

Provisional Data Report on the 2020 Term*

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

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1 Control of the Court

1.1 Majority Voting

% In Majority All Cases		% In Majority Non-Unanimous Cases	
Kavanaugh	96	Kavanaugh	93
Roberts	93	Roberts	86
Barrett	89	Barrett	79
Gorsuch	87	Gorsuch	75
Breyer	81	Breyer	64
Thomas	81	Thomas	64
Alito	81	Alito	63
Kagan	80	Kagan	61
Sotomayor	76	Sotomayor	54
Total	85	Total	71

Table 1: Voting with the majority by justice, 2020 Term. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

% in Majority 2019 Term		% in Majority 2020 Term	
Roberts	94	Kavanaugh	93
Kavanaugh	89	Roberts	86
Gorsuch	86	Barrett	79
Kagan	68	Gorsuch	75
Breyer	66	Thomas	64
Ginsburg	60	Breyer	64
Alito	60	Alito	63
Thomas	57	Kagan	61
Sotomayor	57	Sotomayor	54
RBG → Barrett			
Ginsburg	60	Barrett	79

Table 2: Voting with the majority by justice, 2019 Term versus 2020 Term. Includes only non-unanimous decisions. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

	1953-2020 Terms			1937-2020 Terms	
	% in Majority	N Votes		% in Majority	N Votes
Kavanaugh	87	99	Brandeis	98	62
Kennedy	84	1437	Kavanaugh	87	99
Powell	83	1327	Kennedy	84	1437
Warren	82	1007	Powell	83	1327
Goldberg	81	193	Vinson	83	501
Roberts	80	606	Clark	82	1103
White	80	2444	Warren	82	1007
Clark	79	875	Goldberg	81	193
Barrett	79	24	Roberts	80	606
Burger	78	1454	White	80	2444
Fortas	78	218	Byrnes	79	58
O'Connor	77	1516	Barrett	79	24
Gorsuch	73	150	Stone	79	515
Blackmun	72	1975	Reed	79	1178
Stewart	72	1711	Burger	78	1454
Jackson	71	38	Fortas	78	218
Rehnquist	70	2350	Minton	78	399
Kagan	70	372	O'Connor	77	1516
Souter	69	896	Hughes	77	175
Scalia	69	1492	Cardozo	76	17
Burton	69	299	Burton	75	880
Minton	69	143	Gorsuch	73	150
Alito	68	590	Murphy	72	649
Reed	67	169	Blackmun	72	1975
Whittaker	67	340	Stewart	72	1711
Frankfurter	66	534	Rutledge	71	508
Breyer	66	1088	Rehnquist	70	2350
Black	65	1140	Jackson	70	786
Brennan	64	2656	Kagan	70	372
Thomas	63	1262	Souter	69	896
Ginsburg	63	1120	Scalia	69	1492
Sotomayor	62	428	Frankfurter	68	1511
Harlan	60	1054	Alito	68	590
Stevens	57	2215	Whittaker	67	340
Marshall	55	1938	Breyer	66	1088
Douglas	54	1494	Black	65	2178
			Brennan	64	2656
			Thomas	63	1262
			Ginsburg	63	1120
			Sotomayor	62	428
			Harlan	60	1054
			Douglas	57	2408
			Stevens	57	2215
			ORoberts	55	449
			Marshall	55	1938
			Sutherland	47	15
			Butler	42	89
			McReynolds	32	146
Average/Total	69	36 654	Average/Total	70	45 589

Table 3: Ranking of justices' voting with the majority. Includes only non-unanimous decisions. Current justices are highlighted. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

1.2 Median Justice(s)



Figure 1: [Martin-Quinn ideology scores](#), 2020 term. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

1.3 Cross-Party & Partisan Majority Voting

	% Voting with the Democratic Appointees	N Cases
Kavanaugh	85	(11/13)
Barrett	70	(7/10)
Roberts	69	(9/13)
Gorsuch	62	(8/13)
Thomas	46	(6/13)
Alito	23	(3/13)

Table 4: Republican appointees voting with Democratic appointees when all three Democrats are in the majority, 2020 term. Includes only non-unanimous decisions. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

Term	All Cases		%Point Gap (R-D)
	% in the Majority		
	Republican Justices	Democratic Justices	
2010	88.5	75.4	13.1
2011	83.3	76.5	6.8
2012	81.6	79.4	2.2
2013	88.9	84.8	4.1
2014	71.5	88.2	-16.7
2015	82.9	88.2	-5.3
2016	88.7	88.4	0.3
2017	84.0	70.1	13.9
2018	79.8	77.7	2.2
2019	84.8	75.4	9.5
2020	87.9	79.0	8.8
Average	83.7	80.4	3.3

Term	Non-Unanimous Cases		%Point Gap (R-D)
	% in the Majority		
	Republican Justices	Democratic Justices	
2010	79.0	56.2	22.8
2011	73.5	62.4	11.1
2012	66.3	62.2	4.2
2013	71.3	60.8	10.5
2014	55.2	81.4	-26.2
2015	69.7	79.0	-9.3
2016	74.1	72.5	1.6
2017	75.8	54.8	20.9
2018	67.5	64.0	3.5
2019	77.1	62.6	14.6
2020	76.7	59.5	17.2
Average	71.2	65.2	6.0

Table 5: Voting with the majority by the justices' political party, 2010-2020 terms. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

2 Liberal-Conservative Outcomes & Voting

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

2.1 Court-Level Analysis

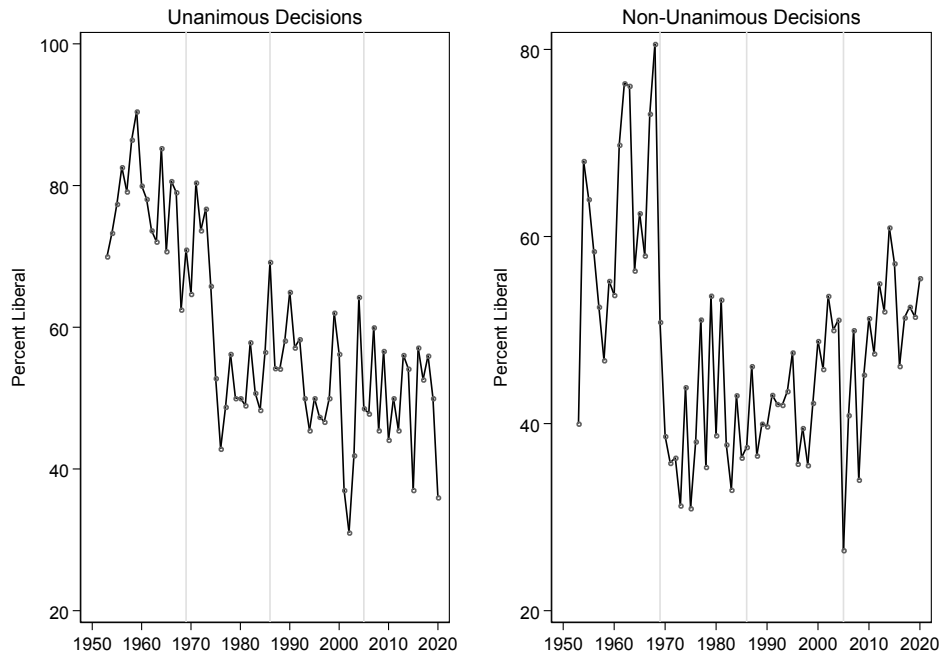


Figure 2: Percent liberal decisions, 1953-2020 terms. The light grey vertical lines mark the four Chief Justice eras (Warren, Burger, Rehnquist, and Roberts). Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

2.2 Justice-Level Analysis

% Liberal All Cases		% Liberal Non-Unanimous Cases	
Kagan	60	Kagan	81
Sotomayor	60	Sotomayor	81
Breyer	58	Breyer	78
Kavanaugh	42	Kavanaugh	48
Roberts	38	Barrett	42
Barrett	37	Roberts	41
Gorsuch	37	Gorsuch	37
Thomas	35	Thomas	33
Alito	29	Alito	23
Average	44	Average	52

Table 6: Percent liberal votes, 2020 term. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

% Liberal 2019 Term		% Liberal 2020 Term	
Sotomayor	71	Kagan	81
Ginsburg	63	Sotomayor	81
Breyer	63	Breyer	78
Kagan	62	Kavanaugh	48
Roberts	46	Barrett	42
Gorsuch	43	Roberts	41
Kavanaugh	40	Gorsuch	37
Thomas	26	Thomas	33
Alito	26	Alito	23
Average	49	Average	52
RBG→Barrett			
Ginsburg	63	Barrett	42

Table 7: Percent liberal votes in non-unanimous decisions, 2019 versus 2020 term. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

	%	N Total
	Liberal	Votes
Rehnquist	17	2320
Thomas	22	1241
Burger	23	1438
Scalia	26	1470
Alito	26	580
Whittaker	26	340
Harlan	27	1051
McReynolds	28	139
O'Connor	32	1497
Powell	32	1314
Butler	33	86
Burton	35	869
Gorsuch	36	144
ORoberts	37	436
Jackson	37	767
Kennedy	37	1417
Roberts	38	596
Minton	38	394
Vinson	38	492
Kavanaugh	40	98
Stewart	41	1700
Barrett	42	24
Frankfurter	42	1464
White	42	2421
Clark	45	1095
Reed	46	1155
Sutherland	47	15
Blackmun	52	1954
Byrnes	53	58
Stone	56	501
Hughes	56	168
Cardozo	59	17
Brandeis	64	61
Breyer	66	1071
Souter	67	882
Stevens	68	2183
Goldberg	70	191
Fortas	71	217
Kagan	73	364
Ginsburg	73	1103
Rutledge	74	496
Black	75	2149
Warren	75	1004
Murphy	76	637
Sotomayor	76	419
Brennan	78	2636
Douglas	79	2377
Marshall	82	1914

Table 8: Percent liberal voting, justices ranked from most to least conservative in non-unanimous cases, 1937-2020 terms. Current justices highlighted. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

3 Agreement Rates

	2019 Term Agreement %		2020 Term Agreement %	% -Point Difference (2019 - 2020)
Alito-Breyer	32.4	Alito-Breyer	30.4	-1.9
Alito-Ginsburg	26.5	Alito- Barrett	73.9	47.4
Alito-Gorsuch	61.8	Alito-Gorsuch	69.6	7.8
Alito-Kagan	32.4	Alito-Kagan	26.1	-6.3
Alito-Kavanaugh	70.6	Alito-Kavanaugh	78.3	7.7
Alito-Roberts	64.7	Alito-Roberts	78.3	13.6
Alito-Sotomayor	17.6	Alito-Sotomayor	21.7	4.1
Alito-Thomas	85.3	Alito-Thomas	60.9	-24.4
Breyer-Ginsburg	88.2	Breyer- Barrett	39.1	-49.1
Breyer-Gorsuch	52.9	Breyer-Gorsuch	34.8	-18.2
Breyer-Kagan	82.4	Breyer-Kagan	78.3	-4.1
Breyer-Kavanaugh	55.9	Breyer-Kavanaugh	52.2	-3.7
Breyer-Roberts	61.8	Breyer-Roberts	43.5	-18.3
Breyer-Sotomayor	73.5	Breyer-Sotomayor	91.3	17.8
Breyer-Thomas	29.4	Breyer-Thomas	34.8	5.4
Ginsburg-Gorsuch	47.1	Barrett -Gorsuch	78.3	31.2
Ginsburg-Kagan	76.5	Barrett -Kagan	52.2	-24.3
Ginsburg-Kavanaugh	50	Barrett -Kavanaugh	78.3	28.3
Ginsburg-Roberts	55.9	Barrett -Roberts	69.6	13.7
Ginsburg-Sotomayor	79.4	Barrett -Sotomayor	39.1	-40.3
Ginsburg-Thomas	23.5	Barrett -Thomas	69.6	46.0
Gorsuch-Kagan	52.9	Gorsuch-Kagan	47.8	-5.1
Gorsuch-Kavanaugh	85.3	Gorsuch-Kavanaugh	65.2	-20.1
Gorsuch-Roberts	79.4	Gorsuch-Roberts	56.5	-22.9
Gorsuch-Sotomayor	50	Gorsuch-Sotomayor	26.1	-23.9
Gorsuch-Thomas	64.7	Gorsuch-Thomas	82.6	17.9
Kagan-Kavanaugh	55.9	Kagan-Kavanaugh	47.8	-8.1
Kagan-Roberts	67.6	Kagan-Roberts	39.1	-28.5
Kagan-Sotomayor	79.4	Kagan-Sotomayor	78.3	-1.2
Kagan-Thomas	23.5	Kagan-Thomas	47.8	24.3
Kavanaugh-Roberts	88.2	Kavanaugh-Roberts	91.3	3.1
Kavanaugh-Sotomayor	47.1	Kavanaugh-Sotomayor	43.5	-3.6
Kavanaugh-Thomas	67.6	Kavanaugh-Thomas	56.5	-11.1
Roberts-Sotomayor	52.9	Roberts-Sotomayor	34.8	-18.2
Roberts-Thomas	55.9	Roberts-Thomas	56.5	0.6
Sotomayor-Thomas	14.7	Sotomayor-Thomas	26.1	11.4

Table 9: Agreement rates in non-unanimous cases decided by a 9-person Court, 2019 and 2020 terms, ordered alphabetically. Number of cases= 34 (2019) and =23 (2020). The shift from Ginsburg to Barrett is highlighted. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

4 Other Trends of Potential Interest

4.1 Vote Splits

	2020 Term % of Cases	1937-2019 Terms % of Cases
5-4	11.6	21.6
6-3	23.3	18.3
7-2	9.3	13.8
8-1	9.3	10.3
9-0	46.5	36.0

Table 10: Vote splits in cases decided by a 9-person Court. The numbers are percentages of cases falling into each category. E.g., 1937-2019 terms, 21.6% of the cases were decided by a 5-4 vote. N of cases =43 (2020) and =6,248 (1937-2019) Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

4.2 Merits Docket

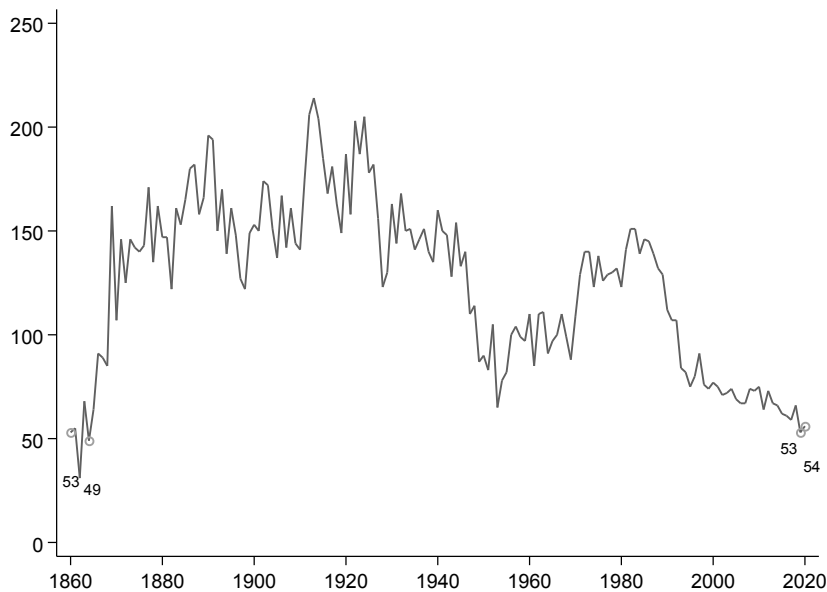


Figure 3: Number of cases with signed majority opinions/judgments that were definitely orally argued. The numbers in the graph correspond to the 1860 (53 cases), 1864 (49 cases), 2019 (53 cases), 2020 (54 cases). Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

4.3 Opinions

Term	N of Cases	Dissenting Opinions Per Case	Concurring Opinions Per Case
1953	65	0.77	0.17
1954	78	0.64	0.22
1955	82	0.72	0.20
1956	100	0.85	0.23
1957	104	0.92	0.25
1958	99	0.69	0.33
1959	97	0.96	0.40
1960	110	0.96	0.40
1961	85	0.68	0.42
1962	110	0.64	0.41
1963	111	0.77	0.48
1964	91	0.69	0.65
1965	97	0.72	0.49
1966	100	0.90	0.43
1967	110	0.75	0.69
1968	99	0.98	0.66
1969	88	0.84	0.66
1970	109	1.01	0.77
1971	129	0.93	0.53
1972	140	1.12	0.47
1973	140	0.94	0.45
1974	123	0.81	0.46
1975	138	0.82	0.66
1976	126	0.95	0.77
1977	129	0.90	0.70
1978	130	0.84	0.65
1979	132	0.99	0.66
1980	123	0.80	0.77
1981	141	0.84	0.66
1982	151	0.79	0.49
1983	151	0.69	0.46
1984	139	0.78	0.47
1985	146	0.97	0.60
1986	145	0.93	0.59
1987	139	0.66	0.50
1988	132	0.80	0.70
1989	129	0.78	0.63
1990	112	0.82	0.43
1991	107	0.74	0.69
1992	107	0.69	0.64
1993	84	0.76	0.96
1994	82	0.74	0.59
1995	75	0.75	0.67
1996	80	0.74	0.49
1997	91	0.64	0.62
1998	76	0.74	0.64

(continued on the next page)

Term	N of Cases	Dissenting Opinions Per Case	Concurring Opinions Per Case
1999	74	0.89	0.68
2000	77	0.77	0.57
2001	75	0.84	0.63
2002	71	0.86	0.69
2003	72	0.86	0.71
2004	74	0.78	0.77
2005	69	0.71	0.57
2006	67	0.88	0.60
2007	67	0.96	0.64
2008	74	0.93	0.59
2009	73	0.63	0.96
2010	75	0.64	0.64
2011	64	0.70	0.52
2012	73	0.66	0.56
2013	67	0.43	0.58
2014	66	0.98	0.70
2015	62	0.74	0.53
2016	61	0.48	0.54
2017	59	0.80	0.69
2018	66	0.79	0.56
2019	53	0.91	0.77
2020	54	0.59	0.83

Table 11: Opinion writing, 1953-2020 terms. “Per case” is the total number of dissenting (or concurring) opinions/all orally argued (non-per curiam) cases. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).

4.4 Justices’ Separate Opinion Writing

	% of Cases Justice Wrote Dissenting Opinion	Number of Dissenting Opinions		% of Cases Justice Wrote Concurring Opinion	Number of Concurring Opinions
Thomas	11	6	Thomas	20	11
Sotomayor	9	5	Gorsuch	15	8
Alito	8	4	Alito	13	7
Gorsuch	7	4	Sotomayor	13	7
Breyer	7	4	Kavanaugh	11	6
Barrett	7	3	Roberts	4	2
Kagan	6	3	Breyer	4	2
Kavanaugh	4	2	Barrett	2	1
Roberts	2	1	Kagan	2	1
Average/Total	7	32	Total	9	45

Table 12: Separate opinions by justice, 2020 terms. Calculated by Lee Epstein and Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, University of Michigan from the [Supreme Court Database](#).