

Provisional Data Report on the 2024 Term*

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

The report can be downloaded here: <https://epstein.wustl.edu/s/2024termdatareport.pdf>

The report's website is here: <https://epstein.wustl.edu/2024termdatareport>

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1 Control of the Court

1.1 Voting in the majority by justice, 2024 term

% In Majority All Cases		% In Majority Non-Unanimous Cases	
JGRoberts	96	JGRoberts	94
BMKavanaugh	93	BMKavanaugh	88
ACBarrett	91	ACBarrett	84
EKagan	84	EKagan	72
CThomas	79	CThomas	63
SSotomayor	77	SAAlito	59
SAAlito	76	SSotomayor	59
NMGorsuch	76	NMGorsuch	58
KBJackson	71	KBJackson	50
Average	83	Average	70

Table 1.1: Percent votes in the majority by justice, 2024 term. Includes only orally argued cases (excluding 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](#).

1.2 Voting in the majority by justice, 2023 term vs. 2024 term

% in Majority 2023 Term		% in Majority 2024 Term	
JGRoberts	94	JGRoberts	94
BMKavanaugh	90	BMKavanaugh	88
ACBarrett	84	ACBarrett	84
SAAlito	71	EKagan	72
CThomas	68	CThomas	63
NMGorsuch	65	SAAlito	59
KBJackson	47	SSotomayor	59
EKagan	45	NMGorsuch	58
SSotomayor	45	KBJackson	50
Average	68	Average	70

Table 1.2: Percent votes in the majority by justice, 2023 term vs. 2024 term. Includes only non-unanimous orally argued cases (excluding 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](#).

1.3 Ranking of justices' voting in the majority, 1937-2024 terms

1953-2024 Terms			1937-2024 Terms		
	% in Majority	N of Votes		% in Majority	N of Votes
BMKavanaugh	89	233	LDBrandeis	98	62
AMKennedy	84	1437	BMKavanaugh	89	233
ACBarrett	84	158	AMKennedy	84	1437
LFPowell	83	1327	ACBarrett	84	158
JGRoberts	82	740	LFPowell	83	1327
EWarren	82	1007	FMVinson	83	501
AJGoldberg	81	193	TCClark	82	1103
BRWhite	80	2444	JGRoberts	82	740
TCClark	79	875	EWarren	82	1007
WEBurger	78	1454	AJGoldberg	81	193
AFortas	78	218	BRWhite	80	2444
SDOConnor	77	1516	JFByrnes	79	58
HABlackmun	72	1975	HFStone	79	515
PStewart	72	1711	SFReed	79	1178
RHJackson	71	38	WEBurger	78	1454
WHRehnquist	70	2350	AFortas	78	218
DHSouter	69	896	SMinton	78	399
AScalia	69	1492	SDOConnor	77	1516
HHBurton	69	299	CEHughes2	77	175
SMinton	69	143	BNCardozo	76	17
NMGorsuch	68	283	HHBurton	75	880
SAAlito	68	724	FMurphy	72	649
SFReed	67	169	HABlackmun	72	1975
CEWhittaker	67	340	PStewart	72	1711
EKagan	66	506	WBRutledge	71	508
FFrankfurter	66	534	WHRehnquist	70	2350
SGBreyer	65	1130	RHJackson	70	786
HLBlack	65	1140	DHSouter	69	896
WJBrennan	64	2656	AScalia	69	1492
CThomas	63	1396	NMGorsuch	68	283
RBGinsburg	63	1120	FFrankfurter	68	1511
JHarlan2	60	1054	SAAlito	68	724
SSotomayor	59	562	CEWhittaker	67	340
JPStevens	57	2215	EKagan	66	506
TMarshall	55	1938	SGBreyer	65	1130
KBJackson	54	90	HLBlack	65	2178
WODouglas	54	1494	WJBrennan	64	2656
			CThomas	63	1396
			RBGinsburg	63	1120
			JHarlan2	60	1054
			SSotomayor	59	562
			WODouglas	57	2408
			JPStevens	57	2215
			OJRoberts	55	449
			TMarshall	55	1938
			KBJackson	54	90
			GSutherland	47	15
			PButler	42	89
			JCMcReynolds	32	146
Average/Total	69	37 857	Average/Total	70	46 792

Table 1.3: Percent votes in the majority, justices ranked, 1937-2024 terms. Includes only non-unanimous orally argued cases (excluding 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](#).

1.4 Voting in the majority by justice and the ideological direction of the decision, 2024 term

% in Majority When the Decision is Conservative		% in Majority When the Decision is Liberal	
BMKavanaugh	100	EKagan	94
JGRoberts	100	SSotomayor	94
ACBarrett	94	JGRoberts	88
CThomas	94	KBJackson	88
SAAlito	94	ACBarrett	75
NMGorsuch	69	BMKavanaugh	75
EKagan	50	NMGorsuch	47
SSotomayor	25	CThomas	31
KBJackson	13	SAAlito	25
Average	71	Average	69

Table 1.4: Percent votes in the majority by justice and by the ideological direction of the Court’s decision. Includes only non-unanimous orally argued cases (excluding per curiams). Excludes decisions 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](#).

1.5 Voting in the majority by party of the appointing president, 2010-2024 terms

Term	% in the Majority		%Point Gap (R – D)
	Republican Appointees	Democratic Appointees	
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
2022	73	65	8
2023	78	46	32
2024	74	60	14
Average	73	63	10
Average Since 2017	76	57	19

Table 1.5: Percent votes in the majority by party of the appointing president, 2010-2024 terms. Includes only non-unanimous orally argued cases (excluding per curiams). The %-Point Gap is % Republican Appointees in the Majority – Democratic Appointees in the Majority. 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](#).

1.6 The median justice, 2024 term

Probability that the Justice is the Median Justice	
ACBarrett	0.351
BMKavanaugh	0.340
JGRoberts	0.266
NMGorsuch	0.044
CThomas	0.000
SAAlito	0.000
SSotomayor	0.000
EKagan	0.000
KBJackson	0.000

Table 1.6: The median justice, 2024 term. This is the probability that each justice is the median justice based on [Martin and Quinn's](#) analysis. The justices' ideal point estimates are in Table 3.1. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Kevin Quinn, Emory University from the [Supreme Court Database](#).

2 Voting Agreements

2.1 Pairwise agreement in majority or dissent, 2023 term vs. 2024 term

% Agreement 2023 Term		% Agreement 2024 Term		%-Point Difference (2024 – 2023)
Alito-Barrett	67	Alito-Barrett	71	4
Alito-Gorsuch	67	Alito-Gorsuch	58	–9
Alito-Jackson	23	Alito-Jackson	16	–7
Alito-Kagan	17	Alito-Kagan	39	22
Alito-Kavanaugh	73	Alito-Kavanaugh	74	1
Alito-Roberts	70	Alito-Roberts	61	–9
Alito-Sotomayor	17	Alito-Sotomayor	19	3
Alito-Thomas	83	Alito-Thomas	97	14
Barrett-Gorsuch	60	Barrett-Gorsuch	48	–12
Barrett-Kagan	43	Barrett-Kagan	61	18
Barrett-Kavanaugh	80	Barrett-Kavanaugh	90	10
Barrett-Roberts	77	Barrett-Roberts	77	1
Barrett-Sotomayor	43	Barrett-Sotomayor	48	5
Barrett-Thomas	70	Barrett-Thomas	74	4
Gorsuch-Kagan	30	Gorsuch-Kagan	36	6
Gorsuch-Kavanaugh	53	Gorsuch-Kavanaugh	45	–8
Gorsuch-Roberts	57	Gorsuch-Roberts	58	1
Gorsuch-Sotomayor	30	Gorsuch-Sotomayor	23	–7
Gorsuch-Thomas	70	Gorsuch-Thomas	55	–15
Jackson-Barrett	37	Jackson-Barrett	39	2
Jackson-Gorsuch	30	Jackson-Gorsuch	26	–4
Jackson-Kagan	80	Jackson-Kagan	77	–3
Jackson-Kavanaugh	43	Jackson-Kavanaugh	36	–8
Jackson-Roberts	40	Jackson-Roberts	42	2
Jackson-Sotomayor	80	Jackson-Sotomayor	90	10
Jackson-Thomas	13	Jackson-Thomas	19	6
Kagan-Kavanaugh	43	Kagan-Kavanaugh	58	15
Kagan-Roberts	47	Kagan-Roberts	65	18
Kagan-Sotomayor	93	Kagan-Sotomayor	81	–13
Kagan-Thomas	13	Kagan-Thomas	42	29
Kavanaugh-Roberts	90	Kavanaugh-Roberts	87	–3
Kavanaugh-Sotomayor	43	Kavanaugh-Sotomayor	45	2
Kavanaugh-Thomas	63	Kavanaugh-Thomas	77	14
Roberts-Sotomayor	47	Roberts-Sotomayor	52	5
Roberts-Thomas	67	Roberts-Thomas	65	–2
Sotomayor-Thomas	13	Sotomayor-Thomas	23	9

Table 2.1: Percent pairwise agreement in majority or dissent, 2023 vs. 2024, sorted alphabetically. Includes only non-unanimous orally argued cases (excluding per curiams) issued by a 9-person Court. The %-Point Difference is % Agreement in 2024 – % Agreement in 2023. 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](#).

2.2 Voting with the three Democratic appointees in majority or dissent, 2023 term vs. 2024 term

	% Agreement		%Point Difference (2024 – 2023)
	2023 Term	2024 Term	
ACBarrett	39	52	13
BMKavanaugh	43	48	5
CThomas	4	22	18
JGRoberts	43	57	14
NMGorsuch	22	26	4
SAAlito	13	17	4
Average	27	37	10

Table 2.2: Percent votes with the three Democratic appointees, in majority or dissent, 2023 vs. 2024, when all three are in the majority or dissent. Includes only non-unanimous orally argued cases (excluding per curiams) issued by a 9-person Court. The %-Point Difference is % Agreement in 2024 – % Agreement in 2023. 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](#).

2.3 Voting with Alito and Thomas in majority or dissent, 2023 term vs. 2024 term

	% Agreement		%Point Difference (2024 – 2023)
	2023 Term	2024 Term	
ACBarrett	72	73	1
BMKavanaugh	72	77	5
EKagan	8	40	32
JGRoberts	72	63	–9
KBJackson	12	17	5
NMGorsuch	72	57	–15
SSotomayor	8	20	12
Average	45	50	5

Table 2.3: Percent votes with Alito and Thomas, in majority or dissent, when both are in the majority or dissent, 2023 term vs. 2024 term. Includes only non-unanimous orally argued cases (excluding per curiams) issued by a 9-person Court. The %-Point Difference is % Agreement in 2024 – % Agreement in 2023. 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](#).

2.4 Vote splits, 2023 term vs. 2024 term

Vote Split	% in Each Category	
	2023 Term	2024 Term
5-4	9	15
6-3	38	19
7-2	6	19
8-1	4	6
9-0	43	42

Table 2.4: Percent of cases falling into each vote split category, 2023 term vs. 2024 term. Includes only non-unanimous orally argued cases (excluding per curiams) 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](#).

3 Liberal-Conservative Voting & Outcomes

3.1 Martin-Quinn (ideology) scores, 2023 term vs. 2024 term

	2023 Term		2024 Term
	Score		Score
SSotomayor	-4.168	SSotomayor	-4.194
KBJackson	-2.601	KBJackson	-2.795
EKagan	-2.073	EKagan	-1.852
JGRoberts	0.433	JGRoberts	0.334
BMKavanaugh	0.518	ACBarrett	0.530
ACBarrett	0.613	BMKavanaugh	0.557
NMGorsuch	1.104	NMGorsuch	1.104
SAAlito	2.512	SAAlito	2.531
CThomas	3.106	CThomas	3.114

Table 3.1: [Martin-Quinn ideology scores](#), 2023 and 2024 terms. 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 % liberal votes by justice, 2024 term

% Liberal All Decisions		% Liberal Non-Unanimous Decisions	
KBJackson	73	KBJackson	88
SSotomayor	71	SSotomayor	84
EKagan	64	EKagan	72
JGRoberts	48	JGRoberts	44
ACBarrett	46	ACBarrett	41
NMGorsuch	46	NMGorsuch	39
BMKavanaugh	45	BMKavanaugh	38
CThomas	34	CThomas	19
SAAlito	33	SAAlito	16
Average	51	Average	49

Table 3.2: Percent liberal votes by justice, 2024 term. Includes only non-unanimous orally argued cases (excluding per curiams). Excludes decisions 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 % liberal votes by justice, 2023 term vs. 2024 term

% Liberal 2023 Term		% Liberal 2024 Term	
EKagan	80	KBJackson	88
SSotomayor	80	SSotomayor	84
KBJackson	79	EKagan	72
ACBarrett	43	JGRoberts	44
NMGorsuch	43	ACBarrett	41
JGRoberts	30	NMGorsuch	39
BMKavanaugh	27	BMKavanaugh	38
CThomas	20	CThomas	19
SAAlito	17	SAAlito	16
Average	46	Average	49

Table 3.3: Percent liberal votes by justice, 2023 v. 2024 terms. Includes only non-unanimous orally argued cases (excluding per curiams). Excludes decisions 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 Ideological voting gap between the Democratic and Republican appointees, 1953-2024 terms

Term	% Liberal Votes		%-Point Gap
	Republican Appointees	Democratic Appointees	(D – R)
1953	49	47	–2
1954	69	57	–12
1955	58	57	–1
1956	54	54	0
1957	51	52	1
1958	43	58	15
1959	48	59	11
1960	48	57	9
1961	58	65	7
1962	56	69	13
1963	56	69	13
1964	46	58	12
1965	46	67	21
1966	45	61	16
1967	56	67	11
1968	62	71	9
1969	35	59	24
1970	35	58	23
1971	34	65	31
1972	38	63	25
1973	31	69	38
1974	40	67	27
1975	36	61	25
1976	40	60	20
1977	49	74	25
1978	39	63	24
1979	50	71	21
1980	41	66	25
1981	44	69	25
1982	41	58	17
1983	42	60	18
1984	46	59	13

Table 3.4: Ideological gap in percent liberal voting between the Democratic and Republican appointees, 1953-2024 terms. Includes only non-unanimous orally argued cases (excluding per curiams). Excludes decisions with a non-specifiable ideological direction. The %-point Gap is the Democratic Appointees' % liberal votes – the Republican Appointees' % liberal votes. 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 (D – R)
	Republican Justices	Democratic Justices	
1985	42	58	16
1986	43	55	12
1987	48	60	12
1988	43	62	19
1989	43	63	20
1990	42	65	23
1991	47	48	1
1992	51	53	2
1993	45	62	17
1994	42	64	22
1995	43	64	21
1996	36	68	32
1997	41	69	28
1998	34	64	30
1999	42	72	30
2000	41	79	38
2001	44	66	22
2002	45	74	29
2003	43	75	32
2004	44	69	25
2005	30	66	36
2006	40	77	37
2007	46	74	28
2008	38	69	31
2009	44	60	16
2010	34	73	39
2011	31	69	38
2012	36	76	40
2013	41	69	28
2014	38	76	38
2015	44	64	20
2016	22	69	47
2017	33	85	52
2018	31	79	48
2019	33	68	35
2020	37	76	39
2021	22	75	53
2022	32	78	46
2023	30	80	50
2024	32	81	49
Average	42	64	22

3.5 % liberal voting, justices ranked, 1937-2024 terms

	% Liberal Votes	N Total Votes
WRehnquist	17	2320
CThomas	21	1371
SAAlito	23	710
WEBurger	23	1438
AScalia	26	1470
CEWhittaker	26	340
JHarlan2	27	1051
JCMcReynolds	28	139
SDOConnor	32	1497
LPowell	32	1314
PButler	33	86
BMKavanaugh	34	230
ACBarrett	35	156
HHBurton	35	869
JGRoberts	37	728
OJRoberts	37	436
RHJackson	37	767
NMGorsuch	37	273
AMKennedy	37	1417
SMinton	38	394
FMVinson	38	492
PStewart	41	1700
FFrankfurter	42	1464
BRWhite	42	2421
TCClarke	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
SGBreyer	66	1112
DHSouter	67	882
JPStevens	68	2183

Table 3.5: Percent liberal voting, justices ranked from most conservative to most liberal, 1937-2024 terms. Includes only non-unanimous orally argued cases (excluding per curiams). Excludes decisions 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]

	% Liberal Votes	N Total Votes
AJGoldberg	70	191
AFortas	71	217
RBGinsburg	73	1103
EKagan	74	496
WBRutledge	74	496
HLBlack	75	2149
EWarren	75	1004
FMurphy	76	637
SSotomayor	77	551
WJBrennan	78	2636
WODouglas	79	2377
KBJackson	80	89
TMarshall	82	1914

3.6 % liberal Court decisions, 1937-2024 terms

Term	% Liberal Decisions	
	All Decisions	Non-Unan. Decisions
1953	49	40
1954	70	68
1955	69	64
1956	64	58
1957	59	53
1958	62	47
1959	63	55
1960	61	54
1961	73	70
1962	75	76
1963	75	76
1964	67	56
1965	66	63
1966	65	58
1967	75	73
1968	75	81
1969	58	51
1970	47	39
1971	52	36
1972	47	36
1973	45	31
1974	51	44
1975	39	31
1976	40	38
1977	50	51
1978	43	35
1979	53	54
1980	43	39
1981	52	53
1982	46	38
1983	41	33
1984	45	43
1985	43	36
1986	46	38
1987	50	46
1988	43	37
1989	46	40

Table 3.6: Percent liberal court decisions, 1953-2024 terms. % Liberal Decisions is at the Court-, not justice-, level. Excludes per curiams and decisions 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
1990	49	40
1991	49	43
1992	50	42
1993	45	42
1994	44	43
1995	49	48
1996	41	36
1997	43	40
1998	41	36
1999	50	42
2000	52	49
2001	43	46
2002	44	54
2003	46	50
2004	56	51
2005	38	26
2006	42	39
2007	53	50
2008	36	32
2009	50	45
2010	48	51
2011	48	48
2012	51	55
2013	55	52
2014	58	61
2015	48	57
2016	51	42
2017	52	51
2018	54	53
2019	49	49
2020	43	50
2021	37	26
2022	47	45
2023	49	37
2024	52	50
Average	51	47

4 Comparison of Alito/Thomas and the Other Republican Appointees

4.1 Voting in the majority since the 2010 term

	% in Majority		
	Alito/Thomas	All Other GOP Appointees	%-Point Gap (All Other – Alito/Thomas)
Since 2010	62	79	17
Since 2020	66	83	17
2024	61	81	20

Table 4.1: Percent votes in the majority since the 2010 term, Alito/Thomas vs. the other Republican appointees. Includes only non-unanimous orally argued cases (excluding per curiams). The %-Point Gap is All Other GOP appointees – Alito/Thomas. 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](#).

4.2 % liberal votes since the 2010 term

	% Liberal Votes		
	Alito/Thomas	All Other GOP Appointees	%-Point Gap (All Other – Alito/Thomas)
Since 2010	24	39	15
Since 2020	19	36	17
2024	17	40	23

Table 4.2: Percent liberal votes since the 2010 term, Alito/Thomas vs. the other Republican appointees. Includes only non-unanimous orally argued cases (excluding per curiams). Excludes decisions with a non-specifiable ideological direction. The %-Point Gap is All Other GOP appointees – Alito/Thomas. 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](#).

4.3 Ideological voting gap between Alito/Thomas and the other Republican appointees

Term	% Liberal Votes		% -Point Gap (All Other – Alito/Thomas)
	Alito/Thomas	All Other GOP Appointees	
1991	26	49	23
1992	32	54	22
1993	18	49	31
1994	17	46	29
1995	17	48	31
1996	12	40	28
1997	14	45	31
1998	11	38	27
1999	20	46	26
2000	16	45	29
2001	27	46	19
2002	17	50	33
2003	15	48	33
2004	13	49	36
2005	11	35	24
2006	24	47	23
2007	26	53	27
2008	19	45	26
2009	33	49	16
2010	27	38	11
2011	25	35	10
2012	29	41	12
2013	33	47	14
2014	26	46	20
2015	37	51	14
2016	13	30	17
2017	19	43	24
2018	24	36	12
2019	23	40	17
2020	31	40	9
2021	12	28	16
2022	20	38	18
2023	18	36	18
2024	17	40	23
Average	22	45	23

Table 4.3: Ideological gap in percent liberal voting between Alito/Thomas and all other Republican appointees, 1991-2024 Terms. Includes only non-unanimous orally argued cases (excluding per curiams). Excludes decisions with a non-specifiable ideological direction. Only Thomas (not Alito) was on the Court during the 1991-2004 terms. The %-Point Gap is All Other GOP appointees – Alito/Thomas (or just Thomas for 1991-2004). 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](#).

5 Separate Opinions/Unanimity/Consensus

5.1 Dissent & unanimity rates, 1953-2024 terms

Term	% Not Unanimous	% Unanimous	%-Point Gap (Not Unan. – Unan.)
1953	69	31	38
1954	62	38	23
1955	61	39	22
1956	77	23	54
1957	77	23	54
1958	63	37	25
1959	78	22	57
1960	73	27	45
1961	62	38	25
1962	65	35	31
1963	60	40	21
1964	63	37	25
1965	58	42	15
1966	69	31	38
1967	61	39	22
1968	68	32	35
1969	65	35	30
1970	69	31	38
1971	64	36	27
1972	73	27	46
1973	69	31	39
1974	67	33	33
1975	62	38	23
1976	67	33	33
1977	68	32	36
1978	63	37	26
1979	73	27	47
1980	65	35	30
1981	65	35	30
1982	62	38	23
1983	55	45	10
1984	57	43	14
1985	68	32	37

Table 5.1: Dissent and unanimity rates, 1937-2024 terms. The percentages are the number of cases with one or more dissenting votes (Not Unanimous) and the percentage of cases with no dissenting votes (Unanimous). Includes only orally argued cases (excluding per curiams). The %-Point Gap is % Not Unanimous – % Unanimous. 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	% Not Unanimous	% Unanimous	%-Point Gap (Not Unan. – Unan.)
1986	72	28	43
1987	58	42	15
1988	63	37	26
1989	66	34	32
1990	63	38	25
1991	61	39	21
1992	54	46	8
1993	60	40	19
1994	59	41	17
1995	56	44	12
1996	53	48	5
1997	49	51	–1
1998	61	39	21
1999	61	39	22
2000	57	43	14
2001	64	36	28
2002	58	42	15
2003	57	43	14
2004	62	38	24
2005	49	51	–1
2006	66	34	31
2007	70	30	40
2008	68	32	35
2009	59	41	18
2010	55	45	9
2011	63	38	25
2012	55	45	10
2013	39	61	–22
2014	64	36	27
2015	56	44	13
2016	43	57	–15
2017	66	34	32
2018	62	38	24
2019	66	34	32
2020	52	48	4
2021	72	28	45
2022	53	47	5
2023	56	44	13
2024	57	43	14

5.2 Voting with the majority (a measure of consensus), 1937-2024 terms

Term	Total N of Majority Votes	Total N of Votes	% Consensus
1953	447	564	79
1954	520	633	82
1955	576	719	80
1956	660	843	78
1957	700	926	76
1958	686	865	79
1959	655	861	76
1960	755	976	77
1961	561	675	83
1962	803	973	83
1963	825	985	84
1964	689	802	86
1965	723	850	85
1966	692	879	79
1967	796	924	86
1968	681	829	82
1969	557	686	81
1970	759	964	79
1971	813	1025	79
1972	950	1231	77
1973	974	1237	79
1974	880	1081	81
1975	951	1168	81
1976	892	1106	81
1977	877	1110	79
1978	911	1138	80
1979	906	1167	78
1980	877	1085	81
1981	990	1255	79
1982	1095	1351	81
1983	1109	1336	83
1984	988	1195	83
1985	1011	1299	78
1986	974	1294	75
1987	954	1161	82
1988	925	1174	79
1989	906	1159	78

Table 5.2: Voting with the majority (a measure of consensus), 1937-2024 terms. % Consensus is the total number of votes in the majority or plurality divided by the total number of votes in orally argued cases (excluding 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](#).

[table continues]

Term	Total N of Majority Votes	Total N of Votes	% Consensus
1990	795	995	80
1991	773	945	82
1992	806	963	84
1993	622	753	83
1994	602	731	82
1995	568	672	85
1996	596	719	83
1997	691	818	84
1998	560	682	82
1999	529	665	80
2000	550	688	80
2001	524	669	78
2002	519	636	82
2003	524	643	81
2004	524	655	80
2005	504	600	84
2006	465	596	78
2007	474	597	79
2008	512	666	77
2009	531	647	82
2010	536	646	83
2011	457	569	80
2012	525	651	81
2013	521	598	87
2014	467	592	79
2015	431	504	86
2016	440	497	89
2017	410	527	78
2018	462	586	79
2019	383	475	81
2020	398	475	84
2021	407	520	78
2022	417	494	84
2023	403	493	82
2024	414	501	83

5.3 Dissenting, concurring, and total separate opinions per case, by chief justice era

Chief Justice Era (Terms)	Dissenting Opinions Per Case	Concurring Opinions Per Case	Total Separate Opinions Per Case
Warren (1953-68)	0.83	0.43	1.26
Burger (1969-85)	0.95	0.61	1.56
Rehnquist (1986-04)	0.80	0.65	1.45
Roberts (2005-24)	0.76	0.69	1.46

Table 5.3: Dissenting, concurring, and separate opinions per case, by chief justice era, Warren-Roberts. Includes only orally argued cases (excluding per curiams) issued by a 9-person Court. “Per case” is the total number of dissenting or concurring or total separate opinions divided by the 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](#).

5.4 Dissenting, concurring, and total separate votes per case, by chief justice era

Chief Justice Era (Terms)	Dissenting Votes Per Case	Concurring Votes Per Case	Total Separate Votes Per Case
Warren (1953-68)	1.80	0.67	2.47
Burger (1969-85)	1.92	0.92	2.84
Rehnquist (1986-04)	1.76	0.97	2.73
Roberts (2005-24)	1.76	1.00	2.75

Table 5.4: Dissenting, concurring, and separate votes per case, by chief justice era, Warren-Roberts. Includes only orally argued cases (excluding per curiams) issued by a 9-person Court. “Per case” is the total number of dissenting or concurring or total separate votes divided by the 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](#).

5.5 % concurring votes and opinions, justices ranked, 1937-2024 terms

	% Concurring Votes		% Concurring Opinions
KBJackson	21	KBJackson	14
NMGorsuch	18	AScalia	13
CThomas	18	CThomas	12
JHarlan2	16	JHarlan2	12
AScalia	15	NMGorsuch	11
SAAlito	13	JPStevens	10
BMKavanaugh	13	BMKavanaugh	10
JPStevens	12	SAAlito	9
HABlackmun	12	LFPowell	9
LFPowell	12	AJGoldberg	9
SSotomayor	11	SSotomayor	8
WBRutledge	11	HABlackmun	8
SGBreyer	11	SDOConnor	7
ACBarrett	11	AMKennedy	7
WEBurger	11	ACBarrett	7
SDOConnor	11	FFrankfurter	7
AJGoldberg	10	SGBreyer	6
RBGinsburg	10	WBRutledge	6
DHSouter	9	AFortas	6
PStewart	9	PStewart	6
AMKennedy	9	BRWhite	6
FFrankfurter	9	WJBrennan	6
TMarshall	9	DHSouter	6
WJBrennan	9	RBGinsburg	5
WODouglas	8	WODouglas	5
HLBlack	8	WEBurger	5
AFortas	8	RHJackson	4
BRWhite	7	HLBlack	4
RHJackson	7	CEWhittaker	3
CEWhittaker	6	TMarshall	3
WHRehnquist	5	WHRehnquist	3
EKagan	5	JGRoberts	2
FMurphy	4	HFStone	2
HHBurton	4	BNCardozo	2
JCMcReynolds	4	TCClark	2
BNCardozo	4	FMurphy	2
JGRoberts	4	EKagan	2
TCClark	4	PButler	2
EWarren	3	SFReed	2
HFStone	3	HHBurton	1

Table 5.5: Percent concurring votes and opinions, justices ranked, 1937-2024 terms. Includes only orally argued cases (excluding 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](#).

[table continues]

	% Concurring Votes		% Concurring Opinions
OJRoberts	3	EWarren	1
SFReed	3	OJRoberts	1
PButler	2	CEHughes2	1
SMinton	2	SMinton	1
CEHughes2	1	JCMcReynolds	0
LDBrandeis	0	FMVinson	0
FMVinson	0	GSutherland	0
GSutherland	0	JFByrnes	0
JFByrnes	0	LDBrandeis	0
Average	9	Average	6

6 U.S. Government Litigation and Trump-Related Disputes

6.1 U.S. government win rate, by chief justice era and president in office, 1937-2024

By Chief Justice Era		By President in Office	
	Government Win Rate (%)		Government Win Rate (%)
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	51	Ford	74
		Carter	66
Average	65	Reagan	75
		Bush1	70
		Clinton	63
		Bush2	62
		Obama	50
		Trump1	42
		Biden	55
		Trump2	60
		Average	65

Table 6.1: Percent decisions (at the Court level) for the U.S. government, by chief justice era and president in office, 1937-2024. Includes only orally argued cases (excluding per curiams) in which the party of the president didn't change between oral argument and decision. 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 from 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?](#)"

6.2 Justices' votes for the U.S. government by chief justice era and the president in office, 1937-2024 terms

By Chief Justice Era			By President in Office		
	% Votes for the Government			% Votes for the Government	
	Republican	Democratic		Republican	Democratic
	Appointees	Appointees		Appointees	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	48	Ford	66	61
			Carter	62	63
Average	61	61	Reagan	68	68
			Bush1	62	62
			Clinton	60	66
			Bush2	61	56
			Obama	51	51
			Trump1	47	36
			Biden	52	54
			Trump2	47	56
			Average	61	61

Table 6.2: Percent votes for the U.S. government, by chief justice era, president in office, and the party of the appointing president, 1937-2024 terms. Includes only orally argued cases (excluding per curiams) in which the party of the president didn't change between oral argument and decision. No justices serving on the Vinson Court were appointed by Republican presidents. 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 from 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?"](#)

6.3 Justices' votes for the U.S. government by term, 2005-2024

	% Votes for the Government		
	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	62	52
2024	51	58	53
Average	52	48	50

Table 6.3: Percent votes for the U.S. government by term, 2005-2024. Includes only orally argued cases (excluding per curiams) in which the party of the president didn't change between oral argument and decision. 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?”](#)

6.4 Justices' votes for the U.S. government by justice, 2024 term

% Votes for the government			
	All Cases		Non.-Unan. Cases
ACBarrett	70	ACBarrett	76
BMKavanaugh	67	BMKavanaugh	71
EKagan	63	EKagan	67
JGRoberts	63	JGRoberts	67
SSotomayor	63	SSotomayor	67
SAAlito	62	KBJackson	62
KBJackson	60	SAAlito	62
CThomas	57	CThomas	57
NMGorsuch	34	NMGorsuch	29
Average	60	Average	62

Table 6.4: Percent votes for the U.S. government by justice, 2024 term. Includes only orally argued cases (excluding 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](#).

6.5 Justices' votes for Trump in Trump-related disputes, 2024-2025

% Votes for Trump	
SAAlito	95
CThomas	89
NMGorsuch	89
BMKavanaugh	84
JGRoberts	68
ACBarrett	63
EKagan	21
KBJackson	11
SSotomayor	11
Average	59

Table 6.5: Percent votes in favor of Trump in Trump-related disputes, 2024-2025. For 17 of the 19 disputes included in this analysis, see [Lee Epstein, Andrew D. Martin, and Michael J. Nelson, "Distinctive Features of Amy Coney Barrett's \(Nearly\) Five Terms on the Court."](#) The disputes added since then are *Department of Homeland Security v. D.V.D.*, 24A1153 and *Trump v. CASA*, 24A884. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State.

6.6 U.S. government cases as a percentage of the merits docket, 1937–2024 terms

Term	% U.S. Government Cases
1937	53
1938	44
1939	47
1940	54
1941	52
1942	55
1943	55
1944	59
1945	62
1946	57
1947	54
1948	51
1949	59
1950	59
1951	58
1952	57
1953	52
1954	60
1955	57
1956	58
1957	63
1958	45
1959	64
1960	55
1961	42
1962	42
1963	42
1964	43
1965	46
1966	41
1967	43
1968	40
1969	40
1970	41
1971	33
1972	41
1973	38
1974	40

Table 6.6: U.S. government cases as percentage of the merits docket, 1937-2024 terms. Includes only non-unanimous orally argued decisions (excluding 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 from 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?](#)”

[table continues]

Term	% U.S. Government Cases
1975	43
1976	31
1977	40
1978	29
1979	44
1980	35
1981	27
1982	38
1983	42
1984	38
1985	31
1986	28
1987	35
1988	26
1989	33
1990	25
1991	35
1992	38
1993	33
1994	33
1995	39
1996	34
1997	38
1998	29
1999	31
2000	34
2001	40
2002	24
2003	38
2004	26
2005	23
2006	28
2007	42
2008	35
2009	32
2010	27
2011	41
2012	37
2013	31
2014	32
2015	37
2016	30
2017	36
2018	35
2019	45
2020	46
2021	40
2022	45
2023	58
2024	54
Average	42

7 Merits Docket

7.1 Orally argued cases by chief justice era, Hughes-Roberts

Chief Justice Era (Terms)	Average Number of Decisions
Hughes (1937-40)	149
Stone (1941-45)	144
Vinson (1946-52)	104
Warren (1953-68)	96
Burger (1969-85)	131
Rehnquist (1986-04)	95
Roberts (2005-24)	64
→ Roberts (2005-14)	70
→ Roberts (2015-24)	58
Average	101

Table 7.1: Average number of orally argued decisions by chief justice era (excluding per curiams). The two Roberts Court subsets are the era’s first 10 and second 10 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](#).

8 Comparison of Emergency Applications and Merits Cases

8.1 Time from filing to decision, 2023/24 and 2024/25

		Number of Days			Number of	
		Mean	Median	Min.	Max.	Cases/Apps
2023/24						
Merits Cases	387	389	61	649	58	
Apps	33	17	3	377	31	
2024/25						
Merits Cases	380	390	32	663	60	
Apps	27	18	1	371	66	

Table 8.1: Time from filing to decision, merits cases v. emergency applications. Merits cases include all orally argued decisions resulting in an opinion or judgment, including per curiams. Applications (“Apps”) are through June 27, 2025, and exclude applications relating to the death penalty. *Trump v. CASA* is treated as a merits case, not an application for this analysis. Filing date is the date the petition or application was filed. In the 2023 term, one original jurisdiction case badly skews the numbers and is excluded in the merits row. Including it would increase the mean to 452, the median to 391, the maximum to 4189, and the number of cases to 59. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#) (merits cases) and [SCOTUS-blog](#) (emergency applications).

8.2 Petitioner/applicant win rate, 2023/24 and 2024/25

	Win Rate (%)	
	2023/24	2024/25
Merits Cases	73	70
Apps	23	26

Table 8.2: Percent of disputes won by petitioner/applicant, 2023/24 and 2024/25. Merits cases include all orally argued decisions resulting in an opinion or judgment, including per curiams. Applications (“Apps”) are through June 27, 2025, and exclude applications relating to the death penalty. *Trump v. CASA* is treated as a merits case, not an application for this analysis. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis; and Michael J. Nelson, Penn State from the [Supreme Court Database](#) (merits cases) and [SCOTUS-blog](#) (emergency applications).