

# Provisional Data Report on the 2021 Term\*

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Unless otherwise indicated, the data are from the [Supreme Court Database](#) and include all orally argued cases with a signed opinion (per curiams are excluded), but the analysis counts only the lead case when one or more cases are consolidated under a single citation.

## Contents

<b>1</b>	<b>Control of the Court</b>	<b>2</b>
1.1	Majority Voting . . . . .	2
1.2	Partisan Majority Voting . . . . .	3
1.3	Cross-Party Majority Voting . . . . .	4
1.4	Median Justice . . . . .	4
<b>2</b>	<b>Liberal-Conservative Outcomes &amp; Voting</b>	<b>5</b>
2.1	Court-Level Analysis . . . . .	5
2.2	Justice-Level Analysis . . . . .	8
<b>3</b>	<b>Agreement Rates</b>	<b>10</b>
<b>4</b>	<b>Dissent Rates</b>	<b>11</b>

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# 1 Control of the Court

## 1.1 Majority Voting

% In Majority All Cases		% In Majority Non-Unanimous Cases	
BMKavanaugh	95	BMKavanaugh	93
JGRoberts	93	JGRoberts	90
ACBarrett	91	ACBarrett	88
SAAlito	84	SAAlito	79
CThomas	81	CThomas	74
NMGorsuch	74	NMGorsuch	64
EKagan	66	EKagan	52
SGBreyer	64	SGBreyer	50
SSotomayor	57	SSotomayor	40
Average	78	Average	70

Table 1: Voting with the majority by justice, 2021 Term. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

% in Majority 2020 Term		% in Majority 2021 Term	
BMKavanaugh	93	BMKavanaugh	93
JGRoberts	86	JGRoberts	90
ACBarrett	79	ACBarrett	88
NMGorsuch	75	SAAlito	79
CThomas	61	CThomas	74
SGBreyer	61	NMGorsuch	64
SAAlito	59	EKagan	52
EKagan	57	SGBreyer	50
SSotomayor	50	SSotomayor	40
Average	69	Average	70

Table 2: Voting with the majority by justice, 2020 Term versus 2021 Term. Includes only non-unanimous decisions. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

## 1.2 Partisan Majority Voting

<b>All Cases</b>			
Term	% in the Majority		%Point Gap (R-D)
	Republican Justices	Democratic Justices	
2010	89	75	14
2011	83	76	7
2012	82	79	3
2013	89	85	4
2014	72	88	-16
2015	83	88	-5
2016	89	88	1
2017	84	70	14
2018	80	78	2
2019	85	75	10
2020	87	77	10
2021	86	62	24
Average	84	79	5

<b>Non-Unanimous Cases</b>			
Term	% in the Majority		%Point Gap (R-D)
	Republican Justices	Democratic Justices	
2010	79	56	23
2011	74	62	12
2012	66	62	4
2013	71	61	10
2014	55	81	-26
2015	70	79	-9
2016	74	73	1
2017	76	55	21
2018	68	64	4
2019	77	63	14
2020	75	56	19
2021	81	48	33
Average	72	64	8

Table 3: Voting with the majority by the justices' political party, 2010-2021 terms. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

### 1.3 Cross-Party Majority Voting

	% Voting with the Democratic Appointees	N Cases
Kavanaugh	80	(12/15)
Roberts	80	(12/15)
Barrett	67	(10/15)
Alito	40	(6/15)
Gorsuch	40	(6/15)
Thomas	27	(4/15)

Table 4: Republican appointees voting with Democratic appointees when all three Democrats are in the majority, 2021 term. Includes only non-unanimous decisions. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

### 1.4 Median Justice

	MQ Score (post_mn)
SSotomayor	-4.170
SBreyer	-2.033
EKagan	-1.835
JGRoberts	0.682
BMKavanaugh	0.791
NMGorsuch	1.019
ACBarrett	1.318
SAAlito	2.458
CThomas	2.949

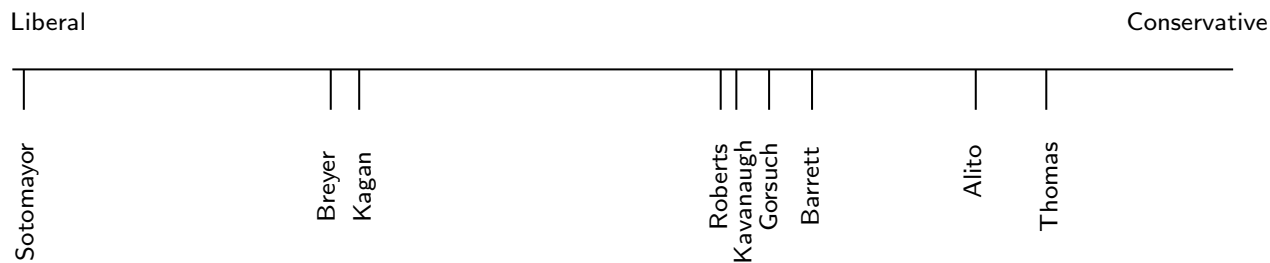


Figure 1: [Martin-Quinn ideology scores](#), 2021 term. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

## 2 Liberal-Conservative Outcomes & Voting

Note: This section includes only decisions coded as liberal or conservative; it excludes non-specifiable decisions.

### 2.1 Court-Level Analysis

Term	% Conservative	
	All Cases	Non-Unan. Cases
1920	42.9	55.3
1921	45.8	35.1
1922	43.0	30.8
1923	52.0	66.7
1924	51.4	61.9
1925	49.2	43.8
1926	47.8	44.8
1927	57.1	57.7
1928	50.0	66.7
1929	50.4	83.3
1930	42.6	43.8
1931	55.6	76.0
1932	37.3	36.0
1933	41.7	60.9
1934	48.6	59.1
1935	46.4	52.2
1936	38.6	33.3
1937	39.7	40.5
1938	38.8	24.4
1939	27.4	18.4
1940	26.4	30.4
1941	37.2	43.1
1942	35.8	45.6
1943	38.6	41.0
1944	32.7	32.1
1945	27.6	32.9
1946	46.3	51.8
1947	38.0	40.5
1948	43.4	46.8
1949	55.2	55.2

Table 5: Percent conservative decisions, 1920-2021 terms. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

[table continues]

Term	% Conservative	
	All Cases	Non-Unan. Cases
1950	52.3	62.9
1951	58.8	64.5
1952	54.3	57.1
1953	50.8	60.0
1954	29.9	31.9
1955	30.9	36.0
1956	36.0	41.6
1957	41.3	47.5
1958	38.4	53.2
1959	37.1	44.7
1960	39.1	46.3
1961	27.1	30.2
1962	24.5	23.6
1963	25.5	23.9
1964	32.6	43.6
1965	34.0	37.5
1966	35.0	42.0
1967	24.5	26.9
1968	25.3	19.4
1969	42.0	49.1
1970	53.2	61.3
1971	48.0	64.2
1972	53.3	63.6
1973	54.7	68.8
1974	48.8	56.1
1975	60.6	69.0
1976	60.3	61.9
1977	49.6	48.9
1978	56.9	64.6
1979	47.3	46.3
1980	57.4	61.3
1981	48.2	46.7
1982	54.4	62.2
1983	59.1	67.1
1984	54.7	57.0
1985	57.2	63.6
1986	53.8	62.5
1987	50.4	53.8
1988	56.9	63.4
1989	53.9	60.0
1990	50.9	60.3
1991	51.4	56.9
1992	50.5	57.9
1993	54.8	58.0
1994	55.7	56.5
1995	51.4	52.4

[table continues]

Term	% Conservative	
	All Cases	Non-Unan. Cases
1996	58.8	64.3
1997	56.8	60.5
1998	58.7	64.4
1999	50.0	57.8
2000	48.0	51.2
2001	57.3	54.2
2002	55.7	46.3
2003	53.5	50.0
2004	43.8	48.9
2005	62.3	73.5
2006	56.7	59.1
2007	47.0	50.0
2008	62.5	66.0
2009	50.0	54.8
2010	52.1	48.7
2011	51.6	52.5
2012	49.3	45.0
2013	45.5	48.0
2014	41.5	39.0
2015	51.6	42.9
2016	49.2	57.7
2017	48.2	48.6
2018	46.2	47.5
2019	51.0	51.4
2020	56.9	50.0
2021	63.2	73.8

## 2.2 Justice-Level Analysis

% Liberal All Cases		% Liberal Non-Unanimous Cases	
SSotomayor	79	SSotomayor	83
EKagan	74	EKagan	76
SGBreyer	72	SGBreyer	74
NMGorsuch	46	NMGorsuch	39
JGRoberts	35	JGRoberts	24
BMKavanaugh	33	ACBarrett	21
ACBarrett	31	BMKavanaugh	21
CThomas	29	CThomas	15
SAAlito	25	SAAlito	10
Average	47	Average	41

Table 6: Percent liberal votes, 2021 term. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

% Liberal 2020 Term		% Liberal 2021 Term	
SSotomayor	77	SSotomayor	83
EKagan	77	EKagan	76
SGBreyer	73	SGBreyer	74
NMGorsuch	46	NMGorsuch	39
BMKavanaugh	42	JGRoberts	24
ACBarrett	35	ACBarrett	21
CThomas	35	BMKavanaugh	21
JGRoberts	35	CThomas	15
SAAlito	28	SAAlito	10
Average	50	Average	41

Table 7: Percent liberal votes in non-unanimous decisions, 2020 versus 2021 term. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).



	%	N Total
	Liberal	Votes
WHRehnquist	17	2320
<b>CThomas</b>	22	1281
WEBurger	23	1438
<b>SAAlito</b>	25	620
AScalia	26	1470
CEWhittaker	26	340
<b>ACBarrett</b>	26	65
JHarlan2	27	1051
JCMcReynolds	28	139
SDOConnor	32	1497
LFPowell	32	1314
PButler	33	86
BMKavanaugh	33	139
HHBurton	35	869
<b>JGRoberts</b>	37	637
OJRoberts	37	436
RHJackson	37	767
AMKennedy	37	1417
<b>NMGorsuch</b>	38	184
SMinton	38	394
FMVinson	38	492
PStewart	41	1700
FFrankfurter	42	1464
BRWhite	42	2421
TCClark	45	1095
SFReed	46	1155
GSutherland	47	15
HABlackmun	52	1954
JFByrnes	53	58
HFStone	56	501
CEHughes2	56	168
BNCardozo	59	17
LDBrandeis	64	61
<b>SGBreyer</b>	67	1112
DHSouter	67	882
JPStevens	68	2183
AJGoldberg	70	191
AFortas	71	217
<b>EKagan</b>	73	405
RBGinsburg	73	1103
WBRutledge	74	496
HLBlack	75	2149
EWarren	75	1004
FMurphy	76	637
<b>SSotomayor</b>	76	460
WJBrennan	78	2636
WODouglas	79	2377
TMarshall	82	1914

Table 8: Percent liberal voting, justices ranked from least to most liberal in non-unanimous cases, 1937-2021 terms. Current justices highlighted. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

### 3 Agreement Rates

	% Agreement
Sotomayor-Thomas	14.3
Alito-Sotomayor	19.0
Breyer-Thomas	23.8
Kagan-Thomas	26.2
Barrett-Sotomayor	28.6
Alito-Breyer	28.6
Alito-Kagan	31.0
Gorsuch-Sotomayor	33.3
Kavanaugh-Sotomayor	33.3
Breyer-Gorsuch	33.3
Roberts-Sotomayor	35.7
Breyer-Barrett	38.1
Barrett-Kagan	40.5
Gorsuch-Kagan	40.5
Breyer-Kavanaugh	42.9
Kagan-Kavanaugh	45.2
Breyer-Roberts	45.2
Kagan-Roberts	47.6
Gorsuch-Roberts	59.5
Gorsuch-Kavanaugh	61.9
Gorsuch-Thomas	66.7
Roberts-Thomas	69.0
Alito-Gorsuch	71.4
Kavanaugh-Thomas	71.4
Barrett-Gorsuch	71.4
Breyer-Sotomayor	81.0
Barrett-Thomas	81.0
Alito-Roberts	83.3
Barrett-Roberts	83.3
Breyer-Kagan	83.3
Alito-Kavanaugh	85.7
Barrett-Kavanaugh	85.7
Alito-Barrett	85.7
Alito-Thomas	85.7
Kagan-Sotomayor	88.1
Kavanaugh-Roberts	97.6

Table 9: Agreement rates in non-unanimous cases decided by a 9-person Court, 2021 Term, ordered from low to high. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

## 4 Dissent Rates

Term	% Non-Unanimous
1937	28.3
1938	33.3
1939	30.7
1940	27.9
1941	38.4
1942	45.9
1943	61.2
1944	57.1
1945	54.5
1946	60.7
1947	69.1
1948	70.2
1949	66.7
1950	70.0
1951	78.3
1952	80.0
1953	69.2
1954	61.5
1955	61.0
1956	77.0
1957	76.9
1958	62.6
1959	78.4
1960	72.7
1961	62.4
1962	65.5
1963	60.4
1964	62.6
1965	57.7
1966	69.0
1967	60.9
1968	67.7
1969	64.8
1970	68.8
1971	63.6
1972	72.9
1973	69.3
1974	66.7
1975	61.6
1976	66.7
1977	68.2
1978	63.1
1979	73.5

Table 10: Percent cases with one or more dissenting votes, 1937-2021 terms. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

[table continues]

Term	% Non-Unanimous
1980	65.0
1981	65.2
1982	61.6
1983	55.0
1984	56.8
1985	68.5
1986	71.7
1987	57.6
1988	62.9
1989	65.9
1990	62.5
1991	60.7
1992	54.2
1993	59.5
1994	58.5
1995	56.0
1996	52.5
1997	49.5
1998	60.5
1999	60.8
2000	57.1
2001	64.0
2002	57.7
2003	56.9
2004	62.2
2005	49.3
2006	65.7
2007	70.1
2008	67.6
2009	58.9
2010	54.7
2011	62.5
2012	54.8
2013	38.8
2014	63.6
2015	56.5
2016	42.6
2017	66.1
2018	62.1
2019	66.0
2020	51.9
2021	72.4