

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		8

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

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

Term Recusals	
Justice	Total
Kavanaugh	8

Solo Dissents		
Justice	Total (OT18)	Average* (OT05-OT17)
Breyer	2	.28
Thomas	2	2.1
Gorsuch	1	.5
Alito	-	.62
Sotomayor	-	.89
Kagan	-	0
Roberts	-	0
Kavanaugh	-	0

* 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/>>.

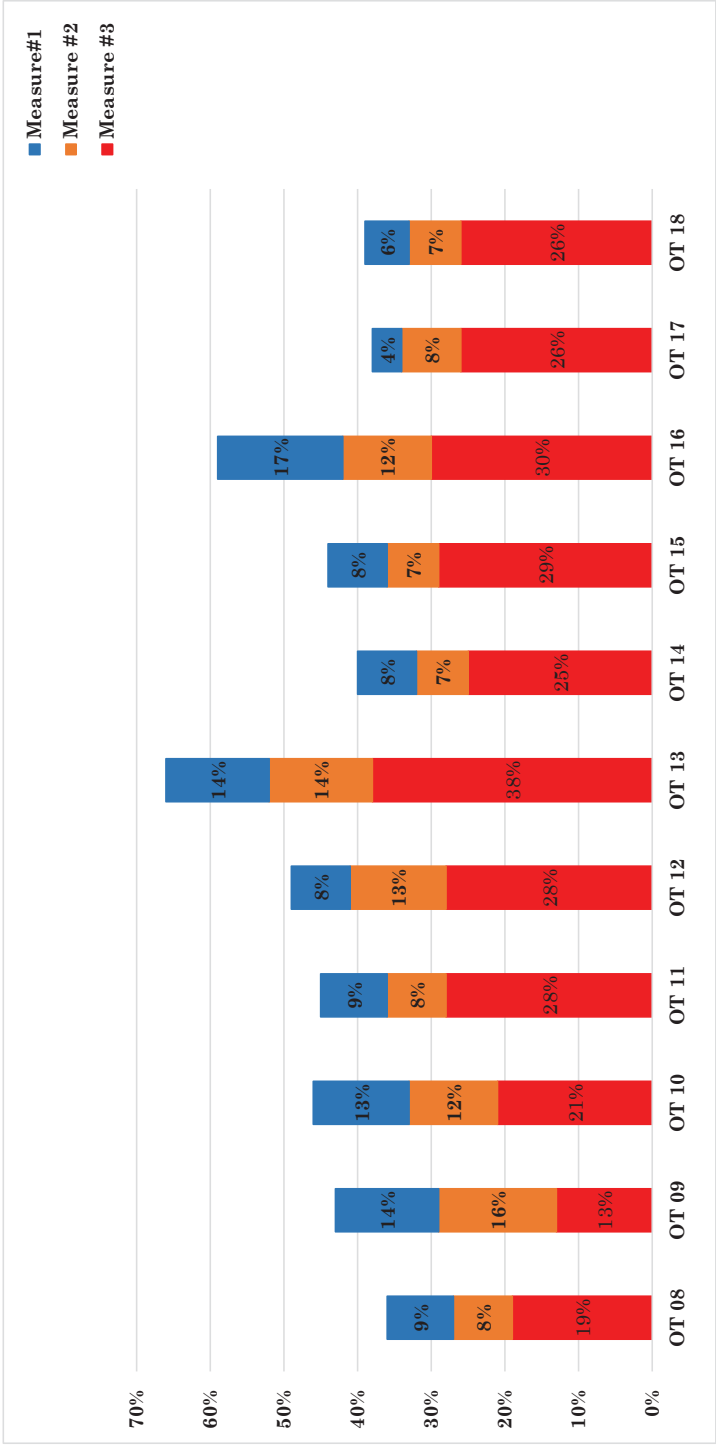
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Frequency in the Majority

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	OT12	OT11	
Roberts	72	61	85%	93%	92%	80%	92%	86%	92%	
Thomas	72	52	72%	82%	72%	61%	88%	79%	86%	
Ginsburg	72	55	76%	85%	88%	86%	85%	79%	70%	
Breyer	72	56	78%	90%	94%	92%	88%	83%	76%	
Alito	72	57	79%	86%	84%	72%	88%	79%	83%	
Sotomayor	72	55	76%	90%	83%	89%	82%	79%	80%	
Kagan	72	60	83%	93%	95%	85%	92%	81%	82%	
Gorsuch	72	52	72%	82%	-	-	-	-	-	
Kavanaugh	64	56	88%	-	-	-	-	-	-	

Divided Cases										
Justice	Votes	Frequency in Majority	OT17	OT16	OT15	OT14	OT13	OT12	OT11	
Roberts	44	33	75%	83%	84%	66%	76%	73%	86%	
Thomas	44	24	55%	57%	49%	34%	64%	60%	74%	
Ginsburg	44	27	61%	63%	78%	77%	56%	60%	45%	
Breyer	44	28	64%	77%	89%	86%	64%	67%	57%	
Alito	44	29	66%	67%	70%	52%	63%	59%	69%	
Sotomayor	44	27	61%	76%	68%	82%	46%	59%	64%	
Kagan	44	32	73%	83%	91%	75%	75%	63%	67%	
Gorsuch	44	24	55%	63%	-	-	-	-	-	
Kavanaugh	39	31	79%	-	-	-	-	-	-	

5-4 Cases

Alignment of the Majority			
Majority		21	Cases
Roberts, Thomas, Alito, Gorsuch, Kavanaugh		7	<i>Preap, Bucklew, Lamps Plus, Hyatt, Manhattan, Knick, Rucho</i>
Ginsburg, Breyer, Sotomayor, Kagan, Gorsuch		4	<i>Cougar Den, Herrera, Davis, Haymond</i>
Roberts, Ginsburg, Breyer, Sotomayor, Kagan		3	<i>Madison, Kisor, Commerce</i>
Roberts, Thomas, Ginsburg, Alito, Kavanaugh		1	<i>Mont</i>
Roberts, Thomas, Breyer, Alito, Kavanaugh		1	<i>Mitchell</i>
Thomas, Ginsburg, Breyer, Sotomayor, Kagan		1	<i>Home Depot</i>
Thomas, Ginsburg, Sotomayor, Kagan, Gorsuch		1	<i>Bethune</i>
Thomas, Breyer, Alito, Gorsuch, Kavanaugh		1	<i>Stokeling</i>
Ginsburg, Breyer, Alito, Sotomayor, Kagan		1	<i>Gundy</i>
Ginsburg, Breyer, Sotomayor, Kagan, Kavanaugh		1	<i>Apple</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	21	29%	81%	41%	33%	10
Average	16	21%	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.

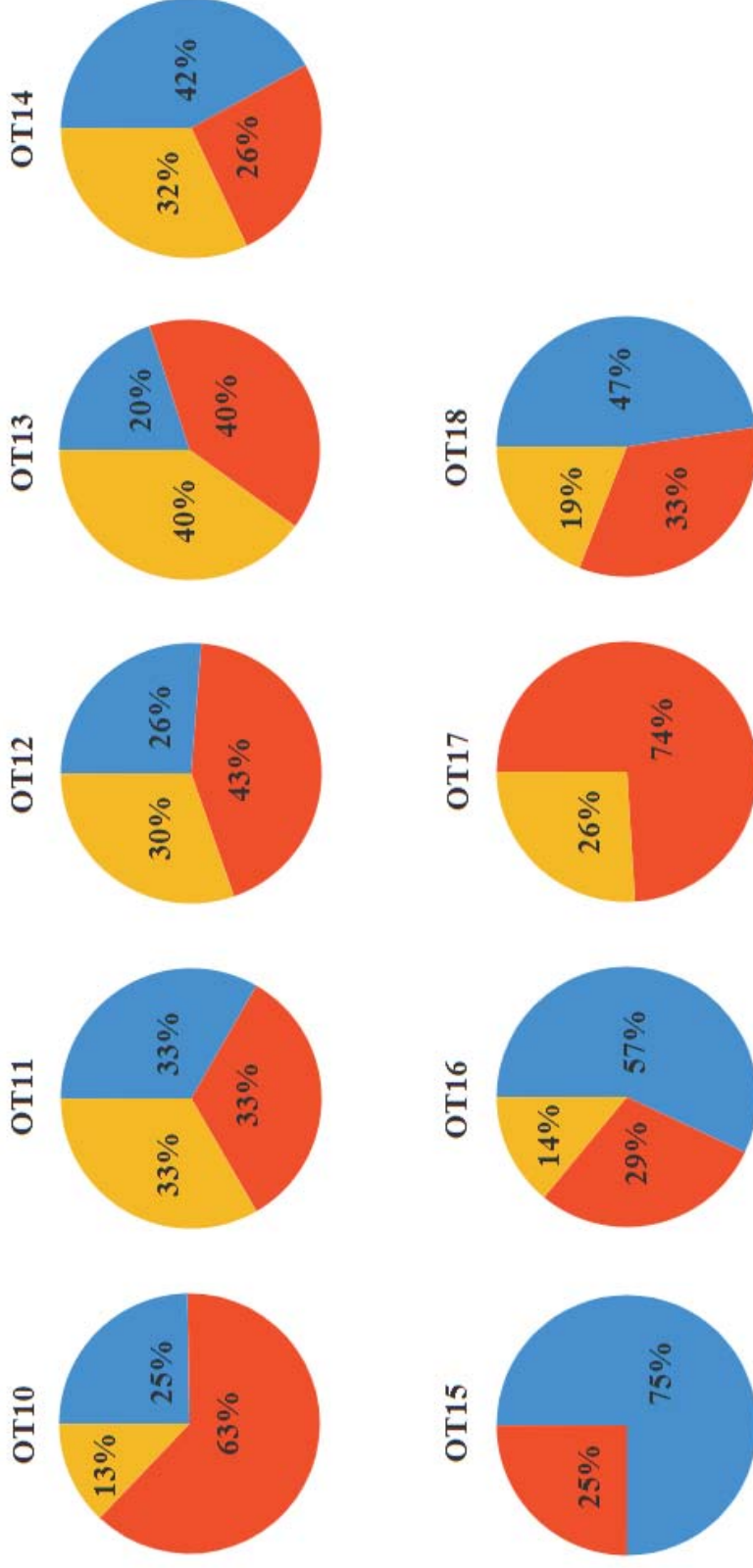
5-4 Cases

Membership in a 5-4 Majority											
Justice	Cases Decided	Frequency in Majority	OT17	OT16	OT15	OT14	OT13	OT12	OT11	OT10	
Gorsuch	21	13	84%	67%	-	-	-	-	-	-	-
Kavanaugh	19	11	-	-	-	-	-	-	-	-	-
Roberts	21	12	89%	29%	25%	53%	70%	61%	67%	63%	
Thomas	21	12	79%	43%	25%	37%	50%	65%	67%	75%	
Ginsburg	21	12	26%	71%	75%	63%	40%	43%	33%	38%	
Breyer	21	12	21%	71%	75%	74%	50%	48%	47%	31%	
Alito	21	11	79%	29%	25%	47%	60%	57%	60%	63%	
Sotomayor	21	11	21%	71%	75%	68%	30%	39%	47%	38%	
Kagan	21	11	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	OT10
Roberts	21	12	4	33%	12%	0%	0%	20%	14%	14%	30%
Thomas	21	12	4	33%	20%	33%	0%	0%	20%	13%	33%
Kagan	21	11	3	27%	33%	20%	0%	10%	60%	10%	0%
Gorsuch	21	13	3	23%	31%	0%	-	-	-	-	-
Alito	21	11	2	18%	27%	0%	100%	33%	33%	46%	0%
Kavanaugh	19	11	2	18%	-	-	-	-	-	-	-
Sotomayor	21	11	1	9%	0%	0%	0%	15%	0%	22%	17%
Ginsburg	21	12	1	8%	20%	20%	0%	25%	0%	10%	33%
Breyer	21	12	1	8%	25%	20%	33%	21%	0%	18%	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 OT 18, 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	0	2		2	1	1
	Thomas (3)	2	1	0	0	0	0	0	0
		Ginsburg (6)		0	1	0	1	1	2
				Breyer (0)	0	0	0	0	0
				Alito (0)	0	0	0	0	0

Justice Agreement – All Cases

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

Justice Agreement – Divided Cases

Thomas		Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Total								
Roberts	15	34%	16	36%	19	43%	32	73%	16	36%	20	45%	18	41%	28	72%	44
	24	55%	18	41%	22	50%	35	80%	19	43%	23	52%	19	43%	34	87%	
	26	59%	18	41%	23	52%	35	80%	20	45%	23	52%	20	45%	34	87%	
	18	41%	26	59%	21	48%	9	20%	24	55%	21	48%	24	55%	5	13%	
Thomas		7	16%	4	9%	20	45%	5	11%	10	23%	24	55%	17	44%	44	
		7	16%	7	16%	31	70%	7	16%	13	30%	30	68%	24	62%		
		8	18%	9	20%	33	75%	8	18%	15	34%	30	68%	26	67%		
		36	82%	35	80%	11	25%	36	82%	29	66%	14	32%	13	33%		
Ginsburg		27	61%	10	23%	33	75%	33	75%	34	77%	12	27%	14	36%	44	
		29	66%	12	27%	36	82%	34	77%	35	80%	17	39%	15	38%		
		31	70%	13	30%	39	89%	35	80%	9	20%	27	61%	24	62%		
		13	30%	15	34%	28	64%	30	68%	8	18%	19	49%	44			
Breyer		17	39%	32	73%	33	75%	33	75%	8	18%	20	51%				
		18	41%	33	75%	34	77%	34	77%	11	25%	20	51%				
		26	59%	11	25%	10	23%	10	23%	33	75%	19	49%				
Alito		10	23%	14	32%	17	39%	24	55%	20	45%	26	67%	44			
		12	27%	17	39%	18	41%	25	57%	19	43%	6	15%				
		13	30%	18	41%	26	59%	35	80%	17	39%	16	41%				
		31	70%	26	59%	32	73%	35	80%	12	27%	23	59%				
Key		Sotomayor														44	
Fully Agree																	
Agree in Full or Part																	
Agree in Full, Part, or Judgment Only																	
Disagree in Judgment		Kagan														44	
		15 34%															
		15 34%															
		19 43%															
		25 57%														44	
		Gorsuch															
		16 41%															
		19 49%															
		20 51%														39	
		19 49%															
		Kavanaugh															
		19 49%															

Justice Agreement – 5-4 Cases

Roberts	Thomas	Ginsburg	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Total
	8 40%	3 15%	3 15%	14 70%	2 10%	2 10%	9 45%	11 61%	20
	14 70%	4 20%	4 20%	16 80%	3 15%	3 15%	10 50%	15 83%	
	15 75%	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%	
Thomas		3 15%	2 10%	10 50%	2 10%	2 10%	10 50%	10 56%	20
		3 15%	2 10%	16 80%	2 10%	2 10%	13 65%	14 78%	
		3 15%	3 15%	17 85%	2 10%	2 10%	13 65%	15 83%	
		17 85%	17 85%	3 15%	18 90%	18 90%	7 35%	3 17%	
	Ginsburg			12 60%	1 5%	16 80%	17 85%	5 25%	2 11%
			14 70%	1 5%	18 90%	18 90%	5 25%	2 11%	
			16 80%	2 10%	18 90%	19 95%	7 35%	2 11%	
			4 20%	18 90%	2 10%	1 5%	13 65%	16 89%	
Breyer					3 15%	14 70%	14 70%	4 20%	4 22%
				3 15%	16 80%	16 80%	4 20%	4 22%	
				4 20%	17 85%	17 85%	6 30%	4 22%	
				16 80%	3 15%	3 15%	14 70%	14 78%	
	Alito					0 0%	0 0%	10 50%	13 72%
					0 0%	0 0%	12 60%	17 94%	
					1 5%	1 5%	12 60%	17 94%	
					19 95%	19 95%	8 40%	1 6%	
Key						Sotomayor			
						18 90%	5 25%	1 6%	
						20 100%	5 25%	1 6%	
						20 100%	7 35%	1 6%	
	Agree in Full, Part, or Judgment Only						0 0%	13 65%	17 94%
							5 25%	1 6%	
							5 25%	1 6%	
							7 35%	1 6%	
Disagree in Judgment								13 65%	17 94%
								7 39%	
								10 56%	
								10 56%	
								8 44%	18
								Kavanaugh	

Justice Agreement – Highs and Lows

	Highest Agreement			Lowest Agreement		
All Cases	1	Ginsburg - Sotomayor	93.1%	1	Thomas - Ginsburg	50.0%
	2	Roberts - Kavanaugh	92.2%	2	Thomas - Sotomayor	50.0%
	3	Alito - Kavanaugh	90.6%	3	Thomas - Breyer	51.4%
	4	Roberts - Alito	87.5%	4	Breyer - Gorsuch	54.2%
	5	Ginsburg - Kagan	87.5%	5	Ginsburg - Alito	56.9%
	6	Sotomayor - Kagan	87.5%	6	Alito - Sotomayor	56.9%
	7	Breyer - Kagan	86.1%	7	Thomas - Kagan	59.7%
	8	Thomas - Alito	84.7%	8	Ginsburg - Gorsuch	62.5%
	9	Breyer - Sotomayor	84.7%	9	Ginsburg - Kavanaugh	62.5%
	10	Ginsburg - Breyer	81.9%	10	Sotomayor - Gorsuch	62.5%

Divided Cases	1	Ginsburg - Sotomayor	88.6%	1	Thomas - Ginsburg	18.2%
	2	Roberts - Kavanaugh	87.2%	2	Thomas - Sotomayor	18.2%
	3	Alito - Kavanaugh	84.6%	3	Thomas - Breyer	20.5%
	4	Roberts - Alito	79.5%	4	Breyer - Gorsuch	25.0%
	5	Ginsburg - Kagan	79.5%	5	Ginsburg - Alito	29.5%
	6	Sotomayor - Kagan	79.5%	6	Alito - Sotomayor	29.5%
	7	Breyer - Kagan	77.3%	7	Thomas - Kagan	34.1%
	8	Thomas - Alito	75.0%	8	Ginsburg - Kavanaugh	38.5%
	9	Breyer - Sotomayor	75.0%	9	Sotomayor - Gorsuch	38.6%
	10	Ginsburg - Breyer	70.5%	10	Ginsburg - Gorsuch	38.6%

5-4 Cases	1	Sotomayor - Kagan	100.0%	1	Alito - Sotomayor	5.0%
	2	Ginsburg - Kagan	95.0%	2	Alito - Kagan	5.0%
	3	Alito - Kavanaugh	94.4%	3	Sotomayor - Kavanaugh	5.6%
	4	Ginsburg - Sotomayor	90.0%	4	Kagan - Kavanaugh	5.6%
	5	Thomas - Alito	85.0%	5	Thomas - Sotomayor	10.0%
	6	Breyer - Sotomayor	85.0%	6	Thomas - Kagan	10.0%
	7	Breyer - Kagan	85.0%	7	Ginsburg - Alito	10.0%
	8	Thomas - Kavanaugh	83.3%	8	Ginsburg - Kavanaugh	11.1%
	9	Roberts - Kavanaugh	83.3%	9	Roberts - Sotomayor	15.0%
	10	Ginsburg - Breyer	80.0%	10	Roberts - Kagan	15.0%

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	-
Overall	105d	67	0

Average	105d
Median	97d

Shortest	<i>Mt. Lemmon</i>	36d
Longest	<i>Gundy</i>	261d

Averages	
OT05	79d
OT06	96d
OT07	94d
OT08	94d
OT09	109d
OT10	106d
OT11	97d
OT12	95d
OT13	94d
OT14	95d
OT15	95d
OT16	92d
OT17	109d

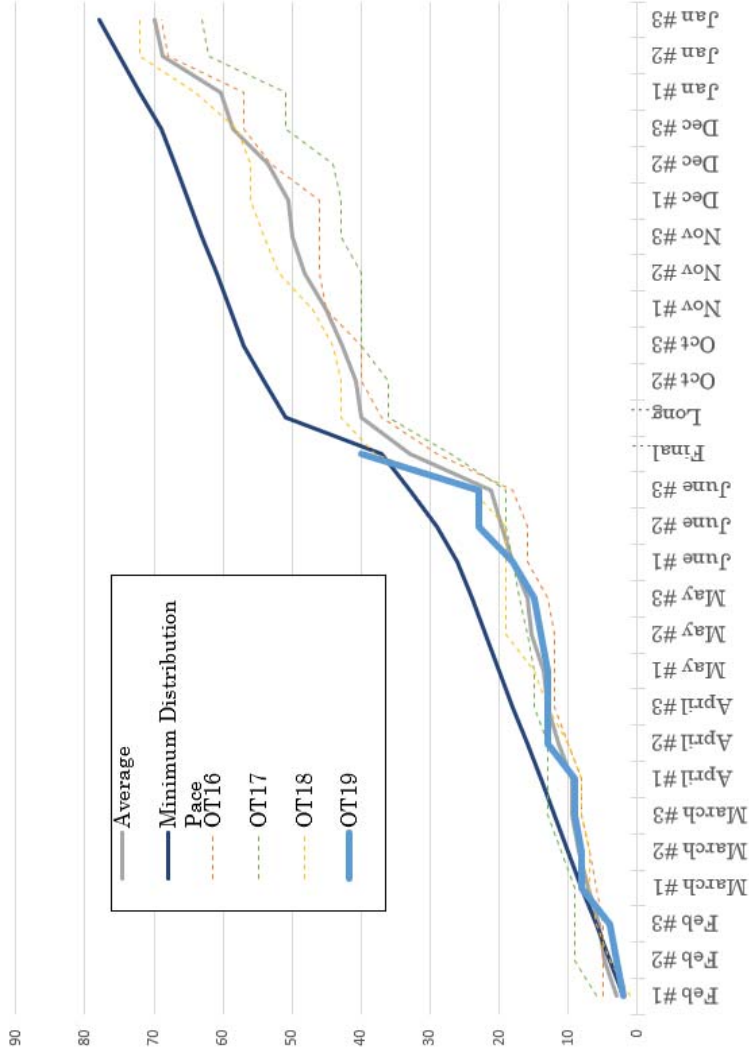
	Rank	Case	Days	Author	Vote	Argued	Decided
Shortest	1	<i>Mt. Lemmon</i>	36d	Ginsburg	8-0	October 1, 2018	November 6, 2018
	2	<i>Taggart</i>	40d	Breyer	9-0	April 24, 2019	June 3, 2019
	3	<i>Fort Bend</i>	42d	Ginsburg	9-0	April 22, 2019	June 3, 2019
	4	<i>Quarles</i>	47d	Kavanaugh	9-0	April 24, 2019	June 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
Longest	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 & 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
OT15	1	17	16	19	5	3	6	0	0
OT16	0	16	21	11	6	5	2	1	0
OT17	1	8	18	12	10	5	4	1	1
OT18	0	11	16	17	13	6	2	1	1

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.



* The Minimum Distribution Pace presented in this chart reflects the number of petitions that must be granted to fill the court's docket for oral argument while giving the litigants in each case a complete or near-complete briefing schedule. The pace also reflects the number of petitions raised at each conference and other factors affecting the certiorari process.

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.

