellow.

# Majority Opinion Distribution

For each case decided with a merits opinion, the author of the majority opinion is selected by the most senior justice who votes with the majority. For example, in *Herrera v. Wyoming*, a 5-4 decision in which Justices Ginsburg, Breyer, Sotomayor, Kagan and Gorsuch voted in the majority, Justice Ginsburg (the most senior justice in the majority) assigned authorship duties to Justice Sotomayor (the author of the majority opinion). The tables below demonstrate how the five most senior justices on the court assigned majority opinions during OT18 when they had the chance. For unanimous cases we have showed only statistics for Chief Justice Roberts because he is always the most senior justice in the majority for unanimous opinions.

Unanimous Cases

	Roberts	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh
Roberts (24)	1	4	4	5	0	3	2	2	3

5-4 Cases

	Roberts	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh
Roberts (12)	4	2	0	2	0	0	2	1	1
Thomas (3)	2	1	0	0	0	0	0	0	0
Ginsburg (6)	0	1	0	1	1	1	2	1	1
Breyer (0)	0	0	0	0	0	0	0	0	0
Alito (0)	0	0	0	0	0	0	0	0	0

# Justice Agreement – All Cases

		Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Total						
Roberts	37	51%	39	54%	44	61%	58	81%	38	53%	45	63%	42	58%	50	78%
	48	67%	45	63%	49	68%	61	85%	45	63%	50	69%	44	61%	57	89%
	54	75%	46	64%	51	71%	63	88%	48	67%	51	71%	48	67%	59	92%
	18	25%	26	36%	21	29%	9	13%	24	33%	21	29%	24	33%	5	8%
	28	39%	27	38%	42	58%	25	35%	33	46%	38	53%	57	79%	37	58%
	32	44%	32	44%	56	78%	31	43%	38	53%	57	79%	46	72%	72	
	36	50%	37	51%	61	85%	36	50%	43	60%	58	81%	51	80%		
	36	50%	35	49%	11	15%	36	50%	29	40%	14	19%	13	20%		
	53	74%	32	44%	58	81%	59	82%	34	47%	35	55%				
	57	79%	37	51%	63	88%	62	86%	38	53%	36	56%				
Ginsburg	59	82%	41	57%	67	93%	63	88%	45	63%	40	63%				
	13	18%	31	43%	5	7%	9	12%	27	37%	24	37%				
	39	54%	53	74%	58	81%	58	81%	32	44%	41	64%				
	42	58%	59	82%	61	85%	61	85%	34	47%	42	66%				
	46	64%	61	85%	62	86%	62	86%	39	54%	45	70%				
	26	36%	11	15%	10	14%	33	46%	19	30%						
	31	43%	31	43%	38	53%	44	61%	49	77%						
	36	50%	42	58%	51	71%	58	91%	58	91%						
	41	57%	46	64%	53	74%	58	91%								
	31	43%	26	36%	19	26%	6	9%								
Alito	57	79%	57	79%	32	44%	32	44%	32	44%	32	50%				
	62	86%	62	86%	37	51%	37	51%	35	55%						
	63	88%	9	12%	27	37%	39	54%	45	63%	41	64%				
	41	57%	47	65%	25	35%	41	57%	45	70%	45	70%				
	41	57%	46	64%	53	74%	58	91%	58	91%						
	47	65%	25	35%	19	30%	36	56%	36	56%						
	47	65%	25	35%	19	30%	43	67%	45	70%	45	70%				
	45	70%	19	30%												
	45	70%														
	45	70%														
Sotomayor	62	86%	62	86%	37	51%	37	51%	35	55%						
	63	88%	9	12%	27	37%	39	54%	45	63%	41	64%				
	41	57%	47	65%	25	35%	41	57%	45	70%	45	70%				
	47	65%	25	35%	19	30%	36	56%	36	56%						
	47	65%	25	35%	19	30%	43	67%	45	70%	45	70%				
	45	70%	19	30%												
	45	70%														
	45	70%														
	45	70%														
	45	70%														
Kagan	62	86%	62	86%	37	51%	37	51%	35	55%						
	63	88%	9	12%	27	37%	39	54%	45	63%	41	64%				
	41	57%	47	65%	25	35%	41	57%	45	70%	45	70%				
	47	65%	25	35%	19	30%	36	56%	36	56%						
	47	65%	25	35%	19	30%	43	67%	45	70%	45	70%				
	45	70%	19	30%												
	45	70%														
	45	70%														
	45	70%														
	45	70%														
Gorsuch	62	86%	62	86%	37	51%	37	51%	35	55%						
	63	88%	9	12%	27	37%	39	54%	45	63%	41	64%				
	41	57%	47	65%	25	35%	41	57%	45	70%	45	70%				
	47	65%	25	35%	19	30%	36	56%	36	56%						
	47	65%	25	35%	19	30%	43	67%	45	70%	45	70%				
	45	70%	19	30%												
	45	70%														
	45	70%														
	45	70%														
	45	70%														
Kavanaugh	62	86%	62	86%	37	51%	37	51%	35	55%						
	63	88%	9	12%	27	37%	39	54%	45	63%	41	64%				
	41	57%	47	65%	25	35%	41	57%	45	70%	45	70%				
	47	65%	25	35%	19	30%	36	56%	36	56%						
	47	65%	25	35%	19	30%	43	67%	45	70%	45	70%				
	45	70%	19	30%												
	45	70%														
	45	70%														
	45	70%														
	45	70%														

Key

Fully Agree	62	86%	62	86%	37	51%	37	51%	35	55%
Agree in Full or Part	63	88%	9	12%	27	37%	39	54%	45	63%
Agree in Full, Part, or Judgment Only	41	57%	47	65%	25	35%	41	57%	45	70%
Disagree in Judgment	47	65%	25	35%	19	30%	36	56%	43	67%

Gorsuch	45	70%	19	30%						
Kavanaugh	45	70%	19	30%						
Kavanaugh	45	70%	19	30%						

Kavanaugh

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# Justice Agreement – Divided Cases

		Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Total	
Roberts	15	34%	16	36%	19	43%	32	73%	16	36%
	24	55%	18	41%	22	50%	35	80%	19	43%
	26	59%	18	41%	23	52%	35	80%	20	45%
	18	41%	26	59%	21	48%	9	20%	24	55%
Thomas	7	16%	4	9%	20	45%	5	11%	10	23%
	7	16%	7	16%	31	70%	7	16%	13	30%
	8	18%	9	20%	33	75%	8	18%	15	34%
	36	82%	35	80%	11	25%	36	82%	29	66%
Ginsburg	27	61%	10	23%	33	75%	33	75%	12	27%
	29	66%	12	27%	36	82%	34	77%	12	27%
	31	70%	13	30%	39	89%	35	80%	17	39%
	13	30%	31	70%	5	11%	9	20%	27	61%
Breyer	15	34%	28	64%	30	68%	8	18%	19	49%
	17	39%	32	73%	33	75%	8	18%	20	51%
	18	41%	33	75%	34	77%	11	25%	20	51%
	26	59%	11	25%	10	23%	33	75%	19	49%
Alito	10	23%	14	32%	20	45%	20	45%	26	67%
	12	27%	17	39%	24	55%	33	85%	33	85%
	13	30%	18	41%	25	57%	33	85%	6	15%
	31	70%	26	59%	19	43%	19	43%	25	57%
Sotomayor	35	80%	30%	17	39%	16	41%	13	33%	
	32	73%	11	25%	15	34%	17	44%	14	36%
	35	80%	12	27%	27	61%	23	59%	15	34%
	9	20%	15	34%	19	43%	20	51%	19	49%
Key	Fully Agree								16	41%
	Agree in Full or Part								19	49%
	Agree in Full, Part, or Judgment Only								20	51%
	Disagree in Judgment								19	49%
Gorsuch	Kagan								16	41%
									19	49%
									20	51%
Kavanaugh									19	49%
									19	49%
									19	49%

Kavanaugh  
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# Justice Agreement – 5-4 Cases

		Thomas		Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Total							
		Roberts	14	40%	3	15%	3	15%	14	70%	2	10%	2	10%	9	45%	11	61%
		Thomas	15	70%	4	20%	4	20%	16	80%	3	15%	3	15%	10	50%	15	83%
		5	25%	16	80%	16	80%	4	20%	17	85%	17	85%	10	50%	3	17%	
		3	15%	2	10%	10	50%	2	10%	2	10%	2	10%	10	50%	10	56%	
		3	15%	2	10%	16	80%	2	10%	2	10%	2	10%	13	65%	14	78%	
		3	15%	3	15%	17	85%	2	10%	2	10%	13	65%	15	83%	20	20	
		17	85%	17	85%	3	15%	18	90%	18	90%	7	35%	3	17%			
		12	60%	1	5%	16	80%	16	80%	17	85%	5	25%	2	11%			
		Ginsburg	14	70%	1	5%	18	90%	18	90%	18	90%	5	25%	2	11%		
		16	80%	2	10%	18	90%	19	95%	19	95%	7	35%	2	11%			
		4	20%	18	90%	2	10%	1	5%	14	70%	13	65%	16	89%			
		3	15%	3	15%	14	70%	14	70%	14	70%	4	20%	4	22%			
		Breyer	3	15%	16	80%	16	80%	16	80%	4	20%	4	20%	4	22%		
		4	20%	17	85%	17	85%	17	85%	17	85%	6	30%	4	22%			
		16	80%	3	15%	3	15%	18	90%	18	90%	14	70%	14	78%			
		0	0%	0	0%	0	0%	0	0%	0	0%	10	50%	13	72%			
		Alito	0	0%	0	0%	0	0%	0	0%	12	60%	17	94%				
		1	5%	1	5%	1	5%	1	5%	12	60%	17	94%					
		19	95%	19	95%	19	95%	8	40%	1	6%							
		Sotomayor	18	90%	5	25%	1	6%										
		Key	20	100%	5	25%	1	6%										
		Fully Agree	20	100%	7	35%	1	6%										
		Agree in Full or Part	0	0%	13	65%	17	94%										
		Agree in Full, Part, or Judgment Only	1	5%	5	25%	1	6%										
		Kagan	1	5%	7	35%	1	6%										
		Gorsuch	13	65%	13	65%	17	94%										
		Kavanaugh	7	39%	10	56%	10	56%										
		8	44%	8	44%													

## Justice Agreement – Highs and Lows

		Highest Agreement	Lowest Agreement
All Cases	1	Ginsburg - Sotomayor	93.1%
	2	Roberts - Kavanaugh	92.2%
	3	Alito - Kavanaugh	90.6%
	4	Roberts - Alito	87.5%
	5	Ginsburg - Kagan	87.5%
	6	Sotomayor - Kagan	87.5%
	7	Breyer - Kagan	86.1%
	8	Thomas - Alito	84.7%
	9	Breyer - Sotomayor	84.7%
	10	Ginsburg - Breyer	81.9%
Divided Cases	1	Ginsburg - Sotomayor	88.6%
	2	Roberts - Kavanaugh	87.2%
	3	Alito - Kavanaugh	84.6%
	4	Roberts - Alito	79.5%
	5	Ginsburg - Kagan	79.5%
	6	Sotomayor - Kagan	79.5%
	7	Breyer - Kagan	77.3%
	8	Thomas - Alito	75.0%
	9	Breyer - Sotomayor	75.0%
	10	Ginsburg - Breyer	70.5%
5-4 Cases	1	Sotomayor - Kagan	100.0%
	2	Ginsburg - Kagan	95.0%
	3	Alito - Kavanaugh	94.4%
	4	Ginsburg - Sotomayor	90.0%
	5	Thomas - Alito	85.0%
	6	Breyer - Sotomayor	85.0%
	7	Breyer - Kagan	85.0%
	8	Thomas - Kavanaugh	83.3%
	9	Roberts - Kavanaugh	83.3%
	10	Ginsburg - Breyer	80.0%

# Time Between Oral Argument and Opinion

Argued	Avg.	Total	Remain
October	121d	9	-
November	133d	12	-
December	120d	9	-
January	110d	11	-
February	107d	6	-
March	84d	8	-
April	59d	12	-
<b>Overall</b>	<b>105d</b>	<b>67</b>	<b>0</b>
<b>Average</b>	<b>105d</b>		
<b>Median</b>	<b>97d</b>		

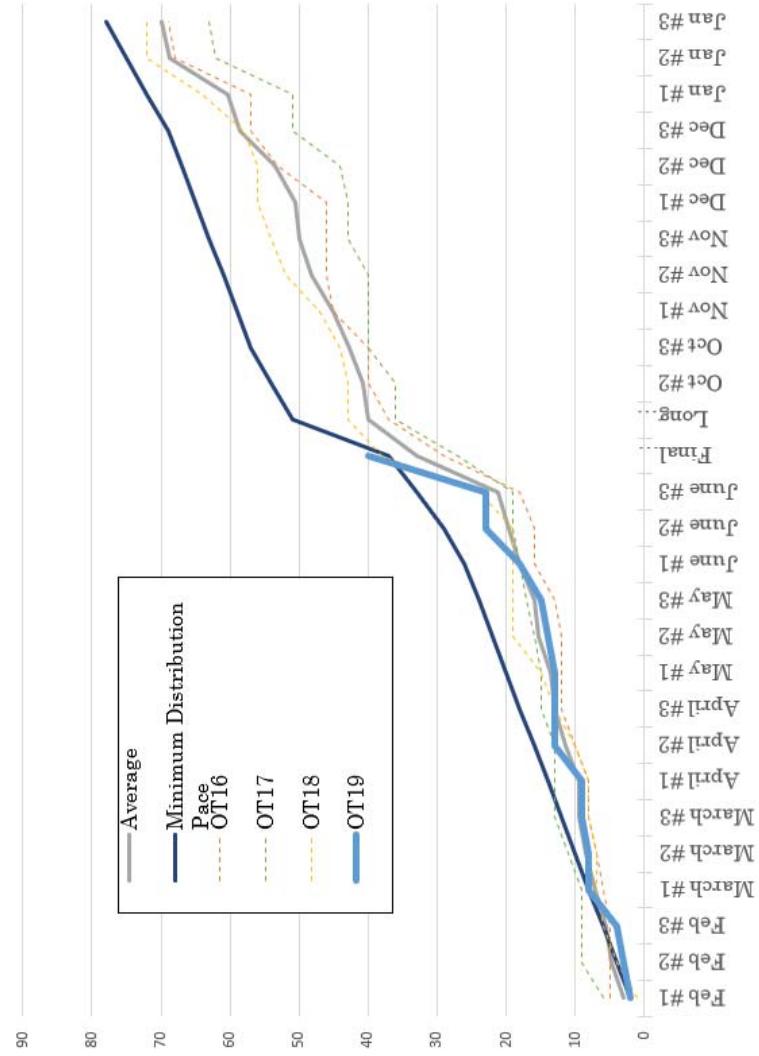
	Rank	Case	Days	Author	Vote	Argued	Decided
	1	<i>Mt. Lemmon</i>	36d	Ginsburg	8-0	October 1, 2018	November 6, 2018
	2	<i>Taggart</i>	40d	Breyer	9-0	April 24, 2019	June 3, 2019
	3	<i>Fort Bend</i>	42d	Ginsburg	9-0	April 22, 2019	June 3, 2019
	4	<i>Quarles</i>	47d	Kavanaugh	9-0	April 24, 2019	June 10, 2019
	5	<i>Rimini Street</i>	49d	Kavanaugh	9-0	January 14, 2019	March 4, 2019
	6	<i>Helsinn</i>	52d	Thomas	9-0	December 4, 2018	January 25, 2019
	7	<i>Fourth Est.</i>	55d	Ginsburg	9-0	January 8, 2019	March 4, 2019
	8	<i>Cochise</i>	55d	Thomas	9-0	March 19, 2019	May 13, 2019
	9	<i>Parker</i>	55d	Thomas	9-0	April 16, 2019	June 10, 2019
	10	<i>Weyerhaeuser</i>	57d	Roberts	8-0	October 1, 2018	November 27, 2018

	Rank	Case	Days	Author	Vote	Argued	Decided
	1	<i>Gundy</i>	261d	Kagan	5-3	October 2, 2018	June 20, 2019
	2	<i>Va. Uranium</i>	224d	Gorsuch	6-3	November 5, 2018	June 17, 2019
	3	<i>Gamble</i>	194d	Alito	7-2	December 5, 2018	June 17, 2019
	4	<i>Nieves</i>	183d	Roberts	6-3	November 26, 2018	May 28, 2019
	5	<i>Lamps Plus</i>	177d	Roberts	5-4	October 29, 2018	April 24, 2019
	6	<i>Apple</i>	168d	Kavanaugh	5-4	November 26, 2018	May 13, 2019
	7	<i>Tenn. Wine</i>	161d	Alito	7-2	January 16, 2019	June 26, 2019
	8	<i>Preap</i>	160d	Alito	5-4	October 10, 2018	March 19, 2019
	9	<i>Air &amp; Liquid</i>	160d	Kavanaugh	6-3	October 10, 2018	March 19, 2019
	10	<i>Knick</i>	156d	Roberts	5-4	January 16, 2019	June 21, 2019

	0-30 days	30-59	60-89	90-119	120-149	150-179	180-209	210-239	More than 240
<b>OT15</b>	1	17	16	19	5	3	6	0	0
<b>OT16</b>	0	16	21	11	6	5	2	1	0
<b>OT17</b>	1	8	18	12	10	5	4	1	1
<b>OT18</b>	0	11	16	17	13	6	2	1	1
<b>OT19</b>	109d	106d	97d	79d	96d	94d	95d	94d	95d
<b>OT20</b>	97d	95d	94d	95d	94d	95d	95d	94d	95d

# Pace of Grants

The following chart plots the pace at which the court fills its merits docket for a given term. Each date marker represents the conference within a given sitting. For instance, Feb #3 is the third February conference, which, during OT18, took place on March 1, 2019. Categorizing grants by their conference within a given sitting ensures more accurate cross-term comparisons.



# Pace of Opinions

The following chart plots the pace at which the court releases merits opinions throughout the term, beginning in October and ending in June. This chart includes both opinions released after full briefing and summary reversals. Here, as in the Pace of Grants chart, cases are categorized by their release within a given sitting, rather than by calendar month. For example, the opinions for Feb #3 of OT18 were actually released on March 4, 2019.

