

SCOTUSblog

INDEPENDENT NEWS & ANALYSIS
ON THE U.S. SUPREME COURT

STAT PACK for the Supreme Court's 2021-22 term

July 1, 2022

Compiled by Angie Gou,
Ellena Erskine, & James Romoser



TABLE OF CONTENTS

Introduction	3
Term index	4
Makeup of the merits docket	5-6
Frequency in the majority	7-8
Voting alignments	9-10
5-4 and polarized cases	11-13
Unanimous cases	14
Justice agreement	15-16
Opinions authored by each justice	17-18
Total opinions over time	19
Days between argument and opinion	20
Oral arguments	21-23
Circuit scorecard	24
All cases	25-28

INTRODUCTION

Each year, SCOTUSblog publishes an end-of-term Stat Pack intended to provide data-driven analysis of the Supreme Court's term and identify trends over time. An archive of every Stat Pack dating to October Term 1995 is available at [scotusblog.com/reference/stat-pack](https://www.scotusblog.com/reference/stat-pack).

Key findings in the Stat Pack for October Term 2021:

- **Decline of unanimity.** Only 29% of cases were decided unanimously, the lowest rate of unanimity in the two decades that we have been tracking the statistic.
- **Rise of the 6-3 court.** Nineteen decisions, or about 30% of the court's rulings on the merits, were decided in a 6-3 vote. Of those 19 decisions, 14 were polarized decisions in which all six Republican-appointed justices were in the majority and all three Democratic-appointed justices were in dissent.
- **Roberts and Kavanaugh retain their power.** Chief Justice John Roberts and Justice Brett Kavanaugh were in the majority in 95% of the court's decisions (and 93% of non-unanimous decisions). Roberts and Kavanaugh were each in dissent in only three cases this term.
- **Sotomayor often in dissent.** Justice Sonia Sotomayor was in the majority in 58% of the court's decisions (and 41% of its non-unanimous decisions), the lowest of any justice. She dissented in 27 cases.
- **Texas is a repeat player.** The two lawyers who argued most frequently before the court this term were U.S. Solicitor General Elizabeth Prelogar and Texas Solicitor General Judd Stone. Each argued in five cases. For Stone, those were the first five Supreme Court arguments of his career.

— James Romoser, SCOTUSblog editor

Notes on our methodology

- The Stat Pack is based on the 66 cases in OT21 that were designated as formal [opinions of the court](#). They fall into the following categories:
 - 58 signed opinions in argued cases.
 - 3 per curiam (i.e., unsigned) opinions in which the court summarily reversed a lower court without oral argument.
 - 2 per curiam opinions in argued cases.
 - 2 argued cases that were dismissed as improvidently granted.
 - 1 argued case that ended in a 4-4 vote, resulting in an affirmance of the lower court's judgment.
- Our dataset excludes shadow-docket orders that grant or deny relief without an opinion of the court.
- Except as noted on the Circuit Scorecard, we treat consolidated cases as a single case, denoted by the case with the lowest docket number.
- We make infrequent small adjustments to obtain generalized data. Whenever possible, we do this by objective formula. For instance, per curiam opinions are assumed to have garnered a vote from every justice who did not publicly note a dissent, and cases decided by eight justices are sometimes treated as if decided by nine.
- Other methodological notes specific to individual sections are noted in those sections.

TERM INDEX

Basic information on all cases the court heard for argument, plus all non-argued cases that received a formal opinion of the court. Major cases in bold.

October (9)					January (10)					April (10)				
Author	Vote	Result*	Court below		Author	Vote	Result*	Court below		Author	Vote	Result*	Court below	
Miss. v. Tenn.	Roberts	9-0	A	Original	NFIB v. Dept. of Labor	Per curiam	6-3	R	6th Cir.	U.S. v. Washington	Breyer	9-0	R	9th Cir.
Wooden	Kagan	9-0	R	6th Cir.	Biden v. Missouri	Per curiam	5-4	R	Dist. Ct.	Siegel	Sotomayor	9-0	R	4th Cir.
Davenport	Gorsuch	6-3	R	6th Cir.	Gallardo	Thomas	7-2	A	11th Cir.	George	Barrett	6-3	A	Fed. Cir.
Hemphill	Sotomayor	8-1	R	State	Arteaga-Martinez	Sotomayor	8-1	R	3rd Cir.	Kemp	Thomas	8-1	A	11th Cir.
Zubaydah	Breyer	7-2	R	9th Cir.	Gonzalez	Alito	6-3	R	9th Cir.	Vega	Alito	6-3	R	9th Cir.
Cameron	Alito	8-1	R	6th Cir.	Boechler	Barrett	9-0	R	8th Cir.	Kennedy	Gorsuch	6-3	R	9th Cir.
Thompson	Kavanaugh	6-3	R	2nd Cir.	Shurtleff	Breyer	9-0	R	1st Cir.	Nance	Kagan	5-4	R	11th Cir.
Tsarnaev	Thomas	6-3	R	1st Cir.	Cassirer	Kagan	9-0	R	9th Cir.	Biden v. Texas	Roberts	5-4	R	5th Cir.
Babcock	Barrett	8-1	A	6th Cir.	Cruz	Roberts	6-3	A	Dist. Ct.	Twyford	Roberts	5-4	R	6th Cir.
					Concepcion	Sotomayor	5-4	R	1st Cir.	Castro-Huerta	Kavanaugh	5-4	R	State Ct.
November (10)					February (7)					No argument (3)				
Whole Woman's Health	Gorsuch	8-1	R	Dist. Ct.	Ysleta del Sur Pueblo	Gorsuch	5-4	R	5th Cir.	Rivas-Villegas	Per curiam	9-0	R	9th Cir.
U.S. v. Texas	Per curiam	8-1	DIG	Dist. Ct.	Denezpi	Barrett	6-3	A	10th Cir.	City of Tahlequah	Per curiam	9-0	R	10th Cir.
Wilson	Gorsuch	9-0	R	5th Cir.	Arizona v. San Francisco	Per curiam	9-0	DIG	9th Cir.	Wisconsin Legislature	Per curiam	7-2	R	State Ct.
Badgerow	Kagan	8-1	R	5th Cir.	West Virginia v. EPA	Roberts	6-3	R	D.C. Cir.					
New York State Rifle	Thomas	6-3	R	2nd Cir.	Ruan	Breyer	9-0	R	11th Cir.					
Fazaga	Alito	9-0	R	9th Cir.	Marietta Memorial	Kavanaugh	7-2	R	6th Cir.					
Unicolors	Breyer	6-3	R	9th Cir.	Egbert	Thomas	6-3	R	9th Cir.					
Vaello-Madero	Kavanaugh	8-1	R	1st Cir.										
Ramirez	Roberts	8-1	R	5th Cir.										
Austin	Sotomayor	6-3	R	5th Cir.										
December (9)					March (8)					Totals				
Empire Health	Kagan	5-4	R	9th Cir.	Morgan	Kagan	9-0	R	8th Cir.	Cases heard for oral argument	63			
Cummings	Roberts	6-3	A	5th Cir.	North Carolina NAACP	Gorsuch	8-1	R	4th Cir.	Non-argued cases summarily decided in an opinion of the court	3			
American Hospital	Kavanaugh	9-0	R	D.C. Cir.	Golan	Sotomayor	9-0	R	2nd Cir.	Total cases	66			
Dobbs	Alito	6-3	R	5th Cir.	ZF Automotive	Barrett	9-0	R	Dist. Ct.	Signed opinions of the court	58			
Patel	Barrett	5-4	A	11th Cir.	LeDure	Per curiam	4-4	A	7th Cir.	Unsigned (i.e., per curiam) opinions of the court	5			
Hughes	Sotomayor	8-0	R	7th Cir.	Southwest Airlines	Thomas	8-0	A	7th Cir.	Cases dismissed as improvidently granted	2			
Taylor	Gorsuch	7-2	A	4th Cir.	Torres	Breyer	5-4	R	State Ct.	Affirmances with no opinion due to a 4-4 vote	1			
Carson	Roberts	6-3	R	1st Cir.	Viking River Cruises	Alito	8-1	R	State Ct.	Total dispositions	66			
Shinn	Thomas	6-3	R	9th Cir.										

*Affirmed, reversed, or dismissed as improvidently granted. Decisions that vacate the ruling below, reverse in part, or remand for further proceedings are counted as reversals.

MAKEUP OF THE MERITS DOCKET

All cases in which the court heard argument, categorized by major areas of law. Some cases fall into multiple categories.

	Freedom of speech	Freedom of religion	Second Amendment	Fourth Amendment	Fifth Amendment	Sixth Amendment	Equal protection	Abortion	Habeas corpus	Sovereign immunity	Procedure & jurisdiction	Criminal law	Administrative law	Health care	Arbitration	Immigration	Federal benefits	Native American law	42 U.S.C. § 1983	Environmental law	International law	State secrets	Veterans	Bankruptcy	Copyright	ERISA	Railroads	Tax	Workers' comp
	Constitutional law																												
American Hospital											X	X	X																
Arizona v. San Francisco										X					X														
Arteaga-Martinez															X														
Austin	X																												
Babcock																	X												
Badgerow														X															
Biden v. Missouri												X																	
Biden v. Texas											X	X			X														
Boechler										X																		X	
Cameron										X																			
Carson		X																											
Cassirer									X	X																			
Castro-Huerta												X						X											
Concepcion												X																	
Cruz	X																												
Cummings														X															
Davenport								X			X																		
Denezpi				X														X											
Dobbs								X																					
Egbert	X			X																									
Empire Health												X	X																
Fazaga																					X								
Gallardo													X																
George												X				X							X						
Golan																				X			X						
Gonzalez										X					X						X								
Hemphill					X						X																		
Hughes																									X				
Kemp										X																			
Kennedy	X	X																											
LeDure																											X		
Marietta Memorial														X															
Mississippi v. Tennessee																			X										

MAKEUP OF THE MERITS DOCKET

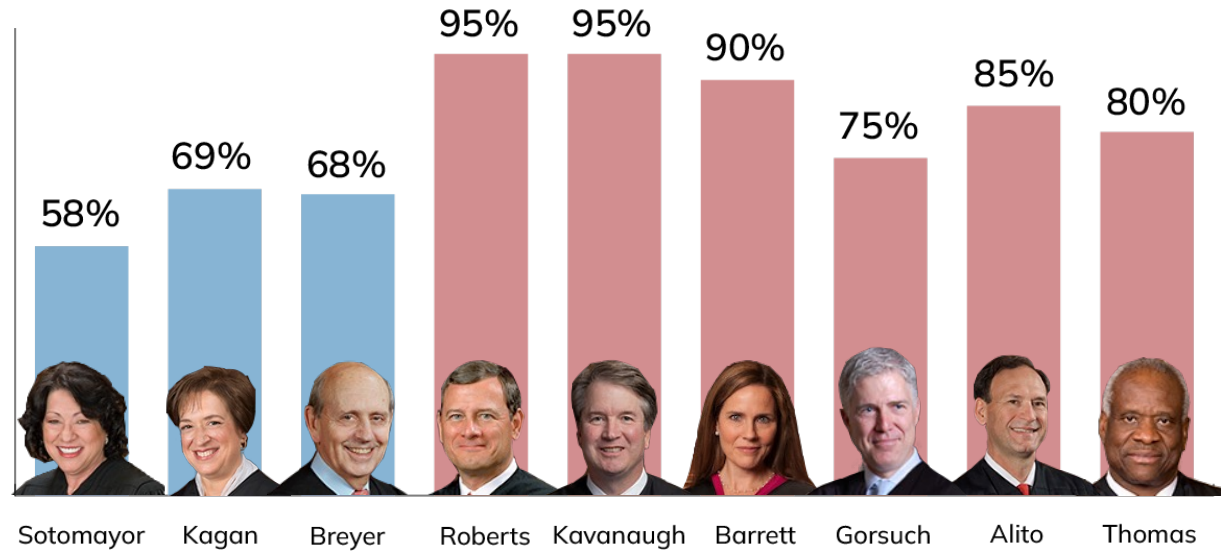
All cases in which the court heard argument, categorized by major areas of law. Some cases fall into multiple categories.

	Freedom of speech	Freedom of religion	Second Amendment	Fourth Amendment	Fifth Amendment	Sixth Amendment	Equal protection	Abortion	Habeas corpus	Sovereign immunity	Procedure & jurisdiction	Criminal law	Administrative law	Health care	Arbitration	Immigration	Federal benefits	Native American law	42 U.S.C. § 1983	Environmental law	International law	State secrets	Veterans	Bankruptcy	Copyright	ERISA	Railroads	Tax	Workers' comp
	Constitutional law																												
Morgan															X														
Nance								X		X									X										
New York State Rifle		X																											
NFIB v. Dept. of Labor												X																	
North Carolina NAACP																													
Patel										X					X														
Ramirez	X																												
Ruan											X		X																
Shinn				X				X			X			X															
Shurtleff	X																												
Siegel																								X					
Southwest Airlines															X														
Taylor												X																	
Thompson			X															X											
Torres									X														X						
Tsarnaev				X							X																		
Twyford								X		X																			
U.S. v. Texas							X			X																			
U.S. v. Washington									X																				X
Unicolors																									X				
Vaello-Madero				X												X													
Vega				X														X											
Viking River Cruises															X														
West Virginia v. EPA												X								X									
Whole Woman's Health							X			X																			
Wilson	X																												
Wooden											X																		
Ysleta del Sur Pueblo																	X												
ZF Automotive															X					X									
Zubaydah																						X							
Total	6	3	1	2	2	3	1	3	4	3	13	9	7	6	5	5	3	3	3	2	2	2	2	1	1	1	1	1	

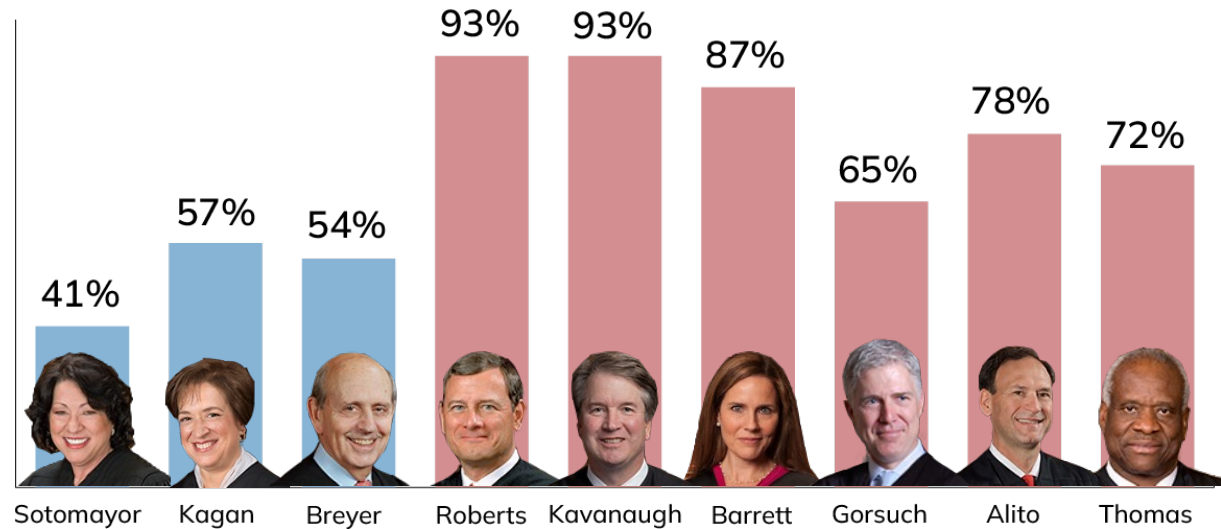
FREQUENCY IN THE MAJORITY

How often each justice was in the majority in OT21, in all cases and in non-unanimous cases. Justices are arranged ideologically.

All cases



Divided cases



FREQUENCY IN THE MAJORITY OVER TIME

How often each justice has been in the majority over the past decade.

All cases

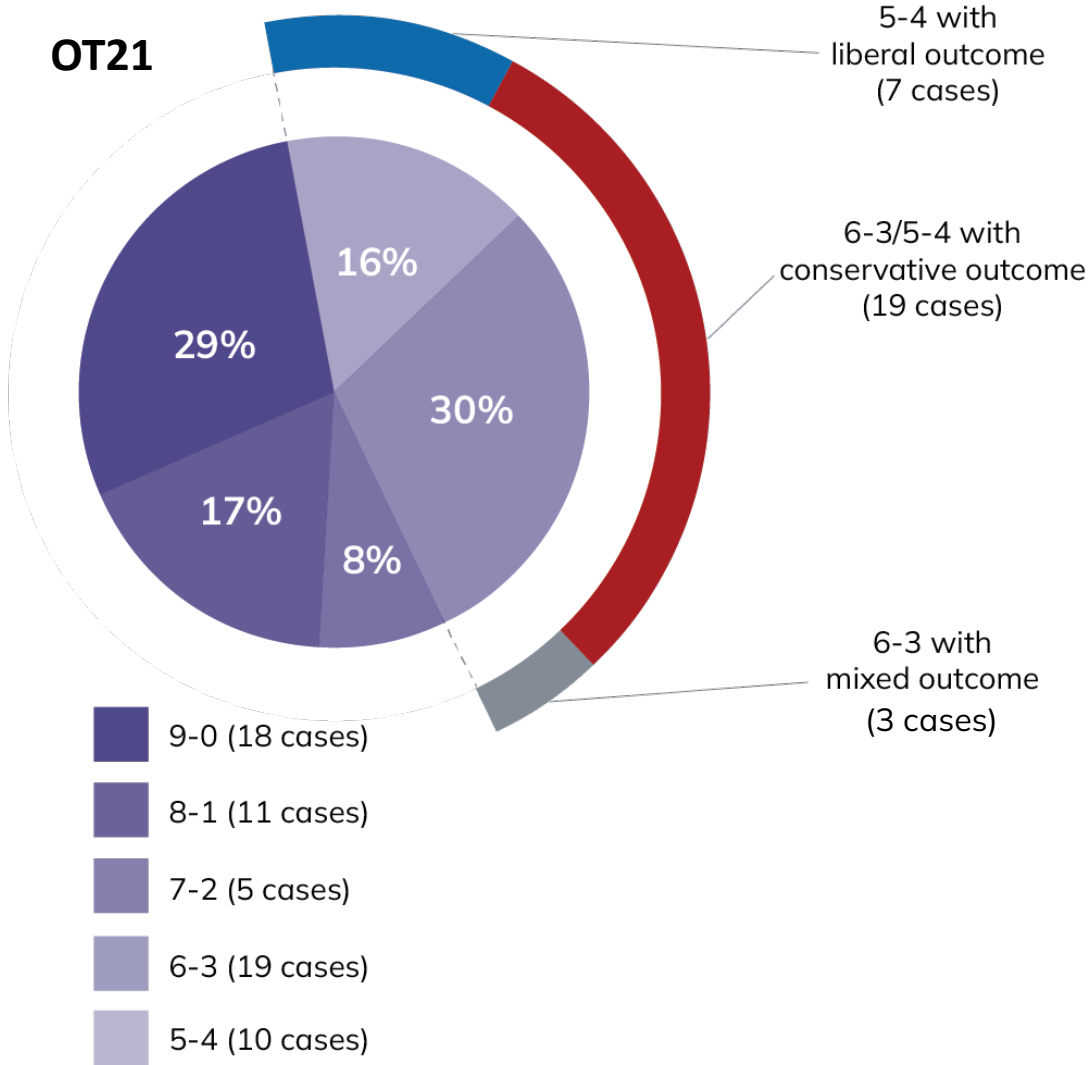
	OT21	OT20	OT19	OT18	OT17	OT16	OT15	OT14	OT13	OT12
Roberts	95%	91%	97%	85%	93%	93%	92%	80%	92%	86%
Thomas	80%	81%	72%	75%	81%	82%	72%	61%	88%	79%
Breyer	68%	76%	77%	76%	73%	90%	94%	92%	88%	83%
Alito	85%	83%	73%	82%	79%	86%	84%	72%	88%	79%
Sotomayor	58%	69%	72%	75%	68%	90%	83%	89%	82%	79%
Kagan	69%	75%	78%	82%	74%	93%	95%	85%	92%	81%
Gorsuch	75%	90%	89%	75%	85%	82%	-	-	-	-
Kavanaugh	95%	97%	93%	91%	-	-	-	-	-	-
Barrett	90%	91%	-	-	-	-	-	-	-	-

Divided cases

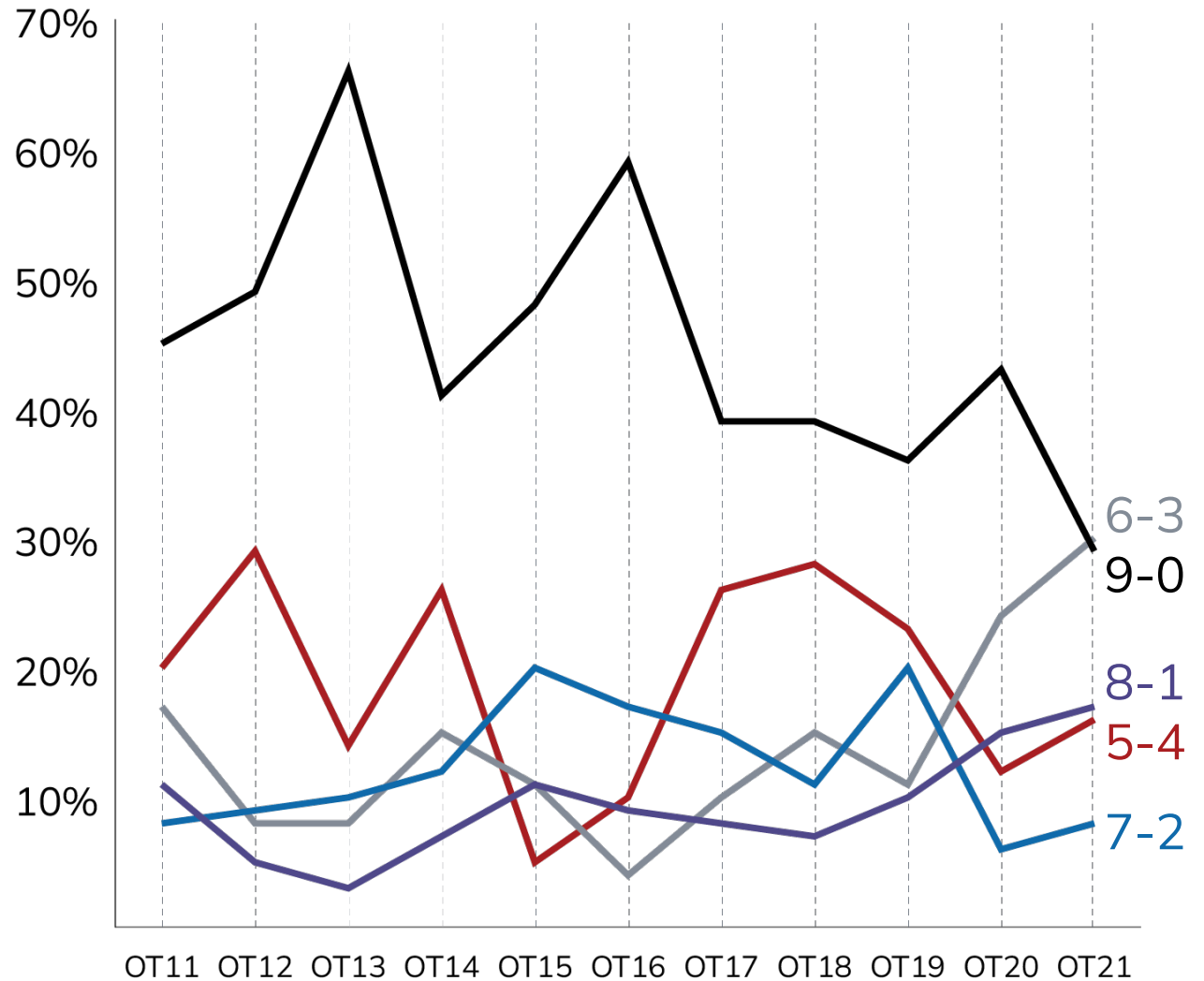
Roberts	93%	84%	95%	75%	89%	83%	84%	66%	76%	73%
Thomas	72%	70%	56%	59%	69%	57%	49%	34%	64%	60%
Breyer	54%	58%	64%	61%	56%	77%	89%	86%	64%	67%
Alito	78%	66%	58%	70%	67%	67%	70%	52%	63%	59%
Sotomayor	41%	45%	56%	59%	49%	76%	68%	82%	46%	59%
Kagan	57%	55%	66%	70%	59%	83%	91%	75%	75%	63%
Gorsuch	65%	82%	82%	59%	75%	63%	-	-	-	-
Kavanaugh	93%	95%	90%	79%	-	-	-	-	-	-
Barrett	87%	84%	-	-	-	-	-	-	-	-

VOTING ALIGNMENTS

Frequency of different vote alignments, in OT21 and over time.



OT10-OT21



On this slide and the following slide, we assume that a recused justice would have joined the majority (thereby counting 8-0 decisions as 9-0) and exclude cases that were dismissed as improvidently granted.

VOTING ALIGNMENTS

How often each justice writes for a relatively larger or smaller majority.

	Total opinions (OT21)	9-0 opinions	8-1 opinions	7-2 opinions	6-3 opinions	5-4 opinions	Average majority
Roberts	8	1	1	-	4	2	6.4
Thomas	7	-	1	1	4	-	5.6
Breyer	6	3	-	1	1	1	7.5
Alito	6	1	2	-	3	-	7.2
Sotomayor	7	2	2	-	1	1	6.4
Kagan	6	3	1	-	-	2	7.5
Gorsuch	7	1	2	1	2	1	7.0
Kavanaugh	5	1	1	1	1	1	7.0
Barrett	6	2	1	-	2	1	7.2
Total	58	14	11	4	17	9	6.9

% of each justice's opinions decided unanimously (OT21)

Roberts	11%
Thomas	0%
Breyer	50%
Alito	17%
Sotomayor	29%
Kagan	50%
Gorsuch	14%
Kavanaugh	20%
Barrett	33%

Solo Dissents

	OT21	Case(s)	OT06-OT20
Roberts	0		1
Thomas	3	Hemphill, Ramirez, Viking River Cruises	34
Breyer	2	Badgerow, Arteaga-Martinez	8
Alito	0		11
Sotomayor	3	Cameron, Vaello-Madero, North Carolina NAACP	16
Kagan	0		0
Gorsuch	2	Babcock, Kemp	2
Kavanaugh	0		0
Barrett	0		0

5-4 CASES

All cases in OT21 decided in a 5-4 vote. Shaded boxes under the justices indicate which justice voted in the majority.



Case name	Issue	Justice 1	Justice 2	Justice 3	Justice 4	Justice 5	Justice 6	Justice 7	Justice 8	Justice 9
Biden v. Missouri	COVID-19 vaccine mandate for health workers	Shaded	Shaded	Shaded	Shaded	Shaded	White	White	White	White
Ysleta del Sur Pueblo	Regulation of gambling on tribal lands	Shaded	Shaded	Shaded	White	White	Shaded	Shaded	White	White
Nance	Procedural vehicle for method-of-execution claim	Shaded	Shaded	Shaded	Shaded	Shaded	White	White	White	White
Empire Health	Medicare reimbursement dispute	Shaded	Shaded	Shaded	White	White	Shaded	White	White	Shaded
Concepcion	Sentencing reduction by district courts	Shaded	Shaded	Shaded	White	White	Shaded	White	White	Shaded
Torres	Veteran's ability to sue state for federal violation	Shaded	Shaded	Shaded	Shaded	Shaded	White	White	White	White
Biden v. Texas	Rescission of the Migrant Protection Protocols	Shaded	Shaded	Shaded	Shaded	Shaded	White	White	White	White
Patel	Discretionary relief in immigration proceedings	White	White	White	Shaded	Shaded	Shaded	White	Shaded	Shaded
Twyford	Transportation order for death-row prisoner	White	White	White	Shaded	Shaded	Shaded	White	Shaded	Shaded
Castro-Huerta	Authority to prosecute crimes on tribal lands	White	White	White	Shaded	Shaded	Shaded	White	Shaded	Shaded

Throughout the Stat Pack, we code any case decided in a 5-4 or 6-3 vote as red or “conservative” if the majority consists of five or more Republican-appointed justices, blue or “liberal” if the majority consists predominantly of Democratic-appointed justices, and gray or “mixed” otherwise.

POLARIZED CASES

All cases in OT21 in which all six Republican-appointed justices were in the majority and all three Democratic-appointed justices were in dissent.



Polarized cases	Issue	Justice 1	Justice 2	Justice 3	Justice 4	Justice 5	Justice 6	Justice 7	Justice 8	Justice 9
NFIB v. Dept. of Labor	Vaccine-or-test policy for large workplaces									
Tsarnaev	Capital sentence of Boston Marathon bomber									
Davenport	Test for federal courts to grant habeas relief									
Cummings	Emotional-distress damages under federal laws									
Cruz	Campaign-finance limits on candidate loans									
Shinn	Ineffective-counsel claims in habeas proceedings									
Egbert	Ability to sue federal officials for money damages									
Gonzalez	Availability of classwide relief in immigration law									
Carson	Tuition assistance to religious schools									
New York Rifle	Concealed firearm licensing									
Vega	Ability to sue police for <i>Miranda</i> violations									
Dobbs	Constitutional right to abortion overturned									
Kennedy	First Amendment rights of praying football coach									
West Virginia v. EPA	Agency regulation of carbon emissions									

Throughout the Stat Pack, we code any case decided in a 5-4 or 6-3 vote as red or “conservative” if the majority consists of five or more Republican-appointed justices, blue or “liberal” if the majority consists predominantly of Democratic-appointed justices, and gray or “mixed” otherwise.

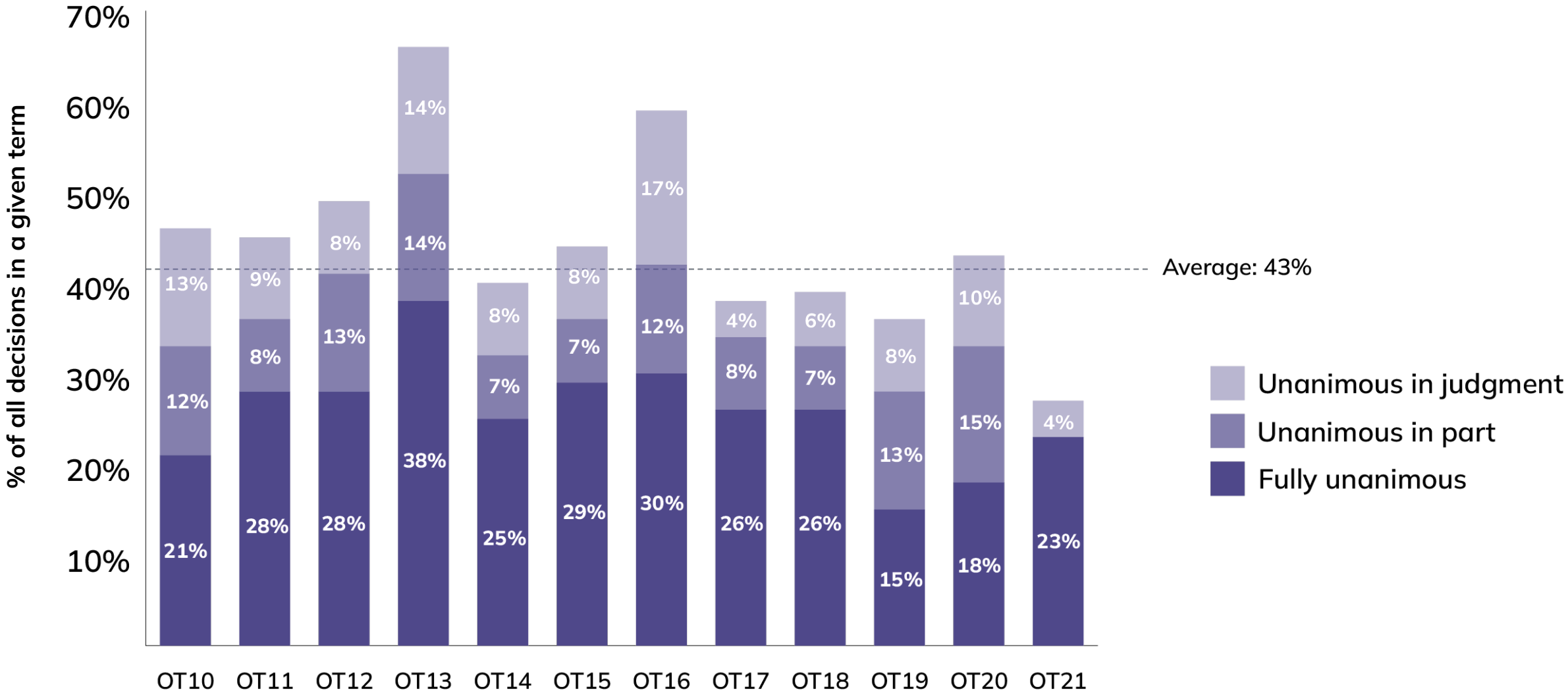
5-4 CASES OVER TIME

Term	Number of cases decided 5-4	Percent of cases decided 5-4	Percent of 5-4 cases with conservative outcome	Percent of 5-4 cases with liberal outcome	Percent of 5-4 cases with mixed outcome	Number of different 5-4 alignments
OT06	24	33%	54%	25%	21%	6
OT07	12	17%	33%	33%	33%	6
OT08	23	29%	48%	22%	30%	7
OT09	16	19%	50%	19%	31%	7
OT10	16	20%	63%	25%	12%	4
OT11	15	20%	33%	33%	33%	7
OT12	23	29%	43%	27%	30%	7
OT13	10	14%	40%	20%	40%	7
OT14	19	26%	26%	42%	32%	7
OT15	4	5%	25%	75%	0%	2
OT16	7	10%	29%	57%	14%	3
OT17	19	26%	74%	0%	26%	5
OT18	20	28%	40%	40%	20%	10
OT19	14	21%	71%	21%	8%	4
OT20	8	12%	50%	37%	13%	5
OT21	10	15%	30%	70%	0%	5
Average	15	20%	44%	35%	21%	6

Throughout the Stat Pack, we code any case decided in a 5-4 or 6-3 vote as red or “conservative” if the majority consists of five or more Republican-appointed justices, blue or “liberal” if the majority consists predominantly of Democratic-appointed justices, and gray or “mixed” otherwise.

NOTE: From Kagan’s appointment in OT10 until Barrett’s appointment in OT20, the court consisted of five Republican-appointed justices and four Democratic-appointed justices. Over the past two terms, with the appointment of a sixth Republican-appointed justice, 5-4 decisions no longer paint a full picture of polarization. For a list of fully polarized cases in OT21, see the previous slide.

UNANIMOUS CASES OVER TIME



“Unanimous in judgment” means that all justices voted for the same judgment – whether to affirm or reverse the decision below – but at least one justice did not join the opinion of the court and wrote separately.
 “Unanimous in part” means that all justices joined at least part of the court’s opinion, but at least one justice wrote separately as well.
 “Fully unanimous” means that all justices joined the court’s opinion in full, and none wrote separately.

JUSTICE AGREEMENT

Percent of cases in which the justices agreed in full:

	Thomas	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Barrett
Roberts	62%	56%	70%	46%	56%	52%	86%	75%
Thomas	-	37%	73%	30%	37%	59%	59%	67%
Breyer	-	-	38%	70%	79%	44%	49%	46%
Alito	-	-	-	30%	40%	65%	68%	72%
Sotomayor	-	-	-	-	78%	38%	43%	38%
Kagan	-	-	-	-	-	43%	51%	48%
Gorsuch	-	-	-	-	-	-	51%	61%
Kavanaugh	-	-	-	-	-	-	-	74%

Full agreement is defined as two justices joining the same opinion in all parts, without writing separately.

Percent of cases in which the justices agreed in part:

	Thomas	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Barrett
Roberts	73%	60%	81%	54%	62%	65%	97%	84%
Thomas	-	41%	89%	35%	41%	73%	76%	85%
Breyer	-	-	43%	87%	87%	46%	59%	51%
Alito	-	-	-	37%	43%	76%	84%	89%
Sotomayor	-	-	-	-	90%	48%	52%	44%
Kagan	-	-	-	-	-	48%	59%	51%
Gorsuch	-	-	-	-	-	-	68%	74%
Kavanaugh	-	-	-	-	-	-	-	87%

Partial agreement is defined as two justices joining at least part of the same opinion, even if one writes separately (it encompasses full agreement).

JUSTICE AGREEMENT

Percent of cases in which the justices agreed in judgment:

Agreement in judgment is defined as two justices voting for the same outcome – affirm or reverse – even if they do not join any part of the same opinion (it encompasses partial and full agreement).

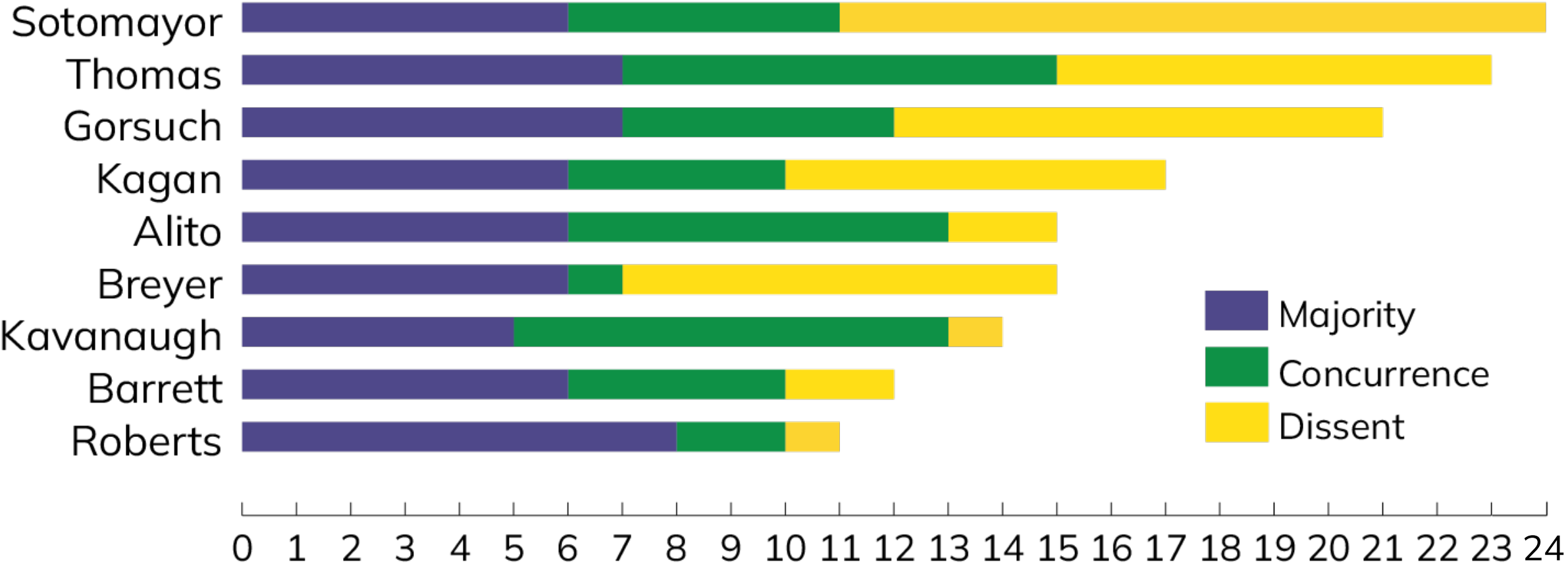
	Thomas	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Barrett
Roberts	79%	62%	89%	54%	63%	73%	100%	89%
Thomas	-	48%	90%	40%	49%	78%	79%	87%
Breyer	-	-	51%	86%	89%	54%	62%	56%
Alito	-	-	-	43%	52%	81%	89%	90%
Sotomayor	-	-	-	-	90%	52%	54%	48%
Kagan	-	-	-	-	-	56%	63%	57%
Gorsuch	-	-	-	-	-	-	73%	81%
Kavanaugh	-	-	-	-	-	-	-	89%

OPINIONS AUTHORED BY EACH JUSTICE

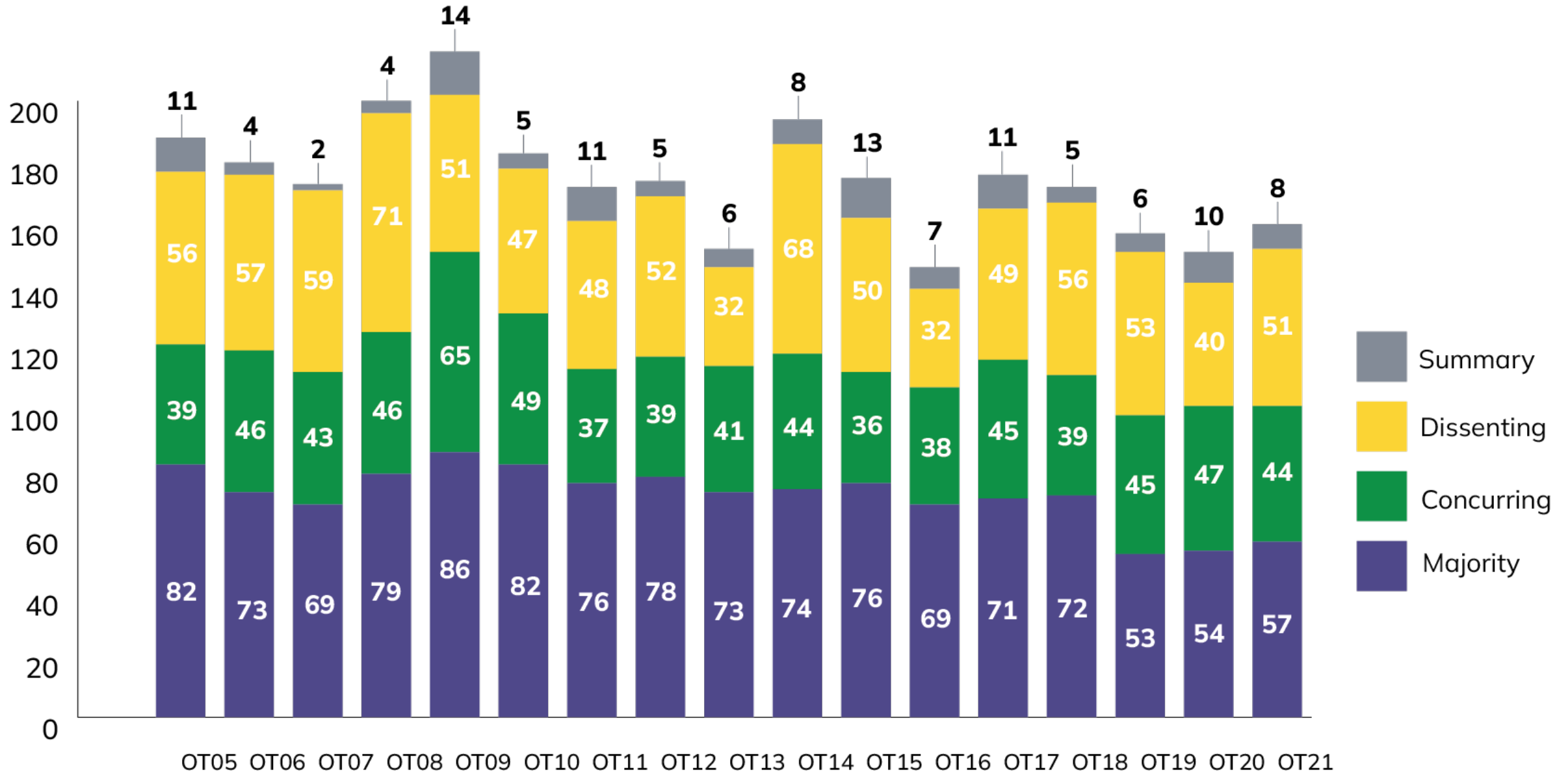
	Roberts	Thomas	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Barrett	Total	
Majority	1	Miss. v. Tenn.	Tsarnaev	Unicolors	Cameron	Hemphill	Wooden	Whole Woman's Health	American Hospital	Babcock	57
	2	Ramirez	Shinn	Zubaydah	Fazaga	Hughes	Badgerow	Wilson	Vaello-Madero	Boechler	
	3	Cummings	Gallardo	Shurtleff	Gonzalez	Austin	Cassirer	Brown	Thompson	Patel	
	4	Cruz	Saxon	U.S. Washington	Viking River Cruises	Siegel	Morgan	Ysleta del Sur Pueblo	Marietta Memorial	Denezpi	
	5	Carson	Egbert	Ruan	Vega	Arteaga-Martinez	Nance	Taylor	Castro-Huerta	ZF Automotive	
	6	Twyford	Kemp	Torres	Dobbs	Concepcion	Empire Health	North Carolina NAACP		George	
	7	W. Va v. EPA	New York State Rifle					Kennedy			
	8	Biden v. Texas									
Concurring	1	Whole Woman's Health	Dobbs	Austin	New York Rifle	Whole Woman's Health	Zubaydah	NFIB	New York Rifle	New York Rifle	43
	2	Dobbs	Zubaydah		Hemphill	Kemp	Cameron	Egbert	Dobbs	Tsarnaev	
	3		Vaello-Madero		Ruan	Moriana	Torres	Vaello-Madero	Zubaydah	Viking River Cruises	
	4		Shurtleff		Austin	Wooden	Biden v. Texas	Wooden	Wooden	Wooden	
	5		Biden v. Missouri		Shurtleff	Ramirez		W. Va. v. EPA	Ramirez		
	6		Kennedy		Biden v. Missouri				Shurtleff		
	7		Cameron		Kennedy				Cummings		
	8		Arteaga-Martinez						Biden v. Texas		
Dissenting	1	Ysleta del Sur Pueblo	Whole Woman's Health	Dobbs	Thompson	Dobbs	Dobbs	Denezpi	Empire Health	Nance	51
	2		Hemphill	NFIB	Biden v. Texas	NFIB	NFIB	Twyford	Concepcion	Biden v. Texas	
	3		Unicolors	New York Rifle		Carson	Brown	George			
	4		Ramirez	Badgerow		Kennedy	Cruz	Zubaydah			
	5		Austin	Cummings		North Carolina NAACP	Vega	Patel			
	6		Viking River Cruises	Carson		Cameron	Marietta Memorial	Kemp			
	7		Taylor	Twyford		Wisconsin Legislature	W. Va. v. EPA	Babcock			
	8		Torres	Tsarnaev		Vaello-Madero		Castro-Huerta			
	9			Arteaga-Martinez		Shinn					
	10					Gallardo					
	11					Egbert					
	12					Gonzalez					
	13					George					

Total	11	22	15	15	24	17	21	14	12	151
--------------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	-----------	------------

NUMBER OF OPINIONS PER JUSTICE



TOTAL OPINIONS OVER TIME

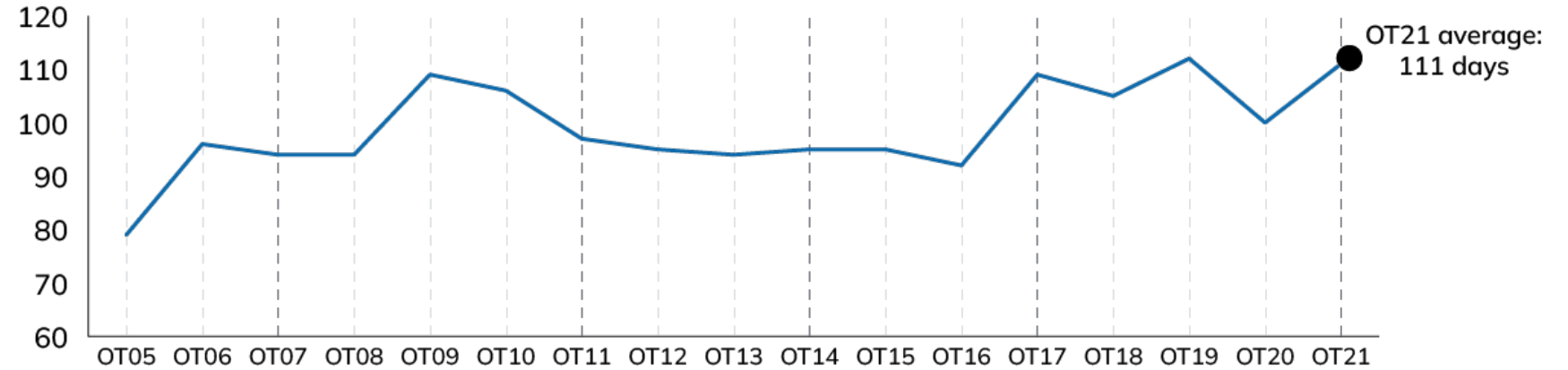


DAYS BETWEEN ARGUMENT & OPINION

Average days by justice (OT21)

Roberts	111 days
Thomas	130 days
Breyer	106 days
Alito	126 days
Sotomayor	109 days
Kagan	121 days
Gorsuch	121 days
Kavanaugh	136 days
Barrett	100 days

Average days by term



	Rank	Case	Days	Author	Vote	Argued	Decided
Shortest	1	Biden v. Missouri	6	Per curiam	5-4	Jan. 7, 2022	Jan. 13, 2022
	2	NFIB v. Dept. of Labor	6	Per curiam	6-3	Jan. 7, 2022	Jan. 13, 2022
	3	LeDure*	31	Per curiam	4-4	March 28, 2022	April 28, 2022
	4	Whole Woman's Health	39	Gorsuch	8-1	Nov. 1, 2021	Dec. 10, 2021
	5	U.S. v. Texas†	39	Per curiam	8-1	Nov. 1, 2021	Dec. 10, 2021
Longest	1	New York State Rifle	232	Thomas	6-3	Nov. 3, 2021	June 23, 2022
	2	Empire Health	207	Kagan	5-4	Nov. 29, 2021	June 24, 2022
	2	Dobbs	205	Alito	6-3	Dec. 1, 2021	June 24, 2022
	4	Davenport	198	Gorsuch	6-3	Oct. 5, 2021	April 21, 2022
	5	American Hospital	197	Kavanaugh	9-0	Nov. 30, 2021	June 15, 2022

*No opinion on the merits, as the judgment below was affirmed by an equally divided court.

†No opinion on the merits, as the case was dismissed as improvidently granted.

ORAL ARGUMENTS

Appearances by advocates who...

	OT21	OT20	OT19	OT18	OT17	OT16	OT15	OT14
Are from the Office of the U.S. Solicitor General	52 (33%)	48 (32%)	42 (27%)	50 (28%)	48 (29%)	48 (30%)	59 (32%)	56 (31%)
Have experience in the Office of the U.S. Solicitor General	82 (51%)	71 (48%)	80 (52%)	86 (48%)	71 (65%)	73 (48%)	84 (71%)	78 (46%)
Have argued at least twice during the term	70 (44%)	70 (47%)	82 (53%)	87 (49%)	77 (47%)	94 (59%)	109 (59%)	104 (58%)
Are “expert” Supreme Court litigators*	115 (72%)	106 (72%)	114 (74%)	123 (69%)	89 (56%)	115 (74%)	136 (74%)	116 (66%)
Are based in Washington, D.C.	102 (64%)	92 (62%)	103 (66%)	109 (61%)	97 (60%)	97 (61%)	122 (66%)	101 (57%)
Are women	48 (30%)	27 (18%)	20 (13%)	30 (17%)	19 (12%)	33 (21%)	32 (18%)	34 (19%)
Total appearances	160	148	155	178	163	158	186	178
Total advocates	118	106	103	122	113	100	117	112

OT21 advocate breakdowns:



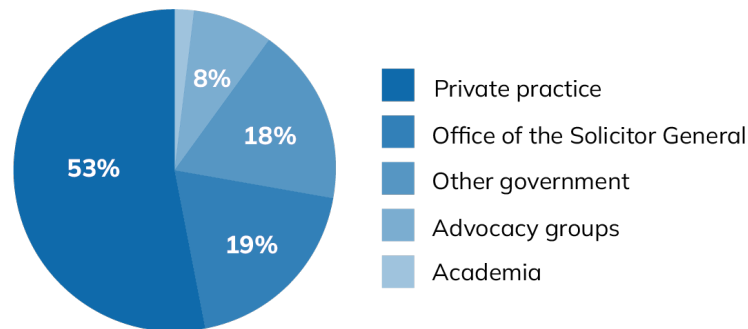
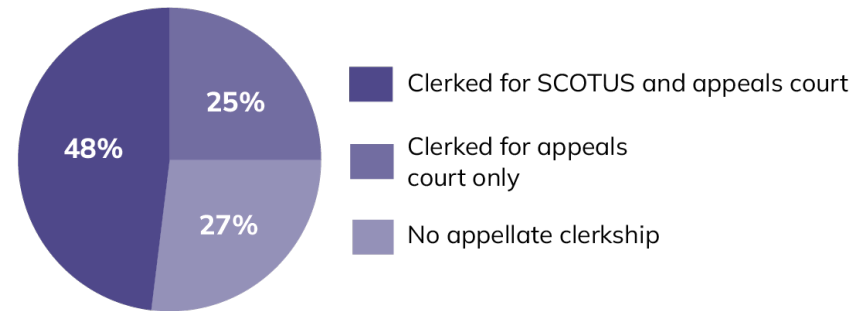
86 Male
Advocates



32 Female
Advocates

Top law schools:

- H**arvard: 30 advocates (25%)
- Y**ale: 20 advocates (17%)
- C**hicago: 6 advocates (5%)
- V**irginia: 6 advocates (5%)
- C**olumbia: 5 advocates (4%)



*As defined by Professor Richard Lazarus, an “expert” Supreme Court litigator either has argued five or more times before the Supreme Court or works in an office where lawyers have collectively argued more than 10 times.

ADVOCATES WITH MULTIPLE APPEARANCES

Name	OT21 arguments	All-time arguments	Position	Law school	SCOTUS clerkship	Office of the Solicitor General experience	Gender
Elizabeth B. Prelogar	5	14	U.S. Solicitor General	Harvard	Kagan	Yes	Female
Judd E. Stone, II	5	5	Texas Solicitor General	Northwestern	Scalia	No	Male
Brian H. Fletcher	4	17	Principal Deputy Solicitor General	Harvard	Ginsburg	Yes	Male
Paul D. Clement	4	110	Kirkland & Ellis LLP	Harvard	Scalia	Yes	Male
David C. Frederick	3	58	Kellogg, Hansen, Todd, Figel & Frederick PLLC	Texas	White	Yes	Male
Eric J. Feigin	3	31	Deputy Solicitor General	Stanford	Breyer	Yes	Male
Edwin S. Kneedler	3	151	Deputy Solicitor General	Virginia	None	Yes	Male
Curtis E. Gannon	3	26	Deputy Solicitor General	Chicago	Scalia	Yes	Male
Kannon K. Shanmugam	3	35	Paul, Weiss, Rifkind, Wharton & Garrison	Harvard	Scalia	Yes	Male
Malcolm L. Stewart	3	94	Deputy Solicitor General	Yale	Blackmun	Yes	Male
Erica L. Ross	2	10	Assistant to the Solicitor General	Stanford	Kagan	Yes	Female
Nicole F. Reaves	2	6	Assistant to the Solicitor General	Virginia	Alito	Yes	Female
Sopan Joshi	2	6	Assistant to the Solicitor General	Northwestern	Scalia	Yes	Male
Michael B. Kimberly	2	8	McDermott Will & Emery LLP	Yale	None	No	Male
Daniel L. Geysler	2	13	Haynes and Boone, LLP	Harvard	None	No	Male
Michael R. Dreeben	2	105	O'Melveny & Myers LLP	Duke	None	Yes	Male
Benjamin W. Snyder	2	5	Assistant to the Solicitor General	Harvard	Roberts	Yes	Male
Jonathan C. Bond	2	10	Assistant to the Solicitor General	George Washington	Scalia	Yes	Male
Christopher G. Michel	2	10	Assistant to the Solicitor General	Yale	Roberts	Yes	Male
Colleen E. Roh Sinzdak	2	5	Assistant to the Solicitor General	Harvard	Roberts	Yes	Female
Austin L. Raynor	2	8	Assistant to the Solicitor General	Virginia	Thomas	Yes	Male
Michael R. Huston	2	9	Assistant to the Solicitor General	Michigan	Roberts	Yes	Male
Vivek Suri	2	5	Assistant to the Solicitor General	Harvard	Scalia	Yes	Male
Masha G. Hansford	2	3	Assistant to the Solicitor General	Stanford	None	Yes	Female
Matthew Guarnieri	2	7	Assistant to the Solicitor General	Columbia	None	Yes	Male
Anthony A. Yang	2	34	Assistant to the Solicitor General	Yale	None	Yes	Male
Roman Martinez	2	11	Latham & Watkins LLP	Yale	Roberts	Yes	Male

ORAL ARGUMENTS BY LENGTH

	Rank	Case	Issue	Length (minutes)	Number of advocates arguing
Shortest arguments	1	Kemp	Meaning of Federal Rule of Civil Procedure 60(b)	43	2
	2	Davenport	Test for federal courts to grant habeas relief	52	2
	3	Badgerow	Jurisdiction of federal courts to confirm or vacate arbitration awards	52	2
	4	Babcock	Social Security benefits for dual-status military technicians	54	2
	5	Shinn	Ability of prisoners to develop new evidence in habeas proceedings	54	2
Longest arguments	1	Castro-Huerta	States' authority to prosecute crimes on tribal lands	131	3
	2	NFIB v. Dept. of Labor	Vaccine-or-test policy for large workplaces	129	3
	3	Fazaga	Government's ability to shield information under state secrets privilege	127	3
	4	West Virginia v. EPA	Environmental Protection Agency's authority to regulate carbon emissions	126	4
	4	New York State Rifle	Gun-control law requiring show of "proper cause" for concealed-carry license	118	3

CIRCUIT SCORECARD

Frequency at which the Supreme Court affirmed or reversed different lower courts in OT21.

Court below	# of cases	% of cases	# affirmed	# reversed	% affirmed	% reversed
1st Cir.	5	8%	0	5	0%	100%
2nd Cir.	5	8%	0	5	0%	100%
3rd Cir.	1	2%	0	1	0%	100%
4th Cir.	3	5%	1	2	33%	67%
5th Cir.	8	13%	1	7	13%	87%
6th Cir.	7	11%	1	6	14%	86%
7th Cir.	3	5%	2	1	67%	33%
8th Cir.	2	3%	0	2	0%	100%
9th Cir.	12	18%	0	12	0%	100%
10th Cir.	3	5%	1	2	33%	67%
11th Cir.	4	6%	3	1	75%	25%
D.C. Cir.	2	3%	0	2	0%	100%
Fed. Cir.	1	2%	1	0	100%	0%
State Court	5	8%	0	5	0%	100%
District Court	4	6%	1	3	25%	75%
Original	1	2%	1	0	100%	0%
Total	66	100%	12	54	18%	82%

Percentages may not total 100% due to rounding.

For the Circuit Scorecard only, we treat consolidated cases that stemmed from different lower courts separately, in order to most accurately reflect the Supreme Court's treatment of the precedents below; we treat consolidated cases that stemmed from the same lower court as one case.

Decisions that let stand the lower-court opinion are counted as affirmances. Decisions that vacate the ruling below, reverse in full or in part, or otherwise remand for further proceedings are counted as reversals.

ALL CASES

In cases decided 5-4 or 6-3, we code the decision as red or “conservative” if the majority consists of five or more Republican-appointed justices, blue or “liberal” if the majority consists predominantly of Democratic-appointed justices, and gray or “mixed” otherwise.












Case name	Decided	Vote	Author	Sotomayor	Kagan	Roberts	Breyer	Alito	Thomas	Barrett	Gorsuch	Jackson
Rivas-Villegas	Oct. 18, 2021	9-0	Per Curiam									
City of Tahlequah	Oct. 18, 2021	9-0	Per Curiam									
Mississippi v. Tennessee	Nov. 22, 2021	9-0	Roberts									
Whole Woman’s Health	Dec. 10, 2021	8-1	Gorsuch									
U.S. v. Texas	Dec. 10, 2021	8-1	Per Curiam									
Babcock	Jan. 13, 2022	8-1	Barrett									
Biden v. Missouri	Jan. 13, 2022	5-4	Per Curiam									
NFIB v. Dept. of Labor	Jan. 13, 2022	6-3	Per Curiam									
Hemphill	Jan. 20, 2022	8-1	Sotomayor									
Hughes	Jan. 24, 2022	8-0	Sotomayor									
Unicolors	Feb. 24, 2022	6-3	Breyer									
Zubaydah	March 3, 2022	7-2	Breyer									
Cameron	March 3, 2022	8-1	Alito									
Tsarnaev	March 4, 2022	6-3	Thomas									
Fazaga	March 4, 2022	9-0	Alito									
Wooden	March 7, 2022	9-0	Kagan									
Wisconsin Legislature	March 23, 2022	7-2	Per Curiam									
Ramirez	March 24, 2022	8-1	Roberts									

(recused)*

*Barrett was recused because she participated in the case at an earlier stage when she was a judge on the 7th Circuit. 25

ALL CASES

In cases decided 5-4 or 6-3, we code the decision as red or “conservative” if the majority consists of five or more Republican-appointed justices, blue or “liberal” if the majority consists predominantly of Democratic-appointed justices, and gray or “mixed” otherwise.










Case name	Decided	Vote	Author									
Wilson	March 24, 2022	9-0	Gorsuch	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
Badgerow	March 31, 2022	8-1	Kagan	Blue	White	Blue	Blue	Blue	Blue	Blue	Blue	Blue
Thompson	April 4, 2022	6-3	Kavanaugh	Blue	Blue	Blue	Blue	Blue	White	White	White	Blue
Austin	April 21, 2022	6-3	Sotomayor	Blue	Blue	Blue	Blue	Blue	White	White	Blue	Blue
Cassirer	April 21, 2022	9-0	Kagan	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
Davenport	April 21, 2022	6-3	Gorsuch	White	White	White	Blue	Blue	Blue	Blue	Blue	Blue
Vaello-Madero	April 21, 2022	8-1	Kavanaugh	White	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
Boechler	April 21, 2022	9-0	Barrett	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
Cummings	April 28, 2022	6-3	Roberts	White	White	White	Blue	Blue	Blue	Blue	Blue	Blue
LeDure	April 28, 2022	4-4†	Per Curiam	Diagonal	Diagonal	Diagonal	Diagonal	Diagonal	(recused)*	Diagonal	Diagonal	Diagonal
Shurtleff	May 2, 2022	9-0	Breyer	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
Cruz	May 16, 2022	6-3	Roberts	White	White	White	Blue	Blue	Blue	Blue	Blue	Blue
Patel	May 16, 2022	5-4	Barrett	White	White	White	Blue	Blue	White	Blue	Blue	Blue
Shinn	May 23, 2022	6-3	Thomas	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
Morgan	May 23, 2022	9-0	Kagan	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue
Gallardo	June 6, 2022	7-2	Thomas	White	Blue	White	Blue	Blue	Blue	Blue	Blue	Blue
Southwest Airlines	June 6, 2022	8-0	Thomas	Blue	Blue	Blue	Blue	Blue	(recused)*	Blue	Blue	Blue
Siegel	June 6, 2022	9-0	Sotomayor	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue	Blue

†The judgment below was affirmed by an equally divided court. The court did not indicate how any justice voted.

*Barrett was recused because she participated in the case at an earlier stage when she was a judge on the 7th Circuit.

ALL CASES

In cases decided 5-4 or 6-3, we code the decision as red or “conservative” if the majority consists of five or more Republican-appointed justices, blue or “liberal” if the majority consists predominantly of Democratic-appointed justices, and gray or “mixed” otherwise.

Case name	Decided	Vote	Author									
Egbert	June 8, 2022	6-3	Thomas									
Kemp	June 13, 2022	8-1	Thomas									
Gonzalez	June 13, 2022	6-3	Alito									
Arteaga-Martinez	June 13, 2022	8-1	Sotomayor									
Denezpi	June 13, 2022	6-3	Barrett									
ZF Automotive	June 13, 2022	9-0	Barrett									
Viking River Cruises	June 15, 2022	8-1	Alito									
Golan	June 15, 2022	9-0	Sotomayor									
Ysleta del Sur Pueblo	June 15, 2022	5-4	Gorsuch									
American Hospital	June 15, 2022	9-0	Kavanaugh									
George	June 15, 2022	6-3	Barrett									
Arizona v. San Francisco	June 15, 2022	9-0	Per Curiam									
Carson	June 21, 2022	6-3	Roberts									
Twyford	June 21, 2022	5-4	Roberts									
U.S. v. Washington	June 21, 2022	9-0	Breyer									
Taylor	June 21, 2022	7-2	Gorsuch									
Marietta Memorial	June 21, 2022	7-2	Kavanaugh									
New York State Rifle	June 23, 2022	6-3	Thomas									

ALL CASES

In cases decided 5-4 or 6-3, we code the decision as red or "conservative" if the majority consists of five or more Republican-appointed justices, blue or "liberal" if the majority consists predominantly of Democratic-appointed justices, and gray or "mixed" otherwise.



Case Name	Decided	Vote	Author	Sotomayor	Kagan	Roberts	Kavanaugh	Thomas	Barrett	Breyer	Gorsuch	Jackson
Vega	June 23, 2022	6-3	Alito									
Nance	June 23, 2022	5-4	Kagan									
North Carolina NAACP	June 23, 2022	8-1	Gorsuch									
Dobbs	June 24, 2022	6-3	Alito									
Empire Health	June 24, 2022	5-4	Kagan									
Ruan	June 27, 2022	9-0	Breyer									
Concepcion	June 27, 2022	5-4	Sotomayor									
Kennedy	June 27, 2022	6-3	Gorsuch									
Torres	June 29, 2022	5-4	Breyer									
Castro-Huerta	June 29, 2022	5-4	Kavanaugh									
West Virginia v. EPA	June 30, 2022	6-3	Roberts									
Biden v. Texas	June 30, 2022	5-4	Roberts									