

Provisional Data Report on the 2023 Term*

Lee Epstein, Andrew D. Martin, & Michael J. Nelson[†]

July 1, 2024

Unless otherwise indicated, the data are from the [Supreme Court Database](#) and include all orally argued cases (including per curiams),¹ but the analysis counts only the lead case when one or more cases are consolidated under a single citation.²

The report can be downloaded here: <https://epstein.wustl.edu/s/2023TermDataReport.pdf>

The report's website is here: <https://epstein.wustl.edu/2023termdatareport>

Contents

1	Control of the Court	4
1.1	Voting with the majority by justice, 2023 term	4
1.2	Voting with the majority by justice, 2022 term versus 2023 term	4
1.3	Voting with the majority in major cases, by justice, 2023 term	5
1.4	Chief Justice Roberts: Voting with the majority, 2005-2023 terms	6
1.5	Justice Thomas: Voting with the majority, 2005-2023 terms	7
1.6	Ranking of justices' voting with the majority, 1937-2023 terms	7
1.7	Voting in the majority by justice and the ideological direction of the decision, 2023 term	9
1.8	Voting with the majority by party, 2010-2023 terms	10
2	Voting Agreements & Blocs	11
2.1	Percent voting together (agreement scores): pairs, 2022 v. 2023 terms	11

*Prepared for the *New York Times*.

[†]Lee Epstein is the Ethan A.H. Shepley Distinguished University Professor at Washington University in St. Louis; Andrew D. Martin is the Chancellor of Washington University in St. Louis; Michael J. Nelson is Professor of Political Science and Affiliate Law Faculty at Penn State. Kevin Quinn, Charles Howard Candler Professor of Law at Emory University, contributed the Martin-Quinn scores to this report. Epstein thanks the John Simon Guggenheim Foundation, the National Science Foundation, and Washington University in St. Louis for supporting her research on judicial behavior. Nelson thanks the National Science Foundation and Penn State for supporting his research on judicial behavior.

¹With one exception: The analysis of the U.S. government's success rate, in Section 7, excludes orally argued per curiams so that the 2023 term data are consistent existing datasets (back to 1937).

²Again, with one exception: The analysis of the Court's treatment of lower court decisions (in Section 8) includes consolidated cases only if the consolidated case(s) were decided by different lower court panels.

2.2	Percent voting together (agreement scores): trios, 2022 v. 2023 terms	12
2.3	Percent voting together (agreement scores): quartets, 2022 v. 2023 terms	14
2.4	Voting with the three Democratic appointees when all three are in the majority, 2023 term	17
2.5	Voting with Thomas and Alito, 2023 term	17
3	Liberal-Conservative Voting & Outcomes	17
3.1	Martin-Quinn (ideological) scores, 2023 term	17
3.2	Percent liberal votes by justice, 2023 term	18
3.3	Percent liberal votes by justice, 2022 v. 2023 terms	19
3.4	Percent liberal votes by justice in major cases, 2023 term	19
3.5	Ideological gap between the Democratic and Republican appointees, 1953-2023 terms	20
3.6	Percent liberal voting, justices ranked, 1937-2023 terms	22
3.7	Court Level: Percent liberal decisions in major cases, 2023 Term	23
3.8	Court Level: Percent liberal decisions, 1937-2023 terms	24
4	The Roberts Court justices and their predecessors	26
4.1	Comparison of liberal votes by Roberts Court justices and their predecessors (through the 2023 term)	26
4.2	Comparison of voting in the majority by Roberts Court justices and their predecessors (through the 2023 term).	26
5	Comparison of Trump Appointees v. Alito/Thomas	27
5.1	Concurring votes/opinions, 2023 term	27
5.2	Voting in the majority, 2023 term	27
5.3	Percent liberal voting, 2023 term	27
6	Separate Opinions/Unanimity/Consensus	28
6.1	Dissent & unanimity rates, 1937-2023 terms	28
6.2	Voting with the majority (a measure of consensus), 1937-2023 terms	30
6.3	Dissenting and concurring opinions per case, 1937-2023 terms	32
6.4	Dissenting and concurring votes per case, 1937-2023 terms	34
6.5	Percent concurring votes and opinions, justices ranked, 1937-2023 terms	36
6.6	Percent concurring votes and opinions, by the ideological direction of the Court's decision, 2023 term	37
6.7	Percent concurring votes, by the ideological direction of the Court's decision and justice, 2023 term	38
6.8	Percent concurring opinions, by the ideological direction of the Court's decision and justice, 2023 term	38

7	U.S. Government Win Rate	39
7.1	U.S. government win rate (court-level), by chief justice era and president in office, 1937-2023	39
7.2	Justices' votes for the U.S. government, by chief justice era, president in office, and the party of the appointing president, 1937-2023 terms	40
7.3	Justices' votes for the U.S. government, by the party of the appointing president and term, 2005-2023	41
7.4	Justice votes for the U.S. government, by justice, 2017-2023 terms	42
8	Treatment of Lower Federal Court Decisions	42
8.1	Percent cases in which the lower court was reversed, by the lower court, 2023 term	43
8.2	Percent cases in which the lower court was reversed, by the lower court judge's appointing president and party of the lower court judge's appointing president, 2023 term	43
8.3	Percent justice-votes to reverse a lower court judge, by the lower court judge's appointing president, 2023 term	44
8.4	Supreme Court votes to reverse the 5th circuit, by justice, 2023	44
8.5	Votes to dissent in cases heard by the Supreme Court, by appointing president, 2023 term	45

1 Control of the Court

1.1 Voting with the majority by justice, 2023 term

% In Majority All Cases		% In Majority Non-Unanimous Cases	
JGRoberts	97	JGRoberts	94
BMKavanaugh	95	BMKavanaugh	91
ACBarrett	92	ACBarrett	84
SAAlito	83	SAAlito	69
CThomas	80	CThomas	63
NMGorsuch	80	NMGorsuch	63
KBJackson	73	KBJackson	50
EKagan	71	EKagan	47
SSotomayor	71	SSotomayor	47
Average	82	Average	67

Table 1.1: Voting with the majority by justice, 2023 term. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

1.2 Voting with the majority by justice, 2022 term versus 2023 term

% in Majority 2022 Term		% in Majority 2023 Term	
BMKavanaugh	90	JGRoberts	94
JGRoberts	86	BMKavanaugh	91
ACBarrett	83	ACBarrett	84
KBJackson	68	SAAlito	69
NMGorsuch	66	CThomas	63
SSotomayor	66	NMGorsuch	63
EKagan	62	KBJackson	50
SAAlito	59	EKagan	47
CThomas	55	SSotomayor	47
Average	70	Average	67

Table 1.2: Voting with the majority by justice, 2022 term versus 2023 term. Includes only non-unanimous decisions. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

1.3 Voting with the majority in major cases, by justice, 2023 term

% in Majority in Major Cases	
BMKavanaugh	94
JGRoberts	94
ACBarrett	88
CThomas	82
NMGorsuch	82
SAAlito	82
KBJackson	59
EKagan	47
SSotomayor	47
Average	75

Table 1.3: Voting with the majority in major cases, by justice, 2023 term. “Major Cases” are the cases listed in *New York Times* as [Major Cases](#). Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

1.4 Chief Justice Roberts: Voting with the majority, 2005-2023 terms

All Decisions		Non-Unan. Decisions	
% in Majority		% in Majority	
2005	91	2005	81
2006	88	2006	82
2007	90	2007	85
2008	82	2008	73
2009	91	2009	84
2010	91	2010	83
2011	89	2011	83
2012	85	2012	73
2013	91	2013	78
2014	77	2014	64
2015	89	2015	80
2016	93	2016	85
2017	92	2017	87
2018	84	2018	74
2019	96	2019	94
2020	93	2020	86
2021	94	2021	91
2022	93	2022	86
2023	97	2023	94
Average	90	Average	82

Table 1.4: Chief Justice Roberts: Voting with the majority, 2005-2023 terms. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

1.5 Justice Thomas: Voting with the majority, 2005-2023 terms

All Decisions		Non-Unan. Decisions	
% in Majority		% in Majority	
2005	84	2005	66
2006	77	2006	64
2007	75	2007	64
2008	82	2008	73
2009	86	2009	75
2010	87	2010	76
2011	82	2011	70
2012	78	2012	61
2013	86	2013	63
2014	58	2014	33
2015	69	2015	43
2016	79	2016	52
2017	81	2017	69
2018	74	2018	57
2019	71	2019	56
2020	81	2020	62
2021	81	2021	73
2022	77	2022	55
2023	80	2023	63
Average	78	Average	62

Table 1.5: Justice Thomas: Voting with the majority, 2005-2023 terms. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

1.6 Ranking of justices' voting with the majority, 1937-2023 terms

	1953-2023 Terms			1937-2023 Terms	
	% in Majority	N of Votes		% in Majority	N of Votes
BMKavanaugh	89	208	LDBrandeis	98	66
AMKennedy	84	1455	BMKavanaugh	89	208
ACBarrett	84	131	AMKennedy	84	1455
LFPowell	83	1388	ACBarrett	84	131
AJGoldberg	82	210	FMVinson	83	518
JGRoberts	82	721	LFPowell	83	1388
EWarren	82	1117	TCClark	83	1213
TCClark	80	976	AJGoldberg	82	210
BRWhite	80	2569	JGRoberts	82	721
WEBurger	79	1533	EWarren	82	1117
AFortas	79	239	BRWhite	80	2569
SDOConnor	77	1537	HFStone	79	522
PStewart	73	1858	JFByrnes	79	58
HABlackmun	72	2052	SMinton	79	427
SMinton	72	163	WEBurger	79	1533
WHRehnquist	71	2421	AFortas	79	239
RHJackson	70	46	SFReed	78	1221
AScalia	69	1511	SDOConnor	77	1537
DHSouter	69	907	CEHughes2	77	179
NMGorsuch	69	259	BNCardoza	76	17
HHBurton	69	338	HHBurton	75	936
SAAlito	68	706	PStewart	73	1858
CEWhittaker	67	381	HABlackmun	72	2052
SFReed	67	190	FMurphy	72	660
FFrankfurter	66	604	WBRutledge	71	517
EKagan	66	484	WHRehnquist	71	2421
HLBlack	65	1272	RHJackson	70	814
SGBreyer	65	1147	AScalia	69	1511
WJBrennan	65	2837	DHSouter	69	907
CThomas	63	1386	NMGorsuch	69	259
RBGinsburg	63	1136	SAAlito	68	706
JHarlan2	60	1176	FFrankfurter	68	1600
SSotomayor	59	541	CEWhittaker	67	381
KBJackson	58	60	EKagan	66	484
JPStevens	57	2265	HLBlack	65	2333
TMarshall	55	2031	SGBreyer	65	1147
WODouglas	53	1650	WJBrennan	65	2837
			CThomas	63	1386
Total	70	39 505	RBGinsburg	63	1136
			JHarlan2	60	1176
			SSotomayor	59	541
			KBJackson	58	60
			JPStevens	57	2265
			WODouglas	56	2581
			OJRoberts	56	456
			TMarshall	55	2031
			GSutherland	50	16
			PButler	44	93
			JCMcReynolds	33	150
			Total	70	48 643

Table 1.6: Ranking of justices' voting with the majority, 1937-2023 terms. Includes only non-unanimous decisions. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

1.7 Voting in the majority by justice and the ideological direction of the decision, 2023 term

% in Majority When the Decision is Conservative		% in Majority When the Decision is Liberal	
BMKavanaugh	100	ACBarrett	92
JGRoberts	100	EKagan	85
SAAlito	94	JGRoberts	85
CThomas	89	KBJackson	85
ACBarrett	83	SSotomayor	85
NMGorsuch	67	BMKavanaugh	77
KBJackson	22	NMGorsuch	62
EKagan	17	SAAlito	38
SSotomayor	17	CThomas	31
Average	65	Average	71

Table 1.7: Voting with the majority by justice and by the ideological direction of the Court’s decision. Includes only non-unanimous decisions; excludes cases with a non-specifiable ideological direction. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

1.8 Voting with the majority by party, 2010-2023 terms

Term	% in the Majority		% -Point Gap (R-D)
	Republican Appointees	Democratic Appointees	
2010	79	56	23
2011	74	62	12
2012	67	61	6
2013	72	59	13
2014	55	81	-26
2015	70	79	-9
2016	74	72	2
2017	76	55	21
2018	68	65	3
2019	76	64	12
2020	76	54	22
2021	81	48	33
2022	73	65	8
2023	77	48	29
Average	73	63	10

Table 1.8: Voting with the majority by party, 2010-2023 terms. Includes only non-unanimous decisions. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

2 Voting Agreements & Blocs

2.1 Percent voting together (agreement scores): pairs, 2022 v. 2023 terms

		% Agreement	
2022 Term		2023 Term	
Alito-Kagan	21	Thomas-Sotomayor	9
Alito-Sotomayor	25	Thomas-Kagan	9
Thomas-Jackson	29	Thomas-Jackson	13
Thomas-Kagan	32	Alito-Sotomayor	16
Alito-Jackson	32	Alito-Kagan	16
Thomas-Sotomayor	36	Alito-Jackson	25
Gorsuch-Jackson	39	Sotomayor-Gorsuch	28
Thomas-Kavanaugh	43	Kagan-Gorsuch	28
Kagan-Gorsuch	43	Gorsuch-Jackson	31
Roberts-Thomas	46	Barrett-Jackson	41
Sotomayor-Gorsuch	46	Roberts-Jackson	44
Roberts-Gorsuch	50	Sotomayor-Kavanaugh	44
Barrett-Jackson	50	Sotomayor-Barrett	44
Roberts-Sotomayor	54	Kagan-Kavanaugh	44
Thomas-Gorsuch	54	Kagan-Barrett	44
Alito-Barrett	54	Roberts-Sotomayor	47
Roberts-Alito	57	Roberts-Kagan	47
Sotomayor-Kavanaugh	57	Kavanaugh-Jackson	47
Sotomayor-Barrett	57	Gorsuch-Kavanaugh	53
Roberts-Jackson	61	Roberts-Gorsuch	56
Alito-Kavanaugh	61	Thomas-Kavanaugh	59
Kagan-Kavanaugh	61	Gorsuch-Barrett	59
Kagan-Barrett	61	Roberts-Thomas	63
Gorsuch-Kavanaugh	61	Thomas-Barrett	66
Gorsuch-Barrett	61	Alito-Barrett	66
Roberts-Kagan	64	Roberts-Alito	69
Thomas-Barrett	64	Thomas-Gorsuch	69
Kavanaugh-Jackson	64	Alito-Gorsuch	69
Thomas-Alito	68	Alito-Kavanaugh	72
Alito-Gorsuch	71	Roberts-Barrett	78
Roberts-Barrett	75	Thomas-Alito	81
Kagan-Jackson	75	Kavanaugh-Barrett	81
Kavanaugh-Barrett	79	Sotomayor-Jackson	84
Sotomayor-Jackson	86	Kagan-Jackson	84
Roberts-Kavanaugh	89	Roberts-Kavanaugh	91
Sotomayor-Kagan	89	Sotomayor-Kagan	94

Table 2.1: Percent voting together (agreement scores): pairs, 2022 v. 2023 terms, ordered from low to high. Includes only non-unanimous decisions issued by a 9-person Court. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

2.2 Percent voting together (agreement scores): trios, 2022 v. 2023 terms

		% Agreement	
2022 Term		2023 Term	
Thomas-Alito-Kagan	11	Thomas-Alito-Sotomayor	3
Thomas-Gorsuch-Jackson	11	Thomas-Alito-Kagan	3
Thomas-Alito-Sotomayor	14	Thomas-Sotomayor-Gorsuch	3
Thomas-Alito-Jackson	14	Thomas-Sotomayor-Jackson	3
Thomas-Kagan-Gorsuch	14	Thomas-Kagan-Gorsuch	3
Alito-Kagan-Jackson	14	Thomas-Kagan-Jackson	3
Roberts-Thomas-Sotomayor	18	Thomas-Sotomayor-Kagan	6
Roberts-Thomas-Jackson	18	Thomas-Sotomayor-Kavanaugh	6
Roberts-Alito-Sotomayor	18	Thomas-Kagan-Kavanaugh	6
Thomas-Sotomayor-Gorsuch	18	Thomas-Gorsuch-Jackson	6
Thomas-Sotomayor-Kavanaugh	18	Alito-Sotomayor-Gorsuch	6
Thomas-Kagan-Kavanaugh	18	Alito-Kagan-Gorsuch	6
Thomas-Kagan-Jackson	18	Roberts-Thomas-Sotomayor	9
Thomas-Kavanaugh-Jackson	18	Roberts-Thomas-Kagan	9
Alito-Sotomayor-Kagan	18	Roberts-Thomas-Jackson	9
Alito-Sotomayor-Barrett	18	Thomas-Alito-Jackson	9
Alito-Kagan-Gorsuch	18	Thomas-Sotomayor-Barrett	9
Alito-Kagan-Barrett	18	Thomas-Kagan-Barrett	9
Alito-Barrett-Jackson	18	Thomas-Kavanaugh-Jackson	9
Roberts-Thomas-Kagan	21	Thomas-Barrett-Jackson	9
Roberts-Alito-Kagan	21	Alito-Sotomayor-Kagan	13
Thomas-Barrett-Jackson	21	Alito-Sotomayor-Barrett	13
Alito-Sotomayor-Gorsuch	21	Alito-Sotomayor-Jackson	13
Alito-Sotomayor-Kavanaugh	21	Alito-Kagan-Barrett	13
Alito-Sotomayor-Jackson	21	Alito-Kagan-Jackson	13
Alito-Kagan-Kavanaugh	21	Alito-Gorsuch-Jackson	13
Alito-Gorsuch-Jackson	21	Sotomayor-Gorsuch-Kavanaugh	13
Roberts-Thomas-Gorsuch	25	Kagan-Gorsuch-Kavanaugh	13
Roberts-Alito-Jackson	25	Roberts-Alito-Sotomayor	16
Roberts-Sotomayor-Gorsuch	25	Roberts-Alito-Kagan	16
Roberts-Gorsuch-Jackson	25	Roberts-Sotomayor-Gorsuch	16
Thomas-Sotomayor-Jackson	25	Roberts-Kagan-Gorsuch	16
Gorsuch-Barrett-Jackson	25	Roberts-Gorsuch-Jackson	16
Roberts-Kagan-Gorsuch	29	Alito-Sotomayor-Kavanaugh	16
Thomas-Sotomayor-Kagan	29	Alito-Kagan-Kavanaugh	16
Thomas-Sotomayor-Barrett	29	Alito-Barrett-Jackson	16
Thomas-Kagan-Barrett	29	Sotomayor-Gorsuch-Barrett	16
Thomas-Gorsuch-Kavanaugh	29	Kagan-Gorsuch-Barrett	16
Alito-Kavanaugh-Jackson	29	Gorsuch-Kavanaugh-Jackson	16
Kagan-Gorsuch-Jackson	29	Gorsuch-Barrett-Jackson	16
Sotomayor-Gorsuch-Kavanaugh	32	Roberts-Alito-Jackson	19

Table 2.2: Percent voting together (agreement scores): trios, 2022 v. 2023 terms, ordered from low to high. Includes only non-unanimous decisions issued by a 9-person Court. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

[table continues]

		% Agreement	
2022 Term		2023 Term	
Sotomayor-Gorsuch-Barrett	32	Alito-Kavanaugh-Jackson	22
Kagan-Gorsuch-Kavanaugh	32	Sotomayor-Gorsuch-Jackson	22
Kagan-Gorsuch-Barrett	32	Kagan-Gorsuch-Jackson	22
Gorsuch-Kavanaugh-Jackson	32	Sotomayor-Kagan-Gorsuch	25
Roberts-Thomas-Alito	36	Roberts-Barrett-Jackson	31
Thomas-Alito-Kavanaugh	36	Roberts-Sotomayor-Barrett	34
Sotomayor-Gorsuch-Jackson	36	Roberts-Kagan-Barrett	34
Roberts-Thomas-Kavanaugh	39	Sotomayor-Kavanaugh-Barrett	34
Roberts-Alito-Gorsuch	39	Sotomayor-Barrett-Jackson	34
Thomas-Gorsuch-Barrett	39	Kagan-Kavanaugh-Barrett	34
Sotomayor-Kagan-Gorsuch	39	Kagan-Barrett-Jackson	34
Roberts-Thomas-Barrett	43	Kavanaugh-Barrett-Jackson	34
Roberts-Alito-Barrett	43	Roberts-Sotomayor-Jackson	38
Roberts-Sotomayor-Barrett	43	Roberts-Kagan-Jackson	38
Roberts-Gorsuch-Barrett	43	Sotomayor-Kavanaugh-Jackson	38
Roberts-Barrett-Jackson	43	Kagan-Kavanaugh-Jackson	38
Thomas-Alito-Barrett	43	Roberts-Sotomayor-Kavanaugh	41
Thomas-Kavanaugh-Barrett	43	Roberts-Kagan-Kavanaugh	41
Alito-Gorsuch-Barrett	43	Roberts-Kavanaugh-Jackson	41
Kagan-Barrett-Jackson	43	Thomas-Gorsuch-Kavanaugh	41
Thomas-Alito-Gorsuch	46	Sotomayor-Kagan-Kavanaugh	41
Alito-Gorsuch-Kavanaugh	46	Sotomayor-Kagan-Barrett	41
Alito-Kavanaugh-Barrett	46	Roberts-Thomas-Gorsuch	44
Sotomayor-Kavanaugh-Barrett	46	Roberts-Sotomayor-Kagan	44
Sotomayor-Barrett-Jackson	46	Roberts-Alito-Gorsuch	47
Kavanaugh-Barrett-Jackson	46	Roberts-Gorsuch-Barrett	47
Roberts-Sotomayor-Kavanaugh	50	Thomas-Gorsuch-Barrett	47
Roberts-Sotomayor-Jackson	50	Alito-Gorsuch-Kavanaugh	47
Roberts-Kagan-Barrett	50	Alito-Gorsuch-Barrett	47
Roberts-Kagan-Jackson	50	Gorsuch-Kavanaugh-Barrett	47
Roberts-Gorsuch-Kavanaugh	50	Roberts-Gorsuch-Kavanaugh	50
Kagan-Kavanaugh-Barrett	50	Roberts-Thomas-Barrett	53
Kagan-Kavanaugh-Jackson	50	Thomas-Kavanaugh-Barrett	53
Gorsuch-Kavanaugh-Barrett	50	Roberts-Thomas-Alito	56
Roberts-Alito-Kavanaugh	54	Roberts-Thomas-Kavanaugh	56
Roberts-Sotomayor-Kagan	54	Roberts-Alito-Barrett	56
Sotomayor-Kagan-Kavanaugh	54	Thomas-Alito-Kavanaugh	56
Sotomayor-Kagan-Barrett	54	Thomas-Alito-Barrett	56
Sotomayor-Kavanaugh-Jackson	54	Thomas-Alito-Gorsuch	59
Roberts-Kagan-Kavanaugh	57	Alito-Kavanaugh-Barrett	59
Roberts-Kavanaugh-Jackson	57	Roberts-Alito-Kavanaugh	66
Roberts-Kavanaugh-Barrett	71	Roberts-Kavanaugh-Barrett	75
Sotomayor-Kagan-Jackson	75	Sotomayor-Kagan-Jackson	81

2.3 Percent voting together (agreement scores): quartets, 2022 v. 2023 terms

		% Agreement	
2022 Term		2023 Term	
Roberts-Thomas-Gorsuch-Jackson	4	Thomas-Alito-Sotomayor-Kagan	0
Thomas-Alito-Kagan-Jackson	4	Thomas-Alito-Sotomayor-Gorsuch	0
Thomas-Kagan-Gorsuch-Jackson	4	Thomas-Alito-Sotomayor-Jackson	0
Roberts-Thomas-Alito-Sotomayor	7	Thomas-Alito-Kagan-Gorsuch	0
Roberts-Thomas-Alito-Jackson	7	Thomas-Alito-Kagan-Jackson	0
Roberts-Thomas-Sotomayor-Gorsuch	7	Thomas-Sotomayor-Gorsuch-Kavanaugh	0
Thomas-Alito-Sotomayor-Kagan	7	Thomas-Sotomayor-Gorsuch-Jackson	0
Thomas-Alito-Kagan-Gorsuch	7	Thomas-Kagan-Gorsuch-Kavanaugh	0
Thomas-Alito-Gorsuch-Jackson	7	Thomas-Kagan-Gorsuch-Jackson	0
Thomas-Gorsuch-Kavanaugh-Jackson	7	Roberts-Thomas-Alito-Sotomayor	3
Thomas-Gorsuch-Barrett-Jackson	7	Roberts-Thomas-Alito-Kagan	3
Roberts-Thomas-Alito-Kagan	11	Roberts-Thomas-Sotomayor-Gorsuch	3
Roberts-Thomas-Kagan-Gorsuch	11	Roberts-Thomas-Sotomayor-Jackson	3
Thomas-Alito-Sotomayor-Gorsuch	11	Roberts-Thomas-Kagan-Gorsuch	3
Thomas-Alito-Sotomayor-Kavanaugh	11	Roberts-Thomas-Kagan-Jackson	3
Thomas-Alito-Sotomayor-Barrett	11	Roberts-Thomas-Gorsuch-Jackson	3
Thomas-Alito-Sotomayor-Jackson	11	Thomas-Alito-Sotomayor-Kavanaugh	3
Thomas-Alito-Kagan-Kavanaugh	11	Thomas-Alito-Sotomayor-Barrett	3
Thomas-Alito-Kagan-Barrett	11	Thomas-Alito-Kagan-Kavanaugh	3
Thomas-Alito-Kavanaugh-Jackson	11	Thomas-Alito-Kagan-Barrett	3
Thomas-Alito-Barrett-Jackson	11	Thomas-Sotomayor-Kagan-Gorsuch	3
Thomas-Sotomayor-Kagan-Gorsuch	11	Thomas-Sotomayor-Kagan-Kavanaugh	3
Thomas-Sotomayor-Gorsuch-Kavanaugh	11	Thomas-Sotomayor-Kagan-Jackson	3
Thomas-Sotomayor-Gorsuch-Jackson	11	Thomas-Sotomayor-Gorsuch-Barrett	3
Thomas-Kagan-Gorsuch-Kavanaugh	11	Thomas-Sotomayor-Kavanaugh-Jackson	3
Thomas-Kagan-Kavanaugh-Jackson	11	Thomas-Sotomayor-Barrett-Jackson	3
Alito-Kagan-Gorsuch-Jackson	11	Thomas-Kagan-Gorsuch-Barrett	3
Alito-Kagan-Barrett-Jackson	11	Thomas-Kagan-Kavanaugh-Jackson	3
Alito-Gorsuch-Barrett-Jackson	11	Thomas-Kagan-Barrett-Jackson	3
Roberts-Thomas-Sotomayor-Kavanaugh	14	Thomas-Gorsuch-Kavanaugh-Jackson	3
Roberts-Thomas-Sotomayor-Jackson	14	Thomas-Gorsuch-Barrett-Jackson	3
Roberts-Thomas-Kagan-Jackson	14	Roberts-Thomas-Alito-Jackson	6
Roberts-Thomas-Kavanaugh-Jackson	14	Roberts-Thomas-Sotomayor-Kagan	6
Roberts-Alito-Sotomayor-Gorsuch	14	Roberts-Thomas-Sotomayor-Kavanaugh	6
Roberts-Alito-Sotomayor-Barrett	14	Roberts-Thomas-Kagan-Kavanaugh	6
Roberts-Alito-Sotomayor-Jackson	14	Roberts-Thomas-Barrett-Jackson	6
Roberts-Alito-Kagan-Jackson	14	Roberts-Alito-Sotomayor-Gorsuch	6
Roberts-Alito-Gorsuch-Jackson	14	Roberts-Alito-Kagan-Gorsuch	6

Table 2.3: Percent voting together (agreement scores): quartets, 2022 v. 2023 terms, ordered from low to high. Includes only non-unanimous decisions issued by a 9-person Court. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

[table continues]

		% Agreement	
2022 Term		2023 Term	
Roberts-Alito-Barrett-Jackson	14	Thomas-Alito-Gorsuch-Jackson	6
Thomas-Sotomayor-Kagan-Kavanaugh	14	Thomas-Alito-Kavanaugh-Jackson	6
Thomas-Sotomayor-Gorsuch-Barrett	14	Thomas-Alito-Barrett-Jackson	6
Thomas-Sotomayor-Kavanaugh-Jackson	14	Thomas-Sotomayor-Kagan-Barrett	6
Thomas-Kagan-Gorsuch-Barrett	14	Thomas-Sotomayor-Kavanaugh-Barrett	6
Thomas-Kagan-Barrett-Jackson	14	Thomas-Kagan-Kavanaugh-Barrett	6
Alito-Sotomayor-Kagan-Gorsuch	14	Thomas-Kavanaugh-Barrett-Jackson	6
Alito-Sotomayor-Kagan-Barrett	14	Alito-Sotomayor-Kagan-Gorsuch	6
Alito-Sotomayor-Kagan-Jackson	14	Alito-Sotomayor-Gorsuch-Kavanaugh	6
Alito-Sotomayor-Gorsuch-Barrett	14	Alito-Sotomayor-Gorsuch-Barrett	6
Alito-Sotomayor-Barrett-Jackson	14	Alito-Sotomayor-Gorsuch-Jackson	6
Alito-Kagan-Gorsuch-Barrett	14	Alito-Kagan-Gorsuch-Kavanaugh	6
Alito-Kagan-Kavanaugh-Jackson	14	Alito-Kagan-Gorsuch-Barrett	6
Roberts-Thomas-Sotomayor-Kagan	18	Alito-Kagan-Gorsuch-Jackson	6
Roberts-Thomas-Sotomayor-Barrett	18	Roberts-Thomas-Sotomayor-Barrett	9
Roberts-Thomas-Kagan-Kavanaugh	18	Roberts-Thomas-Kagan-Barrett	9
Roberts-Thomas-Barrett-Jackson	18	Roberts-Thomas-Kavanaugh-Jackson	9
Roberts-Alito-Sotomayor-Kagan	18	Roberts-Alito-Gorsuch-Jackson	9
Roberts-Alito-Sotomayor-Kavanaugh	18	Roberts-Sotomayor-Gorsuch-Kavanaugh	9
Roberts-Alito-Kagan-Gorsuch	18	Roberts-Kagan-Gorsuch-Kavanaugh	9
Roberts-Alito-Kagan-Barrett	18	Roberts-Gorsuch-Barrett-Jackson	9
Roberts-Gorsuch-Barrett-Jackson	18	Alito-Sotomayor-Kagan-Barrett	9
Thomas-Sotomayor-Kagan-Jackson	18	Alito-Sotomayor-Barrett-Jackson	9
Thomas-Sotomayor-Kavanaugh-Barrett	18	Alito-Kagan-Barrett-Jackson	9
Thomas-Sotomayor-Barrett-Jackson	18	Alito-Gorsuch-Kavanaugh-Jackson	9
Thomas-Kagan-Kavanaugh-Barrett	18	Alito-Gorsuch-Barrett-Jackson	9
Thomas-Kavanaugh-Barrett-Jackson	18	Roberts-Alito-Sotomayor-Kagan	13
Alito-Sotomayor-Kagan-Kavanaugh	18	Roberts-Alito-Sotomayor-Barrett	13
Alito-Sotomayor-Gorsuch-Kavanaugh	18	Roberts-Alito-Sotomayor-Jackson	13
Alito-Sotomayor-Gorsuch-Jackson	18	Roberts-Alito-Kagan-Barrett	13
Alito-Sotomayor-Kavanaugh-Barrett	18	Roberts-Alito-Kagan-Jackson	13
Alito-Sotomayor-Kavanaugh-Jackson	18	Roberts-Alito-Barrett-Jackson	13
Alito-Kagan-Gorsuch-Kavanaugh	18	Roberts-Sotomayor-Gorsuch-Barrett	13
Alito-Kagan-Kavanaugh-Barrett	18	Roberts-Sotomayor-Gorsuch-Jackson	13
Alito-Gorsuch-Kavanaugh-Jackson	18	Roberts-Kagan-Gorsuch-Barrett	13
Alito-Kavanaugh-Barrett-Jackson	18	Roberts-Kagan-Gorsuch-Jackson	13
Roberts-Thomas-Alito-Gorsuch	21	Roberts-Gorsuch-Kavanaugh-Jackson	13
Roberts-Thomas-Kagan-Barrett	21	Alito-Sotomayor-Kagan-Kavanaugh	13
Roberts-Alito-Kagan-Kavanaugh	21	Alito-Sotomayor-Kagan-Jackson	13
Roberts-Sotomayor-Gorsuch-Barrett	21	Alito-Sotomayor-Kavanaugh-Barrett	13
Roberts-Sotomayor-Gorsuch-Jackson	21	Alito-Sotomayor-Kavanaugh-Jackson	13
Roberts-Kagan-Gorsuch-Jackson	21	Alito-Kagan-Kavanaugh-Barrett	13
Kagan-Gorsuch-Barrett-Jackson	21	Alito-Kagan-Kavanaugh-Jackson	13
Roberts-Thomas-Gorsuch-Kavanaugh	25	Alito-Kavanaugh-Barrett-Jackson	13
Roberts-Thomas-Gorsuch-Barrett	25	Sotomayor-Kagan-Gorsuch-Kavanaugh	13
Roberts-Alito-Kavanaugh-Jackson	25	Sotomayor-Gorsuch-Kavanaugh-Barrett	13

[table continues]

		% Agreement	
2022 Term		2023 Term	
Roberts-Sotomayor-Kagan-Gorsuch	25	Sotomayor-Gorsuch-Kavanaugh-Jackson	13
Roberts-Sotomayor-Gorsuch-Kavanaugh	25	Sotomayor-Gorsuch-Barrett-Jackson	13
Roberts-Kagan-Gorsuch-Barrett	25	Kagan-Gorsuch-Kavanaugh-Barrett	13
Roberts-Gorsuch-Kavanaugh-Jackson	25	Kagan-Gorsuch-Kavanaugh-Jackson	13
Thomas-Alito-Gorsuch-Kavanaugh	25	Kagan-Gorsuch-Barrett-Jackson	13
Thomas-Sotomayor-Kagan-Barrett	25	Gorsuch-Kavanaugh-Barrett-Jackson	13
Sotomayor-Gorsuch-Barrett-Jackson	25	Roberts-Alito-Sotomayor-Kavanaugh	16
Kagan-Gorsuch-Kavanaugh-Jackson	25	Roberts-Alito-Kagan-Kavanaugh	16
Gorsuch-Kavanaugh-Barrett-Jackson	25	Roberts-Sotomayor-Kagan-Gorsuch	16
Roberts-Kagan-Gorsuch-Kavanaugh	29	Sotomayor-Kagan-Gorsuch-Barrett	16
Thomas-Gorsuch-Kavanaugh-Barrett	29	Roberts-Alito-Kavanaugh-Jackson	19
Sotomayor-Kagan-Gorsuch-Kavanaugh	29	Sotomayor-Kagan-Gorsuch-Jackson	19
Sotomayor-Kagan-Gorsuch-Barrett	29	Roberts-Sotomayor-Barrett-Jackson	28
Sotomayor-Kagan-Gorsuch-Jackson	29	Roberts-Kagan-Barrett-Jackson	28
Sotomayor-Gorsuch-Kavanaugh-Barrett	29	Roberts-Sotomayor-Kagan-Barrett	31
Sotomayor-Gorsuch-Kavanaugh-Jackson	29	Roberts-Sotomayor-Kavanaugh-Barrett	31
Kagan-Gorsuch-Kavanaugh-Barrett	29	Roberts-Kagan-Kavanaugh-Barrett	31
Roberts-Thomas-Alito-Kavanaugh	32	Roberts-Kavanaugh-Barrett-Jackson	31
Roberts-Thomas-Alito-Barrett	32	Sotomayor-Kagan-Kavanaugh-Barrett	31
Roberts-Alito-Gorsuch-Barrett	32	Sotomayor-Kavanaugh-Barrett-Jackson	31
Thomas-Alito-Gorsuch-Barrett	32	Kagan-Kavanaugh-Barrett-Jackson	31
Thomas-Alito-Kavanaugh-Barrett	36	Roberts-Sotomayor-Kavanaugh-Jackson	34
Alito-Gorsuch-Kavanaugh-Barrett	36	Roberts-Kagan-Kavanaugh-Jackson	34
Roberts-Thomas-Kavanaugh-Barrett	39	Thomas-Gorsuch-Kavanaugh-Barrett	34
Roberts-Alito-Gorsuch-Kavanaugh	39	Sotomayor-Kagan-Barrett-Jackson	34
Roberts-Sotomayor-Kavanaugh-Barrett	39	Roberts-Thomas-Gorsuch-Barrett	38
Roberts-Sotomayor-Barrett-Jackson	39	Roberts-Sotomayor-Kagan-Kavanaugh	38
Roberts-Kagan-Barrett-Jackson	39	Roberts-Sotomayor-Kagan-Jackson	38
Roberts-Kavanaugh-Barrett-Jackson	39	Sotomayor-Kagan-Kavanaugh-Jackson	38
Kagan-Kavanaugh-Barrett-Jackson	39	Roberts-Thomas-Alito-Gorsuch	41
Roberts-Alito-Kavanaugh-Barrett	43	Roberts-Thomas-Gorsuch-Kavanaugh	41
Roberts-Sotomayor-Kagan-Barrett	43	Roberts-Alito-Gorsuch-Barrett	41
Roberts-Gorsuch-Kavanaugh-Barrett	43	Thomas-Alito-Gorsuch-Kavanaugh	41
Sotomayor-Kagan-Kavanaugh-Barrett	43	Thomas-Alito-Gorsuch-Barrett	41
Sotomayor-Kagan-Barrett-Jackson	43	Alito-Gorsuch-Kavanaugh-Barrett	41
Sotomayor-Kavanaugh-Barrett-Jackson	43	Roberts-Gorsuch-Kavanaugh-Barrett	44
Roberts-Sotomayor-Kavanaugh-Jackson	46	Roberts-Thomas-Alito-Barrett	47
Roberts-Kagan-Kavanaugh-Barrett	46	Roberts-Alito-Gorsuch-Kavanaugh	47
Roberts-Kagan-Kavanaugh-Jackson	46	Roberts-Thomas-Kavanaugh-Barrett	50
Roberts-Sotomayor-Kagan-Kavanaugh	50	Thomas-Alito-Kavanaugh-Barrett	50
Roberts-Sotomayor-Kagan-Jackson	50	Roberts-Thomas-Alito-Kavanaugh	53
Sotomayor-Kagan-Kavanaugh-Jackson	50	Roberts-Alito-Kavanaugh-Barrett	56

2.4 Voting with the three Democratic appointees when all three are in the majority, 2023 term

% Agreement	
Kavanaugh	92
Roberts	92
Barrett	77
Gorsuch	38
Alito	31
Thomas	8

Table 2.4: Voting with the three Democratic appointees when all three are in the majority, 2023 term. Includes only non-unanimous decisions. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

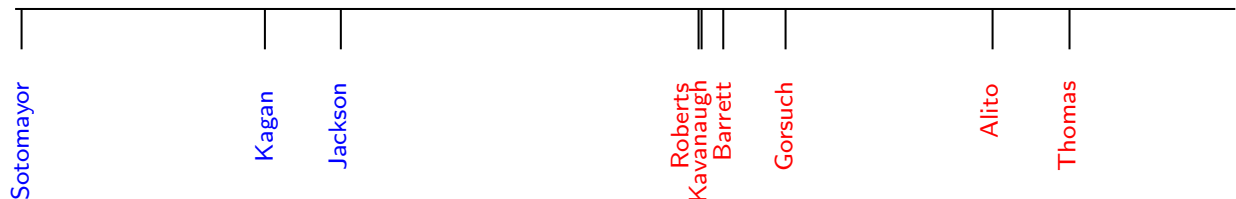
2.5 Voting with Thomas and Alito, 2023 term

% Agreement When in Dissent		% Agreement When in Majority	
NMGorsuch	63	BMKavanaugh	94
ACBarrett	25	JGRoberts	94
BMKavanaugh	13	ACBarrett	89
JGRoberts	13	NMGorsuch	78
KBJackson	0	KBJackson	17
EKagan	0	EKagan	6
SSotomayor	0	SSotomayor	6

Table 2.5: Voting with Alito and Thomas, 2023 term. Includes only non-unanimous decisions. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

3 Liberal-Conservative Voting & Outcomes

3.1 Martin-Quinn (ideological) scores, 2023 term



	MQ Score (post_mn)
SSotomayor	-4.205
EKagan	-2.51
KBJackson	-1.981
JGRoberts	0.511
BMKavanaugh	0.532
ACBarrett	0.683
NMGorsuch	1.117
SAAlito	2.559
CThomas	3.095

Table 3.1: [Martin-Quinn ideology scores](#), 2023 term. The final scores will be available soon at: <http://mqscores.wustl.edu>. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, Emory University from the [Supreme Court Database](#).

3.2 Percent liberal votes by justice, 2023 term

% Liberal All Decisions		% Liberal Non-Unanimous Decisions	
EKagan	74	EKagan	84
SSotomayor	74	SSotomayor	84
KBJackson	72	KBJackson	81
ACBarrett	54	ACBarrett	48
NMGorsuch	53	NMGorsuch	45
JGRoberts	47	JGRoberts	35
BMKavanaugh	46	BMKavanaugh	32
SAAlito	39	CThomas	19
CThomas	39	SAAlito	19
Average	55	Average	50

Table 3.2: Percent liberal votes by justice, 2023 term. Excludes cases with a non-specifiable ideological direction. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

3.3 Percent liberal votes by justice, 2022 v. 2023 terms

% Liberal 2022 Term		% Liberal 2023 Term	
EKagan	83	EKagan	84
SSotomayor	79	SSotomayor	84
KBJackson	71	KBJackson	81
JGRoberts	45	ACBarrett	48
ACBarrett	41	NMGorsuch	45
BMKavanaugh	41	JGRoberts	35
CThomas	29	BMKavanaugh	32
NMGorsuch	25	CThomas	19
SAAlito	11	SAAlito	19
Average	47	Average	50

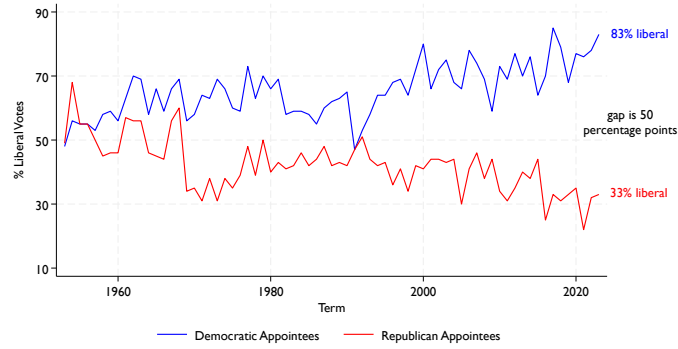
Table 3.3: Percent liberal votes by justice, 2022 v. 2023 terms. Includes only non-unanimous decisions; excludes cases with a non-specifiable ideological direction. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

3.4 Percent liberal votes by justice in major cases, 2023 term

	% Liberal Votes
EKagan	82
KBJackson	82
SSotomayor	82
ACBarrett	65
BMKavanaugh	47
CThomas	47
JGRoberts	47
NMGorsuch	47
SAAlito	47
Average	61

Table 3.4: Percent liberal votes by justice in major cases, 2023 term. “Major Cases” are the cases listed in *New York Times* as [Major Cases](#). Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

3.5 Ideological gap between the Democratic and Republican appointees, 1953-2023 terms



Term	% Liberal Votes		% -Point Gap (R-D)
	Democratic Appointees	Republican Appointees	
1953	48	49	-1
1954	56	68	-12
1955	55	55	0
1956	55	55	0
1957	53	50	3
1958	58	45	13
1959	59	46	13
1960	56	46	10
1961	63	57	6
1962	70	56	14
1963	69	56	13
1964	58	46	12
1965	66	45	21
1966	59	44	15
1967	66	56	10
1968	69	60	9
1969	56	34	22
1970	58	35	23
1971	64	31	33
1972	63	38	25
1973	69	31	38
1974	66	38	28
1975	60	35	25
1976	59	39	20
1977	73	48	25

Table 3.5: Ideological gap between the Democratic and Republican appointees, 1953-2023 terms. Includes only non-unanimous decisions; excludes cases with a non-specifiable ideological direction. Because of rounding, the %-point gap may look slightly off. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

[table continues]

Term	% Liberal Votes		% -Point Gap (R-D)
	Democratic Justices	Republican Justices	
1978	63	39	24
1979	70	50	20
1980	66	40	26
1981	69	43	26
1982	58	41	17
1983	59	42	17
1984	59	46	13
1985	58	42	16
1986	55	44	11
1987	60	48	12
1988	62	42	20
1989	63	43	20
1990	65	42	23
1991	47	47	0
1992	53	51	2
1993	58	44	14
1994	64	42	22
1995	64	43	21
1996	68	36	32
1997	69	41	28
1998	64	34	30
1999	72	42	30
2000	80	41	39
2001	66	44	22
2002	72	44	28
2003	75	43	32
2004	68	44	24
2005	66	30	36
2006	78	41	37
2007	74	46	28
2008	69	38	31
2009	59	44	15
2010	73	34	39
2011	69	31	38
2012	77	35	42
2013	70	40	30
2014	76	38	38
2015	64	44	20
2016	70	25	45
2017	85	33	52
2018	79	31	48
2019	68	33	35
2020	77	35	42
2021	76	22	54
2022	78	32	46
2023	83	33	50

3.6 Percent liberal voting, justices ranked, 1937-2023 terms

	% Liberal Votes	N Total Votes
WHRhnquist	17	2389
CThomas	21	1359
WEBurger	23	1516
SAAlito	23	690
CEWhittaker	25	381
AScalia	25	1489
JHarlan2	27	1169
JCMcReynolds	30	143
LFPowell	32	1374
SDOConnor	32	1518
ACBarrett	33	129
BMKavanaugh	34	203
HHBurton	35	923
PButler	36	90
NMGorsuch	36	247
JGRoberts	36	707
RHJackson	37	794
AMKennedy	37	1435
OJRoberts	37	442
FMVinson	37	508
SMinton	38	421
PStewart	40	1844
FFrankfurter	41	1540
BRWhite	42	2543
TCClark	45	1204
SFReed	46	1195
GSutherland	50	16
HABlackmun	51	2028
JFByrnes	53	58
HFStone	56	508
CEHughes2	57	172
BNCardozo	59	17
LDBrandeis	66	65
DHSouter	67	893
SGBreyer	67	1127
JPStevens	68	2232
AFortas	69	237
AJGoldberg	70	208
RBGinsburg	73	1117
HLBlack	74	2299
EKagan	74	472
WBRutledge	74	504
EWarren	74	1111
FMurphy	76	646
KBJackson	76	59
WJBrennan	77	2816
SSotomayor	77	528
WODouglas	79	2543
TMarshall	81	2004

Table 3.6: Percent liberal voting, justices ranked, 1937-2023 terms. Includes only non-unanimous decisions; excludes cases with a non-specifiable ideological direction. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

3.7 Court Level: Percent liberal decisions in major cases, 2023 Term

53% liberal

“Major Cases” are the cases listed in *New York Times* as [Major Cases](#). Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

3.8 Court Level: Percent liberal decisions, 1937-2023 terms

Term	% Liberal Decisions	
	All Decisions	Non-Unan. Decisions
1937	61	61
1938	60	77
1939	72	82
1940	73	70
1941	62	57
1942	62	54
1943	61	59
1944	66	68
1945	72	67
1946	54	48
1947	62	58
1948	55	51
1949	44	43
1950	46	37
1951	41	34
1952	45	42
1953	49	43
1954	70	66
1955	67	60
1956	66	61
1957	57	52
1958	61	48
1959	60	52
1960	58	51
1961	73	69
1962	77	77
1963	73	75
1964	66	56
1965	64	59
1966	63	57
1967	73	71
1968	70	76
1969	53	46
1970	46	38
1971	51	33
1972	45	36
1973	45	31
1974	51	43

Table 3.7: Court Level: Percent liberal decisions, 1937-2023 terms. Excludes cases with a non-specifiable ideological direction. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

[table continues]

Term	% Liberal Decisions	
	All Decisions	Non-Unan. Decisions
1975	38	30
1976	39	37
1977	50	51
1978	42	35
1979	52	53
1980	42	38
1981	50	52
1982	45	38
1983	40	32
1984	44	43
1985	42	37
1986	46	39
1987	48	46
1988	41	36
1989	46	40
1990	49	40
1991	48	44
1992	48	42
1993	44	40
1994	44	43
1995	48	48
1996	40	36
1997	43	40
1998	42	36
1999	51	42
2000	51	48
2001	42	46
2002	42	51
2003	45	50
2004	55	50
2005	36	26
2006	41	40
2007	53	50
2008	35	31
2009	49	44
2010	47	51
2011	47	48
2012	50	54
2013	54	50
2014	58	61
2015	48	57
2016	52	44
2017	50	51
2018	54	53
2019	50	49
2020	42	48
2021	37	27
2022	46	45
2023	51	42

4 The Roberts Court justices and their predecessors

4.1 Comparison of liberal votes by Roberts Court justices and their predecessors (through the 2023 term)

Predecessor	% Liberal Votes		Successor	% Liberal Votes	%-Point %-Gap	Description
DHSouter	67	→	SSotomayor	77	11	more liberal
SGBreyer	67	→	KBJackson	76	10	more liberal
JPStevens	68	→	EKagan	74	7	more liberal
WHRehnquist	17	→	JGRoberts	36	20	more liberal
AMKennedy	37	→	BMKavanaugh	34	3	about the same
AScalia	25	→	NMGorsuch	36	11	more liberal
RBGinsburg	73	→	ACBarrett	33	40	more conservative
SDO'Connor	32	→	SAAlito	23	9	more conservative
TMarshall	81	→	CThomas	21	60	more conservative

Table 4.1: Comparison of % liberal votes by Roberts Court justices and their predecessors (through the 2023 term). Includes only non-unanimous decisions; excludes cases with a non-specifiable ideological direction. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

4.2 Comparison of voting in the majority by Roberts Court justices and their predecessors (through the 2023 term).

Predecessor	% In Majority		Successor	% In Majority	%-Point Gap	Description
DHSouter	69	→	SSotomayor	59	10	less often
SGBreyer	65	→	KBJackson	58	7	about the same
JPStevens	57	→	EKagan	66	9	more often
WHRehnquist	71	→	JGRoberts	82	11	more often
AMKennedy	84	→	BMKavanaugh	89	5	more often
AScalia	69	→	NMGorsuch	69	0	about the same
RBGinsburg	63	→	ACBarrett	84	21	more often
SDO'Connor	77	→	SAAlito	68	9	less often
TMarshall	55	→	CThomas	63	8	more often

Table 4.2: Comparison of voting in the majority by Roberts Court justices and their predecessors (through the 2023 term). Includes only non-unanimous decisions. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

5 Comparison of Trump Appointees v. Alito/Thomas

5.1 Concurring votes/opinions, 2023 term

	% Concurring Votes Per Case	% Concurring Opinions Per Case
Alito/Thomas	19	16
Three Trump Appointees	18	14

Table 5.1: Concurring votes/opinions, 2023 Term. The percentages are, respectively, the number of concurring votes/total cases and the number of concurring opinions/total cases. The differences are not statistically significant. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

5.2 Voting in the majority, 2023 term

	% in Majority
Alito/Thomas	66
Three Trump Appointees	79

Table 5.2: Voting in the majority, 2023 Term. The difference is statistically significant ($p = 0.05$). Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

5.3 Percent liberal voting, 2023 term

	% in Majority
Alito/Thomas	19
Three Trump Appointees	42

Table 5.3: Liberal voting, 2023 Term. The difference is statistically significant ($p < 0.05$). Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

6 Separate Opinions/Unanimity/Consensus

6.1 Dissent & unanimity rates, 1937-2023 terms

Term	% Non-Unan.	% Unan.
1937	27	73
1938	34	66
1939	30	70
1940	28	72
1941	36	64
1942	44	56
1943	60	40
1944	56	44
1945	54	46
1946	60	40
1947	68	32
1948	72	28
1949	66	34
1950	66	34
1951	74	26
1952	80	20
1953	65	35
1954	55	45
1955	57	43
1956	73	27
1957	71	29
1958	58	42
1959	75	25
1960	69	31
1961	63	37
1962	62	38
1963	56	44
1964	60	40
1965	58	42
1966	68	32
1967	61	39
1968	65	35
1969	65	35
1970	65	35
1971	62	38
1972	72	28
1973	68	32
1974	63	37

Table 6.1: Dissent & unanimity rates, 1937-2023 terms. These are the percentage of cases with one or more dissenting votes (Non Unan.) and the percentage of cases with no dissenting votes (Unan.). Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

[table continues]

Term	% Non-Unan.	% Unan.
1975	60	40
1976	66	34
1977	66	34
1978	62	38
1979	74	26
1980	65	35
1981	64	36
1982	61	39
1983	55	45
1984	56	44
1985	66	34
1986	69	31
1987	56	44
1988	60	40
1989	66	34
1990	61	39
1991	60	40
1992	52	48
1993	60	40
1994	56	44
1995	55	45
1996	51	49
1997	48	52
1998	59	41
1999	60	40
2000	56	44
2001	62	38
2002	57	43
2003	55	45
2004	62	38
2005	47	53
2006	63	37
2007	69	31
2008	66	34
2009	56	44
2010	54	46
2011	60	40
2012	55	45
2013	39	61
2014	64	36
2015	55	45
2016	44	56
2017	61	39
2018	62	38
2019	64	36
2020	51	49
2021	73	27
2022	51	49
2023	54	46

6.2 Voting with the majority (a measure of consensus), 1937-2023 terms

Term	Total N of Majority Votes	Total N of All Votes	% Consensus
1937	1212	1295	94
1938	1044	1151	91
1939	1072	1157	93
1940	1242	1350	92
1941	1187	1344	88
1942	1142	1310	87
1943	960	1153	83
1944	1186	1410	84
1945	878	1023	86
1946	1019	1244	82
1947	784	1000	78
1948	812	1066	76
1949	625	745	84
1950	678	845	80
1951	610	773	79
1952	721	917	79
1953	581	717	81
1954	640	757	85
1955	702	858	82
1956	807	1021	79
1957	883	1131	78
1958	840	1034	81
1959	784	1022	77
1960	896	1137	79
1961	664	800	83
1962	931	1107	84
1963	981	1155	85
1964	801	930	86
1965	748	883	85
1966	788	986	80
1967	881	1029	86
1968	773	929	83
1969	681	833	82
1970	874	1092	80
1971	943	1172	80
1972	1050	1348	78
1973	1033	1308	79
1974	1008	1217	83

Table 6.2: Voting with the majority (a measure of consensus), 1937-2023 terms. The % Consensus is the total number of votes with the majority or plurality/total number of votes total n votes). Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

[table continues]

Term	Total N of Majority Votes	Total N of All Votes	% Consensus
1975	1049	1277	82
1976	1018	1258	81
1977	929	1163	80
1978	944	1174	80
1979	971	1254	77
1980	906	1121	81
1981	1044	1314	79
1982	1126	1386	81
1983	1140	1372	83
1984	1010	1221	83
1985	1077	1369	79
1986	1039	1366	76
1987	997	1204	83
1988	1002	1255	80
1989	923	1177	78
1990	812	1012	80
1991	796	972	82
1992	850	1007	84
1993	661	798	83
1994	629	758	83
1995	577	681	85
1996	623	746	84
1997	718	845	85
1998	578	700	83
1999	538	674	80
2000	582	724	80
2001	550	695	79
2002	550	671	82
2003	542	661	82
2004	538	673	80
2005	544	643	85
2006	498	632	79
2007	483	606	80
2008	536	693	77
2009	572	692	83
2010	545	655	83
2011	484	596	81
2012	530	660	80
2013	536	616	87
2014	467	592	79
2015	448	521	86
2016	445	505	88
2017	454	571	80
2018	479	604	79
2019	406	501	81
2020	422	502	84
2021	435	556	78
2022	435	512	85
2023	436	530	82

6.3 Dissenting and concurring opinions per case, 1937-2023 terms

Term	Total N of Cases	Total N of Dissenting Opinions	Dissenting Opinions Per Case	Total N of Concurring Opinions	Concurring Opinions Per Case
1937	45	8	0.18	4	0.09
1938	16	7	0.44	2	0.13
1939	43	8	0.19	1	0.02
1940	47	12	0.26	2	0.04
1941	91	47	0.52	25	0.27
1942	48	28	0.58	13	0.27
1943	112	69	0.62	20	0.18
1944	140	67	0.48	34	0.24
1946	123	77	0.63	29	0.24
1947	97	70	0.72	30	0.31
1948	111	87	0.78	54	0.49
1949	12	8	0.67	2	0.17
1950	72	44	0.61	18	0.25
1951	54	53	0.98	15	0.28
1952	77	76	0.99	19	0.25
1953	59	40	0.68	11	0.19
1954	16	12	0.75	3	0.19
1955	77	53	0.69	14	0.18
1956	62	48	0.77	11	0.18
1957	115	97	0.84	26	0.23
1958	97	60	0.62	31	0.32
1959	104	101	0.97	32	0.31
1960	114	104	0.91	41	0.36
1961	35	22	0.63	10	0.29
1962	108	67	0.62	40	0.37
1963	115	79	0.69	52	0.45
1964	89	58	0.65	59	0.66
1965	80	63	0.79	39	0.49
1966	95	81	0.85	41	0.43
1967	62	57	0.92	50	0.81
1968	49	47	0.96	35	0.71
1970	106	105	0.99	87	0.82
1971	66	69	1.05	42	0.64
1972	132	147	1.11	57	0.43
1973	128	129	1.01	60	0.47
1974	107	88	0.82	52	0.49

Table 6.3: Dissenting and concurring opinions per case, 1937-2023 terms. Only for decisions with nine justices participating. Dissenting Opinions Per Case is the total number of dissenting opinions/total number of cases; Concurring Opinions Per Case is the total number of concurring opinions/total number of cases. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

[table continues]

Term	Total N of Cases	Total N of Dissenting Opinions	Dissenting Opinions Per Case	Total N of Concurring Opinions	Concurring Opinions Per Case
1975	74	66	0.89	50	0.68
1976	116	122	1.05	80	0.69
1977	88	86	0.98	61	0.69
1978	105	98	0.93	68	0.65
1979	122	127	1.04	82	0.67
1980	111	95	0.86	85	0.77
1981	134	113	0.84	86	0.64
1982	146	117	0.80	75	0.51
1983	137	94	0.69	69	0.50
1984	90	83	0.92	41	0.46
1985	141	136	0.96	85	0.60
1986	143	132	0.92	83	0.58
1987	61	41	0.67	35	0.57
1988	129	100	0.78	87	0.67
1989	129	98	0.76	83	0.64
1990	100	83	0.83	42	0.42
1991	92	71	0.77	68	0.74
1992	111	74	0.67	68	0.61
1993	86	64	0.74	81	0.94
1994	79	57	0.72	45	0.57
1995	73	53	0.73	49	0.67
1996	82	58	0.71	39	0.48
1997	93	57	0.61	55	0.59
1998	76	54	0.71	47	0.62
1999	74	65	0.88	51	0.69
2000	77	61	0.79	43	0.56
2001	71	60	0.85	44	0.62
2002	71	63	0.89	49	0.69
2003	70	61	0.87	47	0.67
2004	65	55	0.85	50	0.77
2005	52	34	0.65	32	0.62
2006	65	56	0.86	39	0.60
2007	63	56	0.89	40	0.63
2008	77	70	0.91	44	0.57
2009	68	42	0.62	63	0.93
2010	47	34	0.72	26	0.55
2011	60	40	0.67	32	0.53
2012	68	44	0.65	39	0.57
2013	64	27	0.42	36	0.56
2014	64	64	1.00	45	0.70
2015	12	9	0.75	2	0.17
2016	13	8	0.62	9	0.69
2017	59	45	0.76	40	0.68
2018	60	47	0.78	35	0.58
2019	53	48	0.91	43	0.81
2020	46	29	0.63	38	0.83
2021	60	50	0.83	38	0.63
2022	56	36	0.64	42	0.75
2023	58	37	0.64	61	1.05

6.4 Dissenting and concurring votes per case, 1937-2023 terms

Term	Total N of Cases	Total N of Dissenting Votes	Dissenting Votes Per Case	Total N of Concurring Votes	Concurring Votes Per Case
1937	45	36	0.80	8	0.18
1938	16	27	1.69	10	0.63
1939	43	34	0.79	4	0.09
1940	47	41	0.87	10	0.21
1941	91	110	1.21	30	0.33
1942	48	74	1.54	26	0.54
1943	112	169	1.51	40	0.36
1944	140	198	1.41	78	0.56
1946	123	199	1.62	45	0.37
1947	97	196	2.02	61	0.63
1948	111	240	2.16	96	0.86
1949	12	18	1.50	4	0.33
1950	72	130	1.81	34	0.47
1951	54	114	2.11	30	0.56
1952	77	147	1.91	37	0.48
1953	59	98	1.66	22	0.37
1954	16	31	1.94	3	0.19
1955	77	133	1.73	26	0.34
1956	62	129	2.08	24	0.39
1957	115	231	2.01	37	0.32
1958	97	164	1.69	54	0.56
1959	104	227	2.18	61	0.59
1960	114	218	1.91	65	0.57
1961	35	55	1.57	25	0.71
1962	108	157	1.45	64	0.59
1963	115	153	1.33	69	0.60
1964	89	111	1.25	85	0.96
1965	80	119	1.49	60	0.75
1966	95	175	1.84	59	0.62
1967	62	94	1.52	70	1.13
1968	49	73	1.49	52	1.06
1970	106	191	1.80	127	1.20
1971	66	133	2.02	59	0.89
1972	132	268	2.03	94	0.71
1973	128	256	2.00	102	0.80
1974	107	182	1.70	81	0.76

Table 6.4: Dissenting and concurring votes per case, 1937-2023 terms. Only for decisions with nine justices participating. Dissenting Votes Per Case is the total number of dissenting votes/total number of cases; Concurring Votes Per Case is the total number of concurring opinions/total number of cases. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

[table continues]

Term	Total N of Cases	Total N of Dissenting Votes	Dissenting Votes Per Case	Total N of Concurring Votes	Concurring Votes Per Case
1975	74	135	1.82	76	1.03
1976	116	218	1.88	107	0.92
1977	88	179	2.03	90	1.02
1978	105	209	1.99	104	0.99
1979	122	256	2.10	106	0.87
1980	111	203	1.83	117	1.05
1981	134	252	1.88	128	0.96
1982	146	249	1.71	120	0.82
1983	137	209	1.53	114	0.83
1984	90	158	1.76	63	0.70
1985	141	276	1.96	153	1.09
1986	143	315	2.20	115	0.80
1987	61	96	1.57	55	0.90
1988	129	239	1.85	128	0.99
1989	129	250	1.94	119	0.92
1990	100	184	1.84	65	0.65
1991	92	156	1.70	98	1.07
1992	111	157	1.41	99	0.89
1993	86	133	1.55	125	1.45
1994	79	124	1.57	66	0.84
1995	73	99	1.36	78	1.07
1996	82	121	1.48	58	0.71
1997	93	126	1.35	86	0.92
1998	76	120	1.58	74	0.97
1999	74	135	1.82	75	1.01
2000	77	140	1.82	65	0.84
2001	71	139	1.96	65	0.92
2002	71	121	1.70	70	0.99
2003	70	117	1.67	70	1.00
2004	65	122	1.88	76	1.17
2005	52	76	1.46	42	0.81
2006	65	127	1.95	59	0.91
2007	63	111	1.76	55	0.87
2008	77	157	2.04	66	0.86
2009	68	108	1.59	85	1.25
2010	47	89	1.89	35	0.74
2011	60	104	1.73	47	0.78
2012	68	120	1.76	64	0.94
2013	64	75	1.17	65	1.02
2014	64	123	1.92	59	0.92
2015	12	12	1.00	2	0.17
2016	13	20	1.54	10	0.77
2017	59	111	1.88	62	1.05
2018	60	115	1.92	51	0.85
2019	53	92	1.74	61	1.15
2020	46	70	1.52	52	1.13
2021	60	121	2.02	60	1.00
2022	56	75	1.34	67	1.20
2023	58	94	1.62	85	1.47

6.5 Percent concurring votes and opinions, justices ranked, 1937-2023 terms

	Concurring Votes			Concurring Opinions	
	% Concurring Votes	Total N of Votes		% Concurring Opinions	Total N of Opinions
KBJackson	23	115	KBJackson	15	115
NMGorsuch	19	433	AScalia	12	2590
CThomas	17	2434	CThomas	11	2434
AScalia	15	2590	NMGorsuch	11	433
JHarlan2	14	1824	JHarlan2	11	1824
BMKavanaugh	13	350	BMKavanaugh	10	350
SAAlito	13	1222	JPStevens	10	3720
JPStevens	12	3720	SAAlito	9	1222
HABlackmun	12	3244	LFPowell	9	2126
ACBarrett	12	223	SSotomayor	8	965
LFPowell	11	2126	HABlackmun	8	3244
SSotomayor	11	965	AJGoldberg	8	345
WBRutledge	11	855	ACBarrett	8	223
SGBreyer	11	2007	SDOConnor	7	2609
SDOConnor	10	2609	AMKennedy	7	2540
WEBurger	10	2393	FFrankfurter	6	2782
RBGinsburg	10	1997	WBRutledge	6	855
AJGoldberg	9	345	SGBreyer	6	2007
DHSouter	9	1575	AFortas	6	378
PStewart	9	2859	BRWhite	6	4088
AMKennedy	9	2540	PStewart	6	2859
TMarshall	9	3186	WJBrennan	6	4426
FFrankfurter	9	2782	DHSouter	6	1575
WJBrennan	8	4426	RBGinsburg	5	1997
WODouglas	8	4281	WODouglas	5	4281
HLBlack	7	4085	WEBurger	5	2393
AFortas	7	378	RHJackson	4	1355
BRWhite	7	4088	HLBlack	4	4085
RHJackson	7	1355	TMarshall	3	3186
WHRehnquist	5	3927	CEWhittaker	3	561
EKagan	5	860	WHRehnquist	3	3927
CEWhittaker	5	561	JGRoberts	2	1258
JGRoberts	4	1258	EKagan	2	860

Table 6.5: Percent concurring votes and opinions, justices ranked, 1937-2023 terms. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

[table continues]

	Concurring Votes			Concurring Opinions	
	% Concurring Votes	Total N of Votes		% Concurring Opinions	Total N of Opinions
FMurphy	4	1286	HFStone	2	1302
JCMcReynolds	4	490	BNCardozo	2	52
BNCardozo	4	52	TCClark	2	1861
HHBurton	4	1413	FMurphy	2	1286
TCClark	3	1861	SFReed	2	2293
EWarren	3	1752	PButler	2	309
HFStone	3	1302	HHBurton	1	1413
OJRoberts	3	1147	OJRoberts	1	1147
SFReed	3	2293	EWarren	1	1752
PButler	2	309	CEHughes2	1	606
SMinton	1	638	SMinton	0	638
CEHughes2	1	606	JCMcReynolds	0	490
FMVinson	1	750	FMVinson	0	750
LDBrandeis	0	233	GSutherland	0	59
GSutherland	0	59	JFByrnes	0	160
JFByrnes	0	160	LDBrandeis	0	233
Average	8	81 964	Average	5	81 964

6.6 Percent concurring votes and opinions, by the ideological direction of the Court’s decision, 2023 term

	Conservative Decisions (251 Votes)	Liberal Decisions (261 Votes)
% Concurring Votes	11	21
% Concurring Opinions	8	15

Table 6.6: Percent concurring votes, by the ideological direction of the court’s decision, 2023 term. Excludes cases with an unspecifiable ideological direction. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

6.7 Percent concurring votes, by the ideological direction of the Court’s decision and justice, 2023 term

Conservative Decisions (251 Votes)		Liberal Decisions (261 Votes)	
CThomas	21	ACBarrett	31
NMGorsuch	21	KBJackson	31
KBJackson	21	SAAlito	28
BMKavanaugh	11	BMKavanaugh	24
SSotomayor	7	CThomas	21
EKagan	7	SSotomayor	17
SAAlito	4	NMGorsuch	17
JGRoberts	4	EKagan	14
ACBarrett	4	JGRoberts	10
Average	11	Average	21

Table 6.7: Percent concurring votes, by the ideological direction of the court’s decision and justice, 2023 term. Excludes cases with an unspecified ideological direction. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

6.8 Percent concurring opinions, by the ideological direction of the Court’s decision and justice, 2023 term

Conservative Decisions (251 Votes)		Liberal Decisions (261 Votes)	
NMGorsuch	21	KBJackson	28
CThomas	14	SAAlito	24
KBJackson	14	CThomas	21
BMKavanaugh	11	ACBarrett	21
SSotomayor	7	NMGorsuch	14
SAAlito	4	BMKavanaugh	14
ACBarrett	4	EKagan	7
JGRoberts	0	JGRoberts	3
EKagan	0	SSotomayor	3
Average	8	Average	15

Table 6.8: Percent concurring opinions, by the ideological direction of the court’s decision and justice, 2023 term. Excludes cases with an unspecified ideological direction. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

7 U.S. Government Win Rate

7.1 U.S. government win rate (court-level), by chief justice era and president in office, 1937-2023

By Chief Justice Era		By President in Office	
	% Government Wins		% Government Wins
Hughes	67	Roosevelt	66
Stone	64	Truman	65
Vinson	66	Eisenhower	63
Warren	64	Kennedy	60
Burger	71	Johnson	69
Rehnquist	66	Nixon	67
Roberts	50	Ford	74
		Carter	66
Average	65	Reagan	75
		Bush1	70
		Clinton	63
		Bush2	62
		Obama	50
		Trump	42
		Biden	54
		Average	65

Table 7.1: U.S. government win rate (court-level), by chief justice era and president in office, 1937-2023. Only for cases in which the party of the president didn't change between oral argument and decision. Excludes orally argued per curiams. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#) and Rebecca L. Brown and Lee Epstein, "Is the U.S. Supreme Court a Reliable Backstop for an Overreaching U.S. President? Maybe, but is an Overreaching (Partisan) Court Worse?"

7.2 Justices' votes for the U.S. government, by chief justice era, president in office, and the party of the appointing president, 1937-2023 terms

	By Chief Justice Era			By President in Office	
	% Votes for the Government			% Votes for the Government	
	Republican Appointees	Democratic Appointees		Republican Appointees	Democratic Appointees
Hughes	61	67	Roosevelt	58	66
Stone	47	64	Truman	46	60
Vinson		60	Eisenhower	57	59
Warren	61	61	Kennedy	59	61
Burger	66	61	Johnson	64	65
Rehnquist	62	63	Nixon	65	53
Roberts	52	47	Ford	66	61
			Carter	62	63
Average	61	61	Reagan	68	68
			Bush1	62	62
			Clinton	60	66
			Bush2	61	56
			Obama	51	51
			Trump	47	36
			Biden	51	53
			Average	61	61

Table 7.2: Justices' votes for the U.S. government, by chief justice era, president in office, and the party of the appointing president, 1937-2023 terms. Only for cases in which the party of the president didn't change between oral argument and decision. There were no Republican appointees on the Court during the Vinson era. Excludes orally argued per curiams. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#) and Rebecca L. Brown and Lee Epstein, "Is the U.S. Supreme Court a Reliable Backstop for an Overreaching U.S. President? Maybe, but is an Overreaching (Partisan) Court Worse?"

7.3 Justices' votes for the U.S. government, by the party of the appointing president and term, 2005-2023

	Republican Appointees	Democratic Appointees	All Justices
2005	60	47	57
2006	66	61	65
2007	54	43	52
2008	45	21	40
2009	45	52	48
2010	74	63	69
2011	45	42	44
2012	47	44	46
2013	56	69	61
2014	47	46	47
2015	48	48	48
2016	31	23	27
2017	45	42	44
2018	46	40	43
2019	57	37	48
2020	57	61	58
2021	52	49	51
2022	53	41	49
2023	47	61	52
Average	52	47	50

Table 7.3: Justices' votes for the U.S. government, by the party of the appointing president and term, 2005-2023. Only for cases in which the party of the president didn't change between oral argument and decision. Excludes orally argued per curiams. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#) and Rebecca L. Brown and Lee Epstein, "Is the U.S. Supreme Court a Reliable Backstop for an Overreaching U.S. President? Maybe, but is an Overreaching (Partisan) Court Worse?"

7.4 Justice votes for the U.S. government, by justice, 2017-2023 terms

	% Votes for the Government	
	Trump Years Only	Biden Years Only
Alito	60	53
Barrett		58
Breyer	47	55
Ginsburg	41	
Gorsuch	36	33
Jackson		51
Kagan	37	54
Kavanaugh	53	53
Kennedy	37	
Roberts	44	56
Sotomayor	34	52
Thomas	59	53

Table 7.4: Justices’ votes for the U.S. government, by justice, 2017-2023 terms. Only for cases in which the party of the president didn’t change between oral argument and decision. Excludes orally argued per curiams. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#) and Rebecca L. Brown and Lee Epstein, “[Is the U.S. Supreme Court a Reliable Backstop for an Overreaching U.S. President? Maybe, but is an Overreaching \(Partisan\) Court Worse?](#)”

8 Treatment of Lower Federal Court Decisions

Notes for all tables in this section:

1. The tables include all federal appellate panels and en bancs if the en banc didn’t deny review. Either the panel decision or the en banc decision is counted, not both.
2. The tables include the one three-judge district court decision.
3. All lower court judges are included even if sitting by designation.
4. The analysis is by Supreme Court docket number—meaning consolidated cases are counted separately unless the consolidated case(s) was decided by the same panel of lower court judges.

8.1 Percent cases in which the lower court was reversed, by the lower court, 2023 term

Court	% Reversed	N of Decisions
First Circuit	100	2
Fourth Circuit	100	1
Sixth Circuit	100	3
Seventh Circuit	100	2
DC Circuit	100	4
S. Car. D. Ct.	100	1
Federal Circuit	100	3
Second Circuit	86	7
Fifth Circuit	70	10
Third Circuit	50	4
Eighth Circuit	50	4
Ninth Circuit	50	12
Eleventh Circuit	25	4
Average	69	59

Table 8.1: Percent cases in which the lower court was reversed, by the lower court, 2023 term. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

8.2 Percent cases in which the lower court was reversed, by the lower court judge’s appointing president and party of the lower court judge’s appointing president, 2023 term

	By Appointing President		By Appointing President’s Party		
	% Reversed	N of Votes	% Reversed	N of Votes	
Carter	100	2	Republican Appointees	54	104
Reagan	75	12	Democratic Appointees	74	95
Bush 1	75	8			
Clinton	65	37	Average	63	199
Bush 2	52	33			
Obama	70	40			
Trump	46	50			
Biden	100	16			
Average	63	199			

Table 8.2: Percent cases in which the lower court was reversed, by the lower court judge’s appointing president and party of the lower court judge’s appointing president, 2023 term. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

8.3 Percent justice-votes to reverse a lower court judge, by the lower court judge’s appointing president, 2023 term

	Reagan Appointees 12 Votes	Bush 1 Appointees 8 Votes	Clinton Appointees 36/37 Votes	Bush 2 Appointees 32/33 Votes	Obama Appointees 39/40 Votes	Trump Appointees 49/50 Votes	Biden Appointees 16 Votes
Alito	75	63	61	38	65	43	75
Barrett	58	75	70	52	68	50	88
Gorsuch	67	88	57	67	80	52	100
Jackson	83	75	42	73	54	76	50
Kagan	83	75	41	73	55	74	50
Kavanaugh	67	75	70	48	73	48	81
Roberts	75	75	62	48	68	44	94
Sotomayor	83	63	41	67	53	76	50
Thomas	58	50	65	39	65	48	88
Average	72	71	56	56	64	57	75

Table 8.3: Percent justice-votes to reverse a lower court judge, by the lower court judge’s appointing president, 2023 term. The number of observations varies vary because Alito and Jackson each did not participate in one case. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

8.4 Supreme Court votes to reverse the 5th circuit, by justice, 2023

	% Votes to Reverse	N of Votes
Jackson	100	10
Kagan	100	10
Sotomayor	100	10
Barrett	70	10
Kavanaugh	70	10
Roberts	70	10
Gorsuch	60	10
Alito	50	10
Thomas	40	10
Average	73	90

Table 8.4: Supreme Court votes to reverse the 5th circuit, by justice, 2023. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).

8.5 Votes to dissent in cases heard by the Supreme Court, by appointing president, 2023 term

	% Dissenting Votes	N of Votes
Ford	0	1
Carter	0	2
Reagan	25	12
Bush 1	0	8
Clinton	5	37
Bush 2	3	33
Obama	8	40
Trump	14	50
Biden	0	16
Average	8	199

Table 8.5: Votes to dissent in cases heard by the Supreme Court, by appointing president, 2023 term. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#).