

# Provisional Data Report on the 2022 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	
BMKavanaugh	95	BMKavanaugh	90
JGRoberts	93	JGRoberts	86
ACBarrett	91	ACBarrett	83
NMGorsuch	82	NMGorsuch	66
KBJackson	82	KBJackson	66
SSotomayor	82	SSotomayor	66
EKagan	80	EKagan	62
SAAlito	78	SAAlito	59
CThomas	76	CThomas	55
Average	84	Average	70

Table 1: Voting with the majority by justice, 2022 Term. Calculated by Lee Epstein, University of Southern California; Andrew D. Martin, Washington University in St. Louis; and Kevin Quinn, Emory University from the [Supreme Court Database](#).

% in Majority 2021 Term		% in Majority 2022 Term	
BMKavanaugh	93	BMKavanaugh	90
JGRoberts	90	JGRoberts	86
ACBarrett	88	ACBarrett	83
SAAlito	79	NMGorsuch	66
CThomas	74	KBJackson	66
NMGorsuch	64	SSotomayor	66
EKagan	52	EKagan	62
SGBreyer	50	SAAlito	59
SSotomayor	40	CThomas	55
Average	70	Average	70

Table 2: Voting with the majority by justice, 2021 Term versus 2022 Term. Includes only non-unanimous decisions. Calculated by Lee Epstein, University of Southern California; Andrew D. Martin, Washington University in St. Louis; and Kevin Quinn, Emory University from the [Supreme Court Database](#).

## 1.2 Ideological Majority Voting

% in Majority When the Decision is Conservative		% in Majority When the Decision is Liberal	
BMKavanaugh	100	SSotomayor	100
SAAlito	100	EKagan	93
ACBarrett	93	KBJackson	93
JGRoberts	93	BMKavanaugh	80
NMGorsuch	86	JGRoberts	80
CThomas	71	ACBarrett	73
KBJackson	36	NMGorsuch	47
EKagan	29	CThomas	40
SSotomayor	29	SAAlito	20
Average	71	Average	70

Table 3: Voting with the majority by justice and by the ideological direction of the Court's decision. Includes only non-unanimous decisions. Calculated by Lee Epstein, University of Southern California; Andrew D. Martin, Washington University in St. Louis; and Kevin Quinn, Emory University from the [Supreme Court Database](#).

### 1.3 Partisan Majority Voting

Term	All Cases		%Point Gap (R-D)
	% in the Majority		
	Republican Justices	Democratic Justices	
2010	89	75	13
2011	83	76	7
2012	82	79	3
2013	89	85	4
2014	72	88	-17
2015	83	88	-5
2016	89	88	0
2017	84	70	14
2018	80	78	2
2019	85	75	9
2020	87	77	10
2021	86	62	24
2022	86	81	5
Average	84	79	5

Term	Non-Unanimous Cases		%Point Gap (R-D)
	% in the Majority		
	Republican Justices	Democratic Justices	
2010	79	56	23
2011	74	62	11
2012	66	62	4
2013	71	61	11
2014	55	81	-26
2015	70	79	-9
2016	74	73	2
2017	76	55	21
2018	68	64	3
2019	77	63	15
2020	75	56	20
2021	81	48	34
2022	73	64	9
Average	72	64	8

Table 4: Voting with the majority by Republican and Democratic appointees, 2010-2022 terms. Calculated by Lee Epstein, University of Southern California; Andrew D. Martin, Washington University in St. Louis; and Kevin Quinn, Emory University from the [Supreme Court Database](#). Because of rounding, the %-point gap may look slightly off.

## 1.4 Cross-Party Majority Voting

	% Voting with the Democratic Appointees	N Cases
Kavanaugh	93	(14/15)
Roberts	93	(14/15)
Barrett	80	(12/15)
Gorsuch	47	(7/15)
Thomas	27	(4/15)
Alito	27	(4/15)

Table 5: Republican appointees voting with Democratic appointees when all three Democrats were in the majority, 2022 term. Includes only non-unanimous decisions. Calculated by Lee Epstein, University of Southern California; Andrew D. Martin, Washington University in St. Louis; and Kevin Quinn, Emory University from the [Supreme Court Database](#).

## 1.5 Median Justice (Martin-Quinn Scores)

	MQ Score (post_mn)
SSotomayor	-4.042
EKagan	-2.033
KBJackson	-1.564
JGRoberts	0.335
BMKavanaugh	0.358
ACBarrett	0.745
NMGorsuch	1.023
CThomas	2.283
SAAlito	2.541

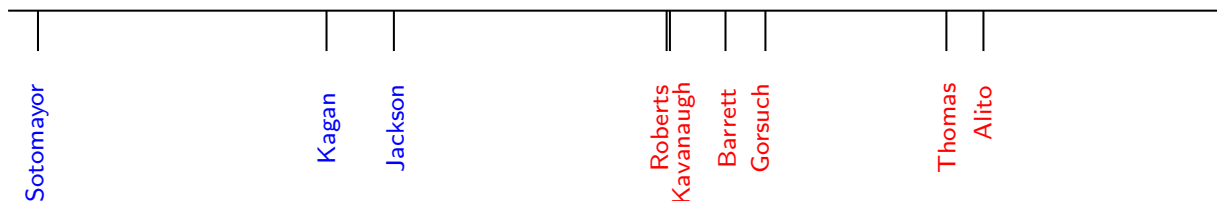


Figure 1: [Martin-Quinn ideology scores](#), 2022 term (through June 29, 2023). Calculated by Lee Epstein, University of Southern California; Andrew D. Martin, Washington University in St. Louis, and Kevin Quinn, Emory University from the [Supreme Court Database](#).

## 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

#### 2.1.1 % Liberal Decisions

Term	% Liberal	
	All Decisions	Non-Unan. Decisions
1920	57	45
1921	54	65
1922	57	69
1923	48	33
1924	49	38
1925	51	56
1926	52	55
1927	43	42
1928	50	33
1929	50	17
1930	57	56
1931	44	24
1932	63	64
1933	58	39
1934	51	41
1935	54	48
1936	61	67
1937	60	60
1938	62	76
1939	72	82
1940	73	70
1941	63	57
1942	64	54
1943	61	59
1944	67	68
1945	72	67
1946	54	48
1947	62	59
1948	57	53
1949	45	45

Table 6: % liberal decisions, 1920-2022 terms. Calculated by Lee Epstein, University of Southern California; Andrew D. Martin, Washington University in St. Louis; and Kevin Quinn, Emory University from the [Supreme Court Database](#).

[table continues]

Term	% Liberal	
	All Decisions	Non-Unan. Decisions
1950	48	37
1951	41	35
1952	46	43
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
1990	49	40
1991	49	43
1992	50	42
1993	45	42
1994	44	43
1995	49	48

[table continues]

Term	% Liberal	
	All Decisions	Non-Unan. Decisions
1996	41	36
1997	43	40
1998	41	36
1999	50	42
2000	52	49
2001	43	46
2002	44	54
2003	47	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	50	42
2017	52	51
2018	54	53
2019	49	49
2020	43	50
2021	37	26
2022	53	52



## 2.2 Justice-Level Analysis

### 2.2.1 % Liberal Votes

% Liberal All Cases		% Liberal Non-Unanimous Cases	
SSotomayor	72	SSotomayor	86
EKagan	70	EKagan	83
KBJackson	68	KBJackson	79
JGRoberts	49	JGRoberts	45
ACBarrett	47	ACBarrett	41
BMKavanaugh	47	BMKavanaugh	41
CThomas	44	CThomas	36
NMGorsuch	42	NMGorsuch	32
SAAlito	31	SAAlito	11
Average	52	Average	51

Table 7: % liberal votes, 2022 term. Calculated by Lee Epstein, University of Southern California; Andrew D. Martin, Washington University in St. Louis; and Kevin Quinn, Emory University from the [Supreme Court Database](#).

% Liberal 2021 Term		% Liberal 2022 Term	
SSotomayor	81	SSotomayor	86
EKagan	74	EKagan	83
SGBreyer	71	KBJackson	79
NMGorsuch	41	JGRoberts	45
JGRoberts	26	ACBarrett	41
BMKavanaugh	24	BMKavanaugh	41
ACBarrett	19	CThomas	36
CThomas	12	NMGorsuch	32
SAAlito	12	SAAlito	11
Average	40	Average	51

Table 8: % liberal votes in non-unanimous cases, 2021 versus 2022 term. Calculated by Lee Epstein, University of Southern California; Andrew D. Martin, Washington University in St. Louis; and Kevin Quinn, Emory University from the [Supreme Court Database](#).

	%	N Total
	Liberal	Votes
WHRehnquist	17	2320
CThomas	22	1309
WEBurger	23	1438
SAAlito	24	648
AScalia	26	1470
CEWhittaker	26	340
JHarlan2	27	1051
JCMcReynolds	28	139
ACBarrett	30	94
SDOConnor	32	1497
LFPowell	32	1314
PButler	33	86
BMKavanaugh	35	168
HHBurton	35	869
JGRoberts	36	666
OJRoberts	37	436
NMGorsuch	37	212
RHJackson	37	767
AMKennedy	37	1417
SMinton	38	394
FMVinson	38	492
PStewart	41	1700
FFrankfurter	42	1464
BRWhite	42	2421
TCClark	45	1095
SFReed	46	1155
GSutherland	47	15
HABlackmun	52	1954
JFByrnes	53	58
HFStone	56	501
CEHughes2	56	168
BNCardozo	59	17
LDBrandeis	64	61
SGBreyer	66	1112
DHSouter	67	882
JPStevens	68	2183
AJGoldberg	70	191
AFortas	71	217
EKagan	73	434
RBGinsburg	73	1103
WBRutledge	74	496
HLBlack	75	2149
EWarren	75	1004
FMurphy	76	637
SSotomayor	77	489
WJBrennan	78	2636
WODouglas	79	2377
KBJackson	79	29
TMarshall	82	1914

Table 9: % liberal voting, justices ranked from least to most liberal in non-unanimous cases, 1937-2022 terms. Calculated by Lee Epstein, University of Southern California; Andrew D. Martin, Washington University in St. Louis; and Kevin Quinn, Emory University from the [Supreme Court Database](#).

## 2.2.2 Ideological Gap between Democratic and Republican Appointees

Term	% Liberal		% -Point Gap (R-D)
	Republican Justices	Democratic Justices	
1953	47	49	-2
1954	57	69	-12
1955	57	58	-1
1956	54	54	0
1957	52	51	1
1958	58	43	14
1959	59	48	11
1960	57	48	8
1961	65	58	8
1962	69	56	13
1963	69	56	13
1964	58	46	12
1965	67	46	20
1966	61	45	15
1967	67	56	11
1968	71	62	9
1969	59	35	23
1970	58	35	23
1971	65	34	32
1972	63	38	25
1973	69	31	38
1974	67	40	27
1975	61	36	25
1976	60	40	21
1977	74	49	25
1978	63	39	25
1979	71	50	21
1980	66	41	26
1981	69	44	25
1982	58	41	17
1983	60	42	18
1984	59	46	13
1985	58	42	15

Table 10: % liberal votes in non-unanimous cases, by Democratic and Republican appointees, 1953-2022 terms. Calculated by Lee Epstein, University of Southern California; Andrew D. Martin, Washington University in St. Louis; and Kevin Quinn, Emory University from the [Supreme Court Database](#). Because of rounding, the %-point gap may look slightly off.

[table continues]

Term	% Liberal		% -Point Gap (R-D)
	Republican Justices	Democratic Justices	
1986	55	43	12
1987	60	48	12
1988	62	43	19
1989	63	43	20
1990	65	42	23
1991	48	47	1
1992	53	51	2
1993	62	45	17
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	79	41	38
2001	66	44	22
2002	74	45	29
2003	75	43	31
2004	69	44	25
2005	66	30	37
2006	77	40	37
2007	74	46	29
2008	69	38	31
2009	60	44	16
2010	73	34	39
2011	69	31	38
2012	76	36	40
2013	69	41	28
2014	76	38	39
2015	64	44	20
2016	69	22	46
2017	85	33	52
2018	79	31	48
2019	68	33	34
2020	76	37	39
2021	75	22	53
2022	83	35	48
Average	64	43	21

## 2.3 Comparison of Roberts Justices and their Predecessors

Predecessor	% Conservative Votes	Successor	% Conservative Votes	%-Point Difference	Summary	
Rehnquist	78	→	Roberts	64	-14	less conservative
O'Connor	68	→	Alito	76	8	more conservative
Souter	33	→	Sotomayor	23	-10	less conservative
Stevens	32	→	Kagan	27	-5	less conservative
Scalia	74	→	Gorsuch	63	-11	less conservative
Kennedy	63	→	Kavanaugh	65	2	about the same
Ginsburg	27	→	Barrett	70	43	more conservative
Breyer	34	→	Jackson	21	-13	less conservative

Table 11: Comparison of % conservative votes in non-unanimous decisions, by Roberts Court justices and their predecessors (through the 2022 term). Rehnquist's % is based on his votes as Chief Justice, not associate. Calculated by Lee Epstein, University of Southern California; Andrew D. Martin, Washington University in St. Louis; and Kevin Quinn, Emory University from the [Supreme Court Database](#).

### 3 Dissent Rates

Term	% Non-Unan.	% Unan.
1937	28	72
1938	33	67
1939	31	69
1940	28	72
1941	38	62
1942	46	54
1943	61	39
1944	57	43
1945	54	46
1946	61	39
1947	69	31
1948	70	30
1949	67	33
1950	70	30
1951	78	22
1952	80	20
1953	69	31
1954	62	38
1955	61	39
1956	77	23
1957	77	23
1958	63	37
1959	78	22
1960	73	27
1961	62	38
1962	65	35
1963	60	40
1964	63	37
1965	58	42
1966	69	31
1967	61	39
1968	68	32
1969	65	35
1970	69	31
1971	64	36
1972	73	27
1973	69	31
1974	67	33
1975	62	38
1976	67	33
1977	68	32
1978	63	37
1979	73	27

Table 12: % cases with one or more dissenting votes, 1937-2022 terms. Calculated by Lee Epstein, University of Southern California; Andrew D. Martin, Washington University in St. Louis; and Kevin Quinn, Emory University from the [Supreme Court Database](#).

[table continues]

Term	% Non-Unan.	% Unan.
1980	65	35
1981	65	35
1982	62	38
1983	55	45
1984	57	43
1985	68	32
1986	72	28
1987	58	42
1988	63	37
1989	66	34
1990	63	38
1991	61	39
1992	54	46
1993	60	40
1994	59	41
1995	56	44
1996	53	48
1997	49	51
1998	61	39
1999	61	39
2000	57	43
2001	64	36
2002	58	42
2003	57	43
2004	62	38
2005	49	51
2006	66	34
2007	70	30
2008	68	32
2009	59	41
2010	55	45
2011	63	38
2012	55	45
2013	39	61
2014	64	36
2015	56	44
2016	43	57
2017	66	34
2018	62	38
2019	66	34
2020	52	48
2021	72	28
2022	53	47

## 4 Agreement Rates

		% Agreement	
2022 Term		2021 Term	
Alito-Kagan	21	Sotomayor-Thomas	14
Alito-Sotomayor	24	Alito-Sotomayor	19
Jackson-Thomas	28	Breyer-Thomas	24
Alito-Jackson	31	Kagan-Thomas	26
Kagan-Thomas	31	Alito-Breyer	29
Sotomayor-Thomas	35	Barrett-Sotomayor	29
Jackson-Gorsuch	38	Alito-Kagan	31
Gorsuch-Kagan	41	Kavanaugh-Sotomayor	33
Gorsuch-Sotomayor	45	Gorsuch-Sotomayor	33
Kavanaugh-Thomas	45	Breyer-Gorsuch	33
Jackson-Barrett	48	Roberts-Sotomayor	36
Roberts-Thomas	48	Breyer-Barrett	38
Roberts-Sotomayor	52	Gorsuch-Kagan	41
Gorsuch-Roberts	52	Barrett-Kagan	41
Gorsuch-Thomas	55	Breyer-Kavanaugh	43
Kavanaugh-Sotomayor	55	Breyer-Roberts	45
Alito-Barrett	55	Kagan-Kavanaugh	45
Barrett-Sotomayor	55	Kagan-Roberts	48
Kagan-Kavanaugh	59	Gorsuch-Roberts	60
Alito-Roberts	59	Gorsuch-Kavanaugh	62
Jackson-Roberts	59	Gorsuch-Thomas	67
Barrett-Kagan	59	Roberts-Thomas	69
Kagan-Roberts	62	Barrett-Gorsuch	71
Jackson-Kavanaugh	62	Alito-Gorsuch	71
Barrett-Gorsuch	62	Kavanaugh-Thomas	71
Alito-Kavanaugh	62	Barrett-Thomas	81
Gorsuch-Kavanaugh	62	Breyer-Sotomayor	81
Barrett-Thomas	66	Barrett-Roberts	83
Alito-Thomas	69	Breyer-Kagan	83
Alito-Gorsuch	72	Alito-Roberts	83
Jackson-Kagan	76	Alito-Thomas	86
Barrett-Roberts	76	Alito-Kavanaugh	86
Barrett-Kavanaugh	79	Alito-Barrett	86
Jackson-Sotomayor	86	Barrett-Kavanaugh	86
Kagan-Sotomayor	90	Kagan-Sotomayor	88
Kavanaugh-Roberts	90	Kavanaugh-Roberts	98

Table 13: Agreement rates in non-unanimous cases decided by a 9-person Court, 2022 and 2021 terms, ordered from low to high. Calculated by Lee Epstein, University of Southern California; Andrew D. Martin, Washington University in St. Louis; and Kevin Quinn, Emory University from the [Supreme Court Database](#).