SCOTUSblog

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

Stat Pack for the Supreme Court's 2020-21 term

July 2, 2021

TABLE OF CONTENTS

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 [here](#).

Key findings in the October Term 2020 Stat Pack:
- 43% of cases were decided unanimously, slightly below the average of 47% over the past decade.
- 15% of cases were polarized along ideological lines (defined as every Republican-appointed justice in the majority and every Democratic-appointed justice in dissent).
- Justice Brett Kavanaugh was in the majority in 97% of the court's decisions (and 95% of its non-unanimous decisions), the highest of any justice.
- Justice Sonia Sotomayor was in the majority 69% of the court's decisions (and 45% of its non-unanimous decisions), the lowest of any justice.
- Justice Clarence Thomas and Sotomayor wrote the most total opinions, driven largely by their high numbers of concurring opinions and dissents.
- Among close cases (generally, those decided 6-3 or 5-4), 13 cases had an outcome we coded as "conservative," three cases had an outcome we coded as "liberal," and seven cases had an outcome we coded as "mixed."
- Of the 106 lawyers who argued before the court this term, 79% are men and 21% are women. The lawyers who argued most frequently this term are Paul Clement, Eric Feigin, Jeffrey Fisher, Kannon Shanmugam and Malcolm Stewart, each of whom argued four times.
- The court decided 16 cases from the U.S. Court of Appeals for the 9th Circuit (far more than any other circuit). It reversed the 9th Circuit in 15 of them and affirmed only once.

A few notes on our methodology:
- The Stat Pack is based on the 67 decisions handed down in October 2020 that constitute formal [opinions of the court](#). They fall into three categories: 57 decisions in argued cases, eight "summary reversals" (unsigned decisions reversing a lower court without oral argument), and two unsigned decisions granting emergency relief on the [shadow docket](#). 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.
- In most graphics comparing the nine justices, we usually depict them by ideology, with the most liberal justice (Sotomayor) on the left and the most conservative justice (Thomas) on the right. We occasionally use the colors blue and red to denote liberal and conservative justices or decisions.
- We make infrequent small adjustments to obtain generalized data. Whenever possible, we do this by objective formula. For instance, plurality opinions are treated as majority opinions by the justice who announced the court's judgment and wrote for the most other justices; 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

October (10)

	Author	Vote	Days*	Result**	Court below
Carney	SGB	8-0	66d	R	3rd Cir.
Texas v. N.M.	BMK	7-1	70d	A	Original
Tanzin	CT	8-0	65d	A	2nd Cir.
Rutledge	SMS	8-0	65d	R	8th Cir.
Google	SGB	6-2	180d	R	Fed. Cir.
Ford	EK	8-0	169d	A	State
Briggs	SAA	8-0	58d	R	Arm'd. Fcs.
Chicago	SAA	8-0	93d	R	7th Cir.
Torres	JGR	5-3	162d	R	10th Cir.
Pereida	NMG	5-3	141d	A	8th Cir.

November (8)

	Author	Vote	Days*	Result**	Court below
Salinas	SMS	5-4	93d	R	5th Cir.
Fish & Wildlife	ACB	7-2	122d	R	9th Cir.
Borden	EK	5-4	219d	R	6th Cir.
Jones	BMK	6-3	170d	A	State
Fulton	JGR	9-0	225d	R	3rd Cir.
Brownback	CT	9-0	108d	R	6th Cir.
Niz-Chavez	NMG	6-3	171d	R	6th Cir.
Calif. v. Texas	SGB	7-2	219d	R	5th Cir.

December (9)

	Author	Vote	Days*	Result**	Court below
Van Buren	ACB	6-3	185d	R	11th Cir.
Trump	PC	6-3	18d	R	Dist. Ct.
CIC Services	EK	9-0	167d	R	6th Cir.
Nestlé	CT	8-1	198d	R	9th Cir.
Edwards	BMK	6-3	166d	A	5th Cir.
Hungary	PC	9-0	58d	R	D.C. Cir.
Germany	JGR	9-0	58d	R	D.C. Cir.
Facebook	SMS	9-0	114d	R	9th Cir.
Collins	SAA	7-2	196d	R	5th Cir.
~~Henry Schein~~				Dismissed	

January (5)

	Author	Vote	Days*	Result**	Court below
Chavez	SAA	6-3	169d	R	4th Cir.
Uzuegbunam	CT	8-1	55d	R	11th Cir.
AMG Capital	SGB	9-0	99d	R	9th Cir.
BP	NMG	7-1	118d	R	4th Cir.
Prometheus	BMK	9-0	72d	R	3rd Cir.

February (6)

	Author	Vote	Days*	Result**	Court below
Fla. v. Ga.	ACB	9-0	38d	A	Original
Dai	NMG	9-0	98d	R	9th Cir.
Lange	EK	9-0	119d	R	State
Arthrex	JGR	5-4	112d	R	Fed. Cir.
Brnovich	SAA	6-3	121d	R	9th Cir.
Carr	SMS	9-0	50d	R	10th Cir.

March (6)

	Author	Vote	Days*	Result**	Court below
Cedar Point	JGR	6-3	93d	R	9th Cir.
Cooley	SGB	9-0	70d	R	9th Cir.
Caniglia	CT	9-0	54d	R	1st Cir.
Goldman Sachs	ACB	8-1	84d	R	2nd Cir.
TransUnion	BMK	5-4	87d	R	9th Cir.
Alston	NMG	9-0	82d	A	9th Cir.

April / May (13)

	Author	Vote	Days*	Result**	Court below
Sanchez	EK	9-0	49d	A	3rd Cir.
Chehalis	SMS	6-3	67d	R	D.C. Cir.
Greer	BMK	9-0	55d	A	11th Cir.
Gary	BMK	8-1	55d	R	4th Cir.
San Antonio	SAA	9-0	36d	A	5th Cir.
Minerva	EK	5-4	69d	R	Fed. Cir.
AFP Foundation	JGR	6-3	66d	R	9th Cir.
Guam	CT	9-0	28d	R	D.C. Cir.
Palomar-Santiago	SMS	9-0	27d	R	9th Cir.
HollyFrontier	NMG	6-3	59d	R	10th Cir.
Mahanoy	SGB	8-1	56d	A	3rd Cir.
PennEast	JGR	5-4	62d	R	3rd Cir.
Terry	CT	9-0	41d	A	11th Cir.

No argument (10)

	Author	Vote	Days*	Result**	Court below
Mays	PC	8-1	N/A	R	6th Cir.
Mckesson	PC	7-1	N/A	R	5th Cir.
Taylor	PC	7-1	N/A	R	5th Cir.
Diocese	PC	5-4	N/A	R	2nd Cir.
Shinn	PC	6-3	N/A	R	9th Cir.
Tandon	PC	5-4	N/A	R	9th Cir.
Wright	PC	9-0	N/A	R	9th Cir.
Lombardo	PC	6-3	N/A	R	8th Cir.
Pakdel	PC	9-0	N/A	R	9th Cir.
Dunn	PC	6-3	N/A	R	11th Cir.

Totals

Cases granted for argument	62
Cases decided without argument	10
Cases postponed before argument***	(4)
Cases dismissed after argument	(1)
67	**Total opinions expected**
Opinions on the merits docket – signed	55
Opinions on the merits docket – per curiam	2
Opinions on the shadow docket	10
67	**Total opinions released**

*Days between oral argument and opinion announcement.

**Affirmed or reversed (we count as reversals decisions that vacate and remand the decision below).

**The court postponed four arguments after the Biden administration notified the court of policy changes that might render the cases moot.

4

MAKEUP OF THE MERITS DOCKET

Case name	Article III standing	Search & seizure	Free speech/assoc.	Separ. of powers	Free exercise	Property takings	Cruel & unusual pun.	Right to a jury	Right to vote	Criminal law	Environmental law	Immigration law	Administrative law	Civil procedure	Consumer protection	International law	Native law	Patents	Securities law	Antitrust	Bankruptcy	Copyright	ERISA	Freedom of Info. Act	Religious Frdm. Rest. Act	Voting Rights Act
					Constitutional law																					
AFP Foundation			X																							
Alston																				X						
AMG Capital														X												
Arthrex				X														X								
Borden										X																
BP											X			X												
Briggs										X																
Brnovich									X																	X
Brownback		X																								
Calif. v. Texas	X																									
Caniglia		X																								
Carney	X		X																							
Carr				X										X												
Cedar Point						X																				
Chavez												X														
Chehalis																	X									
Chicago																					X					
CIC Services													X													
Collins				X															X							
Cooley												X					X									
Dai												X														
Edwards								X		X																
Facebook															X											
Fish & Wildlife											X													X		
Fla. v. Ga.											X															
Ford														X												
Fulton					X																					
Germany																X										
Goldman Sachs														X					X							
Google																						X				

This table shows the major area(s) of law about which the court heard oral arguments and issued opinions during OT20. Some cases fall into multiple categories.

MAKEUP OF THE MERITS DOCKET

| Case name	Article III standing	Search & seizure	Free speech/assoc.	Separ. of powers	Free exercise	Property takings	Cruel & unusual pun.	Right to a jury	Right to vote	Criminal law	Environmental law	Immigration law	Administrative law	Civil procedure	Consumer protection	International law	Native law	Patents	Securities law	Antitrust	Bankruptcy	Copyright	ERISA	Freedom of Info. Act	Religious Frdm. Rest. Act	Voting Rights Act
				Constitutional law																						
Greer										X																
Guam											X															
HollyFrontier											X															
Hungary																X										
Jones						X				X																
Lange		X								X																
Mahanoy			X																							
Minerva																		X								
Nestlé																X										
Niz-Chavez												X														
Palomar-Santiago												X														
PennEast						X						X														
Pereida												X														
Prometheus													X													
Rutledge																							X			
Salinas													X													
San Antonio														X												
Sanchez												X														
Tanzin																									X	
Terry										X																
Texas v. N.M.												X														
Torres		X																								
TransUnion	X														X											
Trump	X																									
Uzuegbunam	X				X																					
Van Buren										X																
Total	5	4	3	3	2	2	1	1	1	9	7	6	4	4	3	3	2	2	2	1	1	1	1	1	1	1

This table shows the major area(s) of law about which the court heard oral arguments and issued opinions during OT20. Some cases fall into multiple categories.

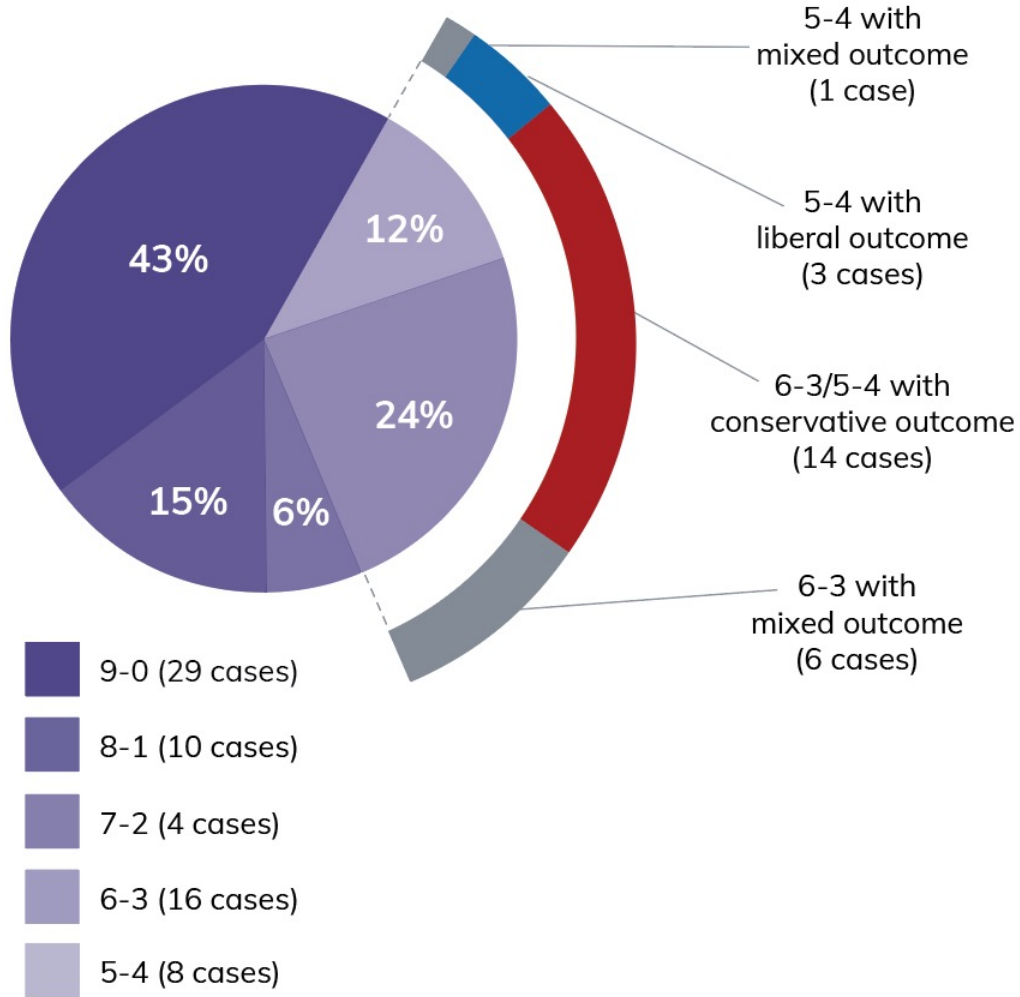# FREQUENCY IN THE MAJORITY

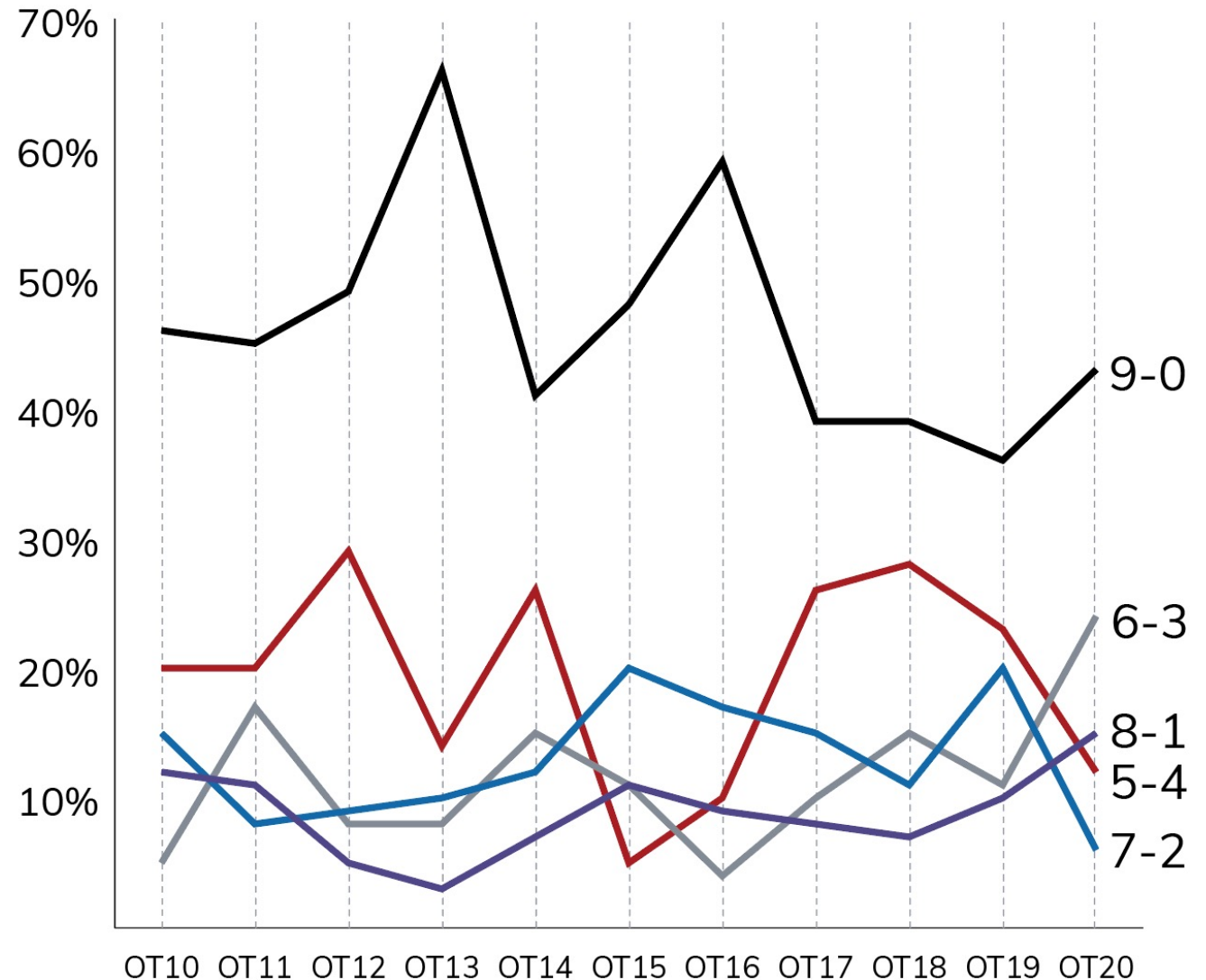All cases
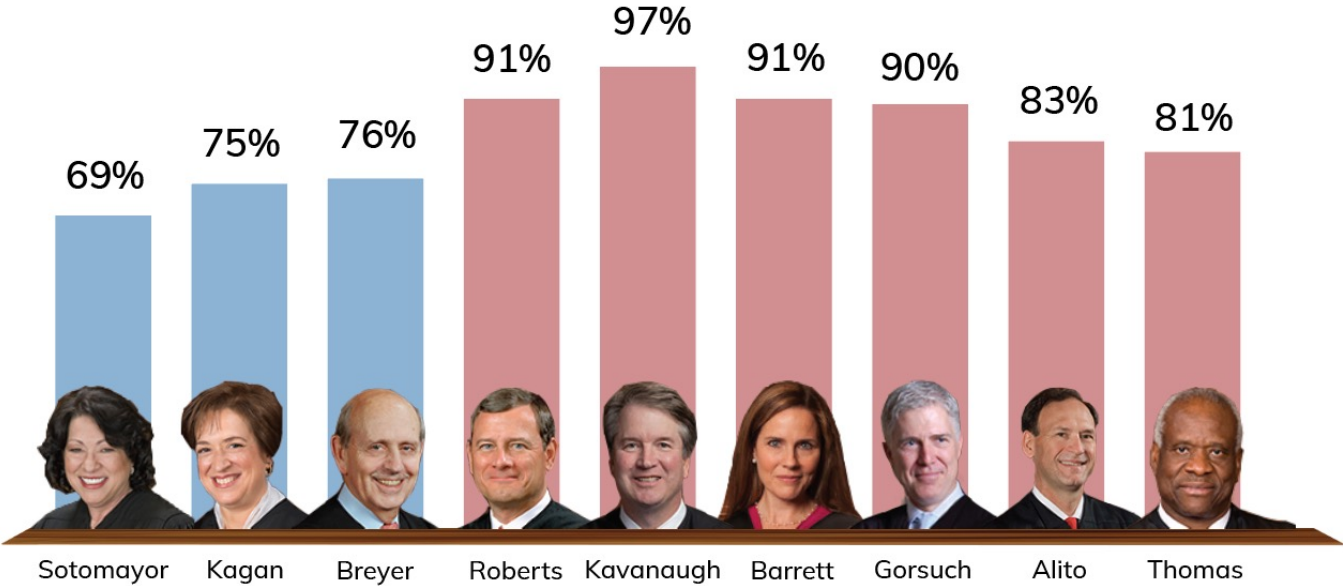
Divided cases
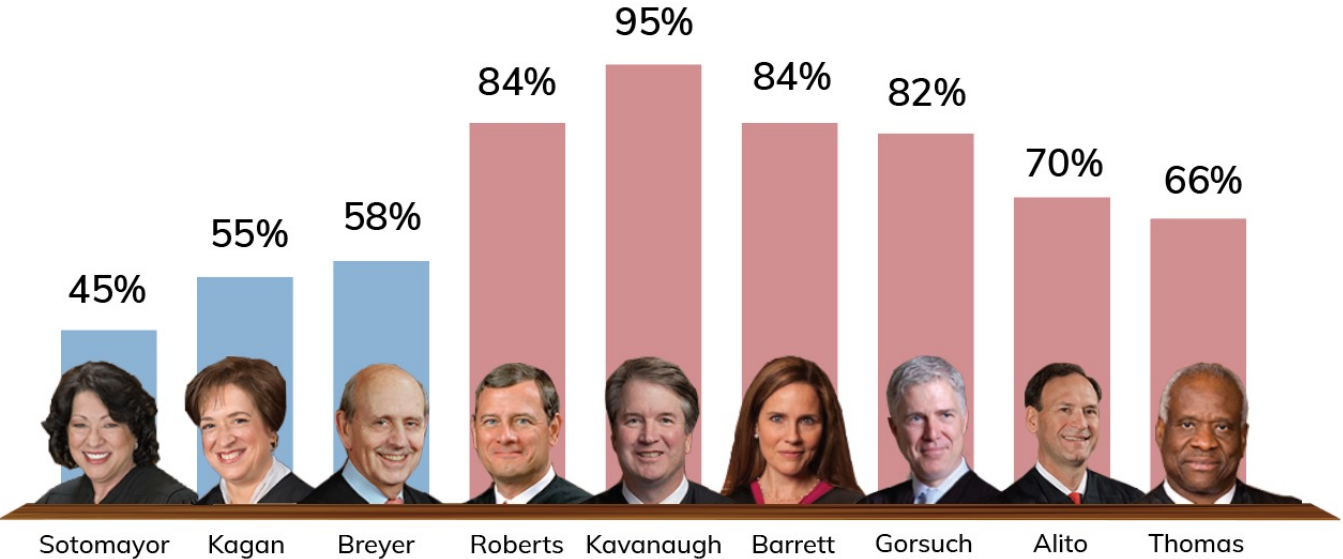
FREQUENCY IN THE MAJORITY OVER TIME

		OT20	OT19	OT18	OT17	OT16	OT15	OT14	OT13	OT12
All cases	Roberts	91%	97%	85%	93%	93%	92%	80%	92%	86%
	Thomas	81%	72%	75%	81%	82%	72%	61%	88%	79%
	Breyer	76%	77%	76%	73%	90%	94%	92%	88%	83%
	Alito	83%	73%	82%	79%	86%	84%	72%	88%	79%
	Sotomayor	69%	72%	75%	68%	90%	83%	89%	82%	79%
	Kagan	75%	78%	82%	74%	93%	95%	85%	92%	81%
	Gorsuch	90%	89%	75%	85%	82%	-	-	-	-
	Kavanaugh	97%	93%	91%	-	-	-	-	-	-
	Barrett	91%	-	-	-	-	-	-	-	-
Divided cases	Roberts	84%	95%	75%	89%	83%	84%	66%	76%	73%
	Thomas	70%	56%	59%	69%	57%	49%	34%	64%	60%
	Breyer	58%	64%	61%	56%	77%	89%	86%	64%	67%
	Alito	66%	58%	70%	67%	67%	70%	52%	63%	59%
	Sotomayor	45%	56%	59%	49%	76%	68%	82%	46%	59%
	Kagan	55%	66%	70%	59%	83%	91%	75%	75%	63%
	Gorsuch	82%	82%	59%	75%	63%	-	-	-	-
	Kavanaugh	95%	90%	79%	-	-	-	-	-	-
	Barrett	84%	-	-	-	-	-	-	-	-

STRENGTH OF THE MAJORITY

OT20

5-4 with mixed outcome (1 case)

5-4 with liberal outcome (3 cases)

6-3/5-4 with conservative outcome (14 cases)

6-3 with mixed outcome (6 cases)

- 9-0 (29 cases)
- 8-1 (10 cases)
- 7-2 (4 cases)
- 6-3 (16 cases)
- 5-4 (8 cases)

In closely divided (6-3 or 5-4) cases, we code a decision as "conservative" if the majority consists of five or more Republican-appointed justices, "liberal" if the majority consists predominantly of Democratic-appointed justices, and "mixed" otherwise. (We assume, solely for the Strength of the Majority slides, that a recused justice would have joined the majority.)

Past decade

STRENGTH OF THE MAJORITY

	Total opinions	9-0 opinions	8-1 opinions	7-2 opinions	6-3 opinions	5-4 opinions	Average majority
Roberts	7	2	-	-	3	2	6.6
Thomas	7	5	2	-	-	-	8.7
Breyer	6	3	1	2	-	-	8.2
Alito	6	3	-	1	2	-	7.7
Sotomayor	6	4	-	-	1	1	7.8
Kagan	6	4	-	-	-	2	7.7
Gorsuch	6	2	1	-	3	-	7.3
Kavanaugh	7*	2	2	-	2	1	7.3
Barrett	4	1	1	1	1	-	7.5
Total	55	26	7	4	12	6	7.6

% of Each Justices' Opinions Decided Unanimously

Roberts	29%
Thomas	71%
Breyer	50%
Alito	50%
Sotomayor	67%
Kagan	67%
Gorsuch	33%
Kavanaugh	29%
Barrett	25%

Solo Dissents

	OT20	Case(s)	OT05-OT19
Roberts	1	Uzuegbunam	0
Thomas	3	McKesson, Taylor, Mahanoy	31
Breyer	0		8
Alito	2	Texas v. N.M., Nestlé	9
Sotomayor	4	Mays, BP, Goldman Sachs, Gary	12
Kagan	0		0
Gorsuch	0		2
Kavanaugh	0		0
Barrett	0		-

For purposes of this slide, we treat Kavanaugh's single majority opinion in Greer (decided 9-0) and Gary (decided 8-1) separately.

CLOSELY DIVIDED CASES

5-4 cases	Issue	Sotomayor	Kagan	Breyer	Roberts	Kavanaugh	Barrett	Gorsuch	Alito	Thomas
PennEast	Eminent domain and gas pipeline construction	■		■	■	■			■	
Borden	Sentencing of "reckless" crimes and violent felonies	■	■	■				■		■
Minerva	Inventor challenging a patent after selling it	■	■	■	■					
Salinas	Statutory retirement benefits for railroad workers	■	■	■	■					
Arthrex	Appointment of administrative patent judges				■	■	■	■	■	
TransUnion	Class-action suits against corporations				■	■	■	■	■	
Diocese	COVID-19 restrictions on religion in New York					■	■	■	■	■
Tandon	COVID-19 restrictions on religion in California					■	■	■	■	■

Polarized cases	Issue	Sotomayor	Kagan	Breyer	Roberts	Kavanaugh	Barrett	Gorsuch	Alito	Thomas
Dunn	Post-conviction relief for death row inmate				■	■	■	■	■	■
Brnovich	Voting rights restrictions in Arizona				■	■	■	■	■	■
AFP Foundation	Donor disclosure rules for charities in California				■	■	■	■	■	■
Guzman Chavez	Bond hearings for noncitizens facing deportation				■	■	■	■	■	■
Jones	Sentencing juveniles to life without parole				■	■	■	■	■	■
Edwards	Retroactivity of state unanimous jury requirement				■	■	■	■	■	■
Trump	Challenge to exclusion of noncitizens from census				■	■	■	■	■	■
Shinn	Post-conviction relief for death row inmate				■	■	■	■	■	■
Cedar Point	Union access to workers on private farm property				■	■	■	■	■	■
Pereida	Mandatory deportation for minor crimes				■	■	(recused)	■	■	■

In closely divided cases, we code a 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.

11

CLOSELY DIVIDED 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
OT05	11	12%	45%	28%	27%	7
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
Average	15	20%	45%	31%	23%	6

We code a decision as "conservative" if the majority consists of five or more Republican-appointed justices, "liberal" if the majority consists predominantly of Democratic-appointed justices, and "mixed" otherwise.

*From OT05 until Barrett's appointment in OT20, the court never exceeded five Republican-appointed justices and four Democratic-appointed justices. Given that there are six Republican-appointed justices in OT20, 5-4 decisions no longer paint a full picture of polarization. For a list of polarized cases in OT20, see the previous slide.

UNANIMOUS CASES
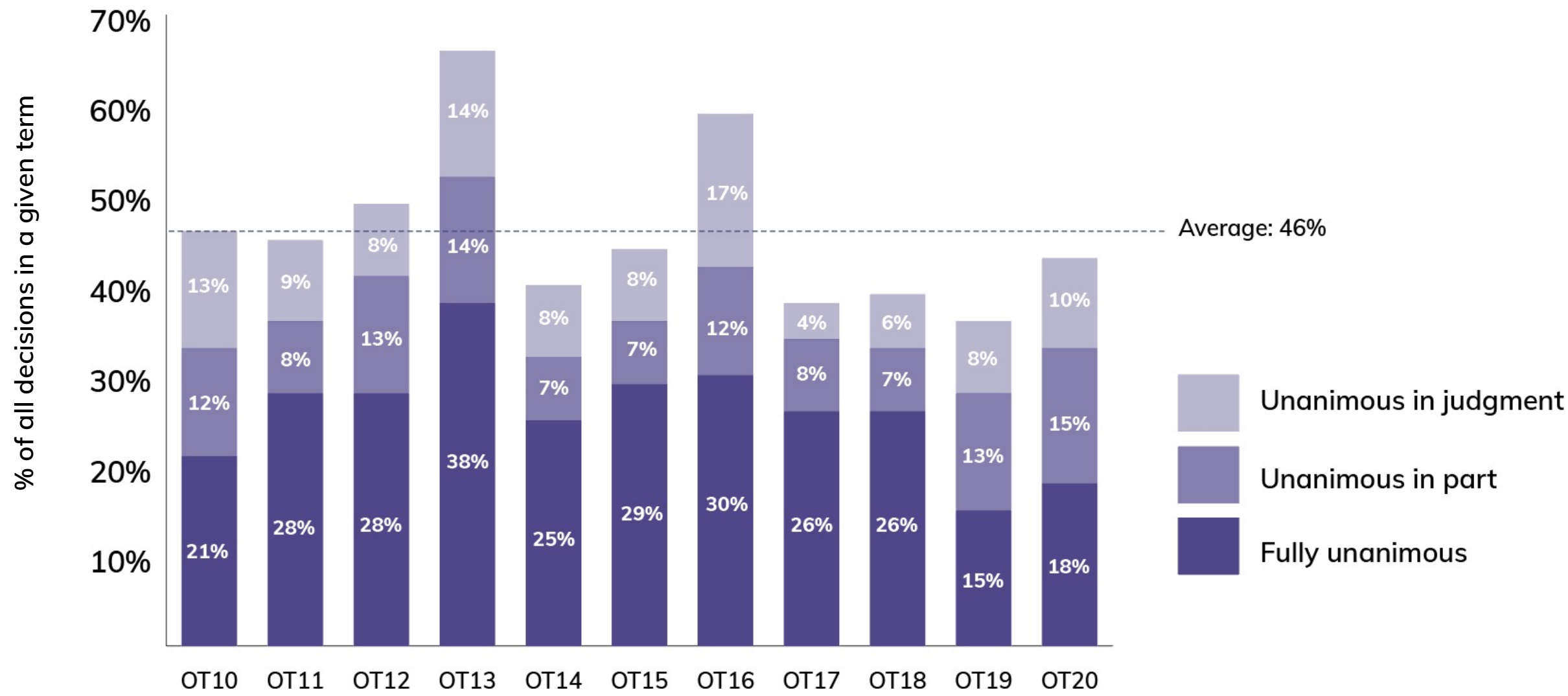
Unanimous in judgment means that all justices voted for the same judgment – whether to affirm or reverse the decision below – but at least one justice did not join the opinion of the court and wrote separately. Unanimous in part means that all justices joined at least part of the court's opinion, but 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.

13

JUSTICE AGREEMENT

Percent of cases in which the justices agreed in full:

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

	Thomas	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Barrett
Roberts	51%	64%	68%	49%	63%	58%	84%	76%
Thomas	-	43%	59%	30%	46%	73%	46%	62%
Breyer	-	-	42%	76%	85%	54%	63%	56%
Alito	-	-	-	30%	42%	65%	62%	67%
Sotomayor	-	-	-	-	81%	42%	51%	45%
Kagan	-	-	-	-	-	57%	61%	62%
Gorsuch	-	-	-	-	-	-	57%	69%
Kavanaugh	-	-	-	-	-	-	-	75%

Percent of cases in which the justices agreed in part:

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

	Thomas	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Barrett
Roberts	70%	69%	80%	58%	66%	76%	93%	82%
Thomas	-	58%	77%	48%	61%	87%	75%	84%
Breyer	-	-	55%	88%	91%	63%	73%	64%
Alito	-	-	-	45%	52%	83%	82%	81%
Sotomayor	-	-	-	-	85%	52%	63%	55%
Kagan	-	-	-	-	-	66%	70%	67%
Gorsuch	-	-	-	-	-	-	84%	89%
Kavanaugh	-	-	-	-	-	-	-	91%

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	75%	73%	83%	66%	72%	81%	94%	84%
Thomas	-	63%	82%	55%	67%	88%	78%	85%
Breyer	-	-	59%	93%	93%	66%	73%	64%
Alito	-	-	-	53%	58%	88%	86%	87%
Sotomayor	-	-	-	-	88%	58%	66%	58%
Kagan	-	-	-	-	-	70%	72%	69%
Gorsuch	-	-	-	-	-	-	87%	91%
Kavanaugh	-	-	-	-	-	-	-	91%

Justices who agreed most and least often in judgment:

94%	93%	93%	91%	91%
Roberts	Breyer	Breyer	Barrett	Barrett
Kavanaugh	Kagan	Sotomayor	Gorsuch	Kavanaugh

58%	58%	58%	55%	53%
Sotomayor	Sotomayor	Kagan	Sotomayor	Sotomayor
Gorsuch	Barrett	Alito	Thomas	Alito
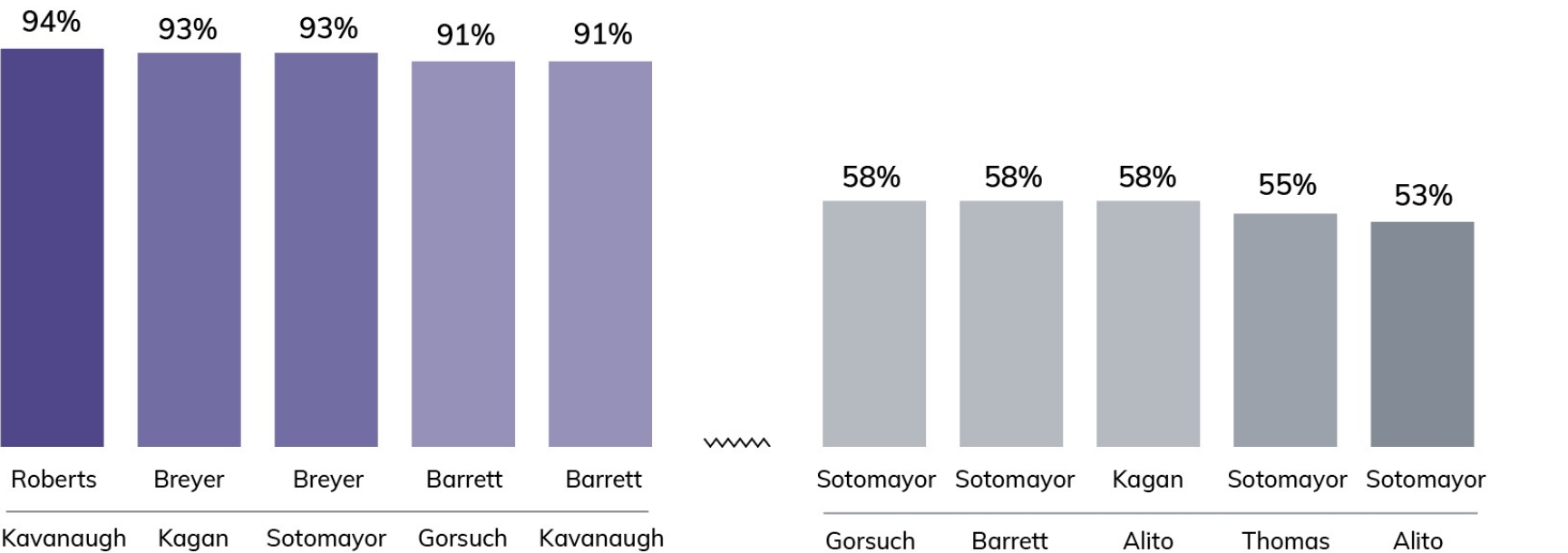
OPINIONS AUTHORED BY EACH JUSTICE

	#	Roberts	Thomas	Breyer	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Barrett	Total
Majority	1	Torres	Tanzin	Carney	Briggs	Rutledge	Ford	Pereida	Texas v. N.M.	Fish & Wildlife	
	2	Fulton	Brownback	Google	Chicago	Salinas	Borden	Niz-Chavez	Jones	Van Buren	
	3	Germany	Nestlé	Calif. v. Texas	Collins	Facebook	CIC Services	BP	Edwards	Fla. v. Ga.	
	4	Arthrex	Uzuegbunam	AMG Capital	San Antonio	Carr	Lange	Dai	Prometheus	Goldman Sachs	54
	5	Cedar Point	Caniglia	Cooley	Chavez	Palomar-Santiago	Sanchez	Alston	Greer*		
	6	PennEast	Guam	Mahanoy	Brnovich	Chehalis	Minerva	HollyFrontier	TransUnion		
	7	AFP Foundation	Terry								
Concurring	1	Caniglia	Rutledge	Carr	Facebook	Carney	Collins	Briggs	Uzuegbunam	Fulton	
	2	Lange	Jones		Cooley	Chicago		Nestlé	Lange		
	3		Calif. v. Texas		Mahanoy	Brownback		Artrex	Cedar Point		
	4		Van Buren		Taylor	CIC Services		Goldman Sachs	Alston		
	5		Collins		Fulton	Greer*		Diocese	CIC Services		47
	6		Prometheus		Caniglia	Terry		Ford	Diocese		
	7		Carr		Ford	Nestlé		Collins	Caniglia		
	8		Lange		AFP Foundation			Fulton			
	9		Borden					Brnovich			
	10		Chavez								
	11		AFP Foundation								
Dissenting	1	Uzuegbunam	Google	Arthrex	Texas v. N.M.	Diocese	Edwards	Torres	Borden	HollyFrontier	
	2	Diocese	Salinas	Diocese	Calif. v. Texas	Jones	Tandon	Chehalis	Niz-Chavez	PennEast	
	3		Arthrex	Pereida	Nestlé	Collins	TransUnion	PennEast		Minerva	
	4		Mahanoy	Fish & Wildlife	Lombardo	BP	Brnovich				40
	5		TransUnion	Trump	Minerva	Goldman Sachs					
	6			Chavez		Gary*					
	7			Cedar point		Mays					
	8					AFP Foundation					
						Dunn					
Total		11	23	14	19	22	11	18	15	8	141

Greer and Gary were argued separately but decided with one majority opinion by Kavanaugh; Sotomayor wrote an opinion concurring in Greer and dissenting in Gary. Plurality opinions are treated as majority opinions throughout the Stat Pack.

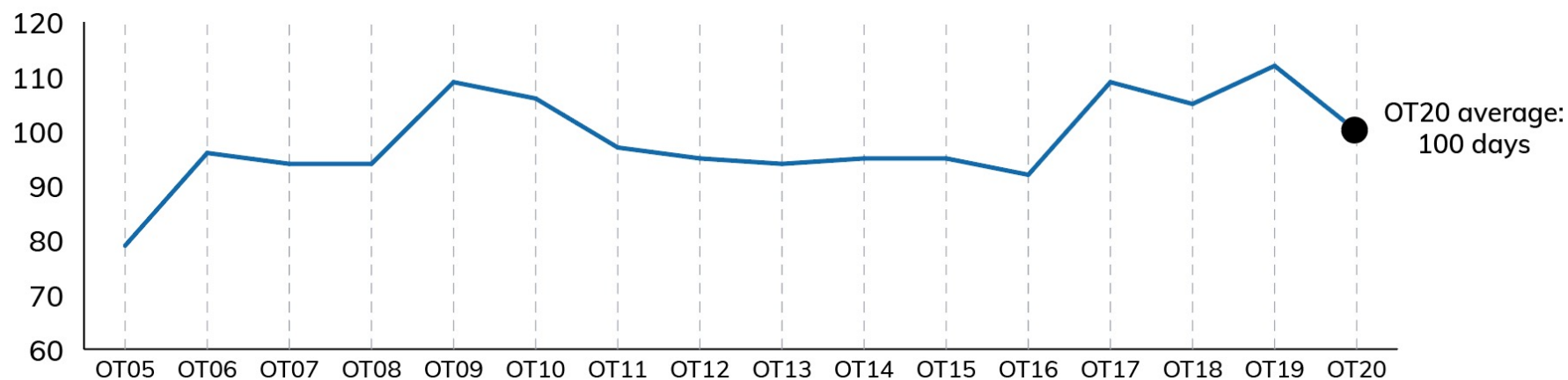# OPINIONS AUTHORED BY EACH JUSTICE
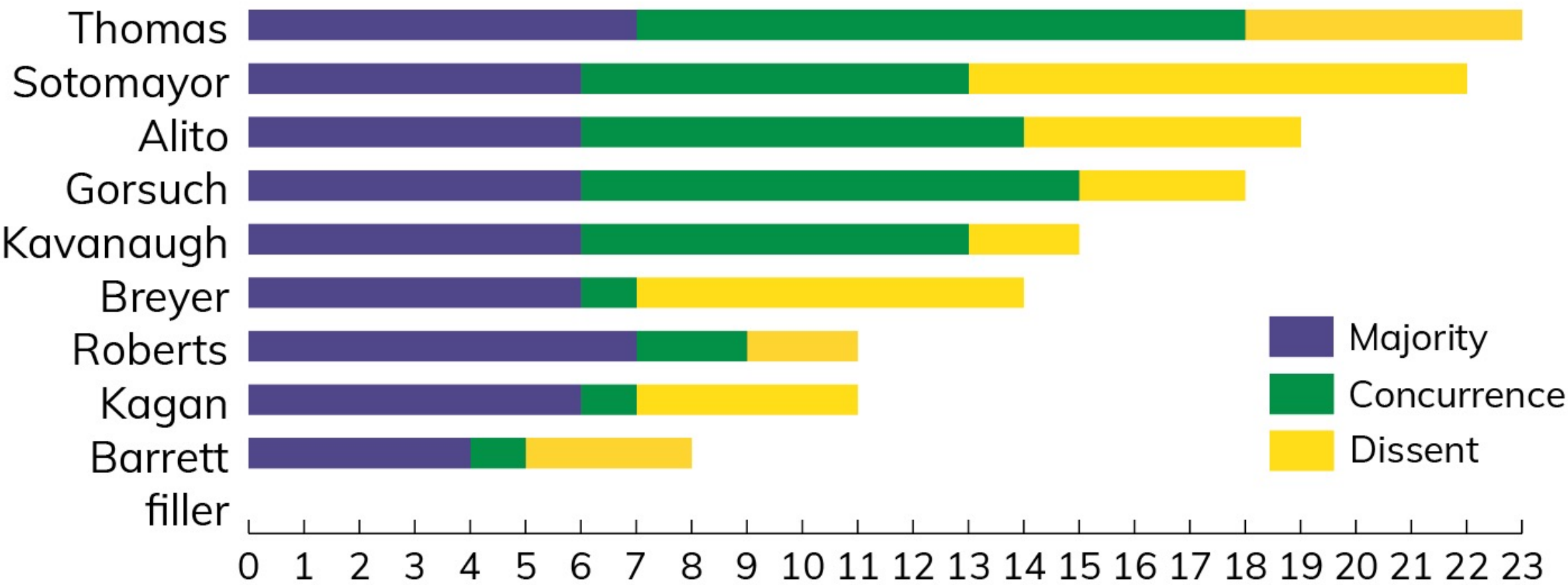
TOTAL OPINIONS OVER TIME
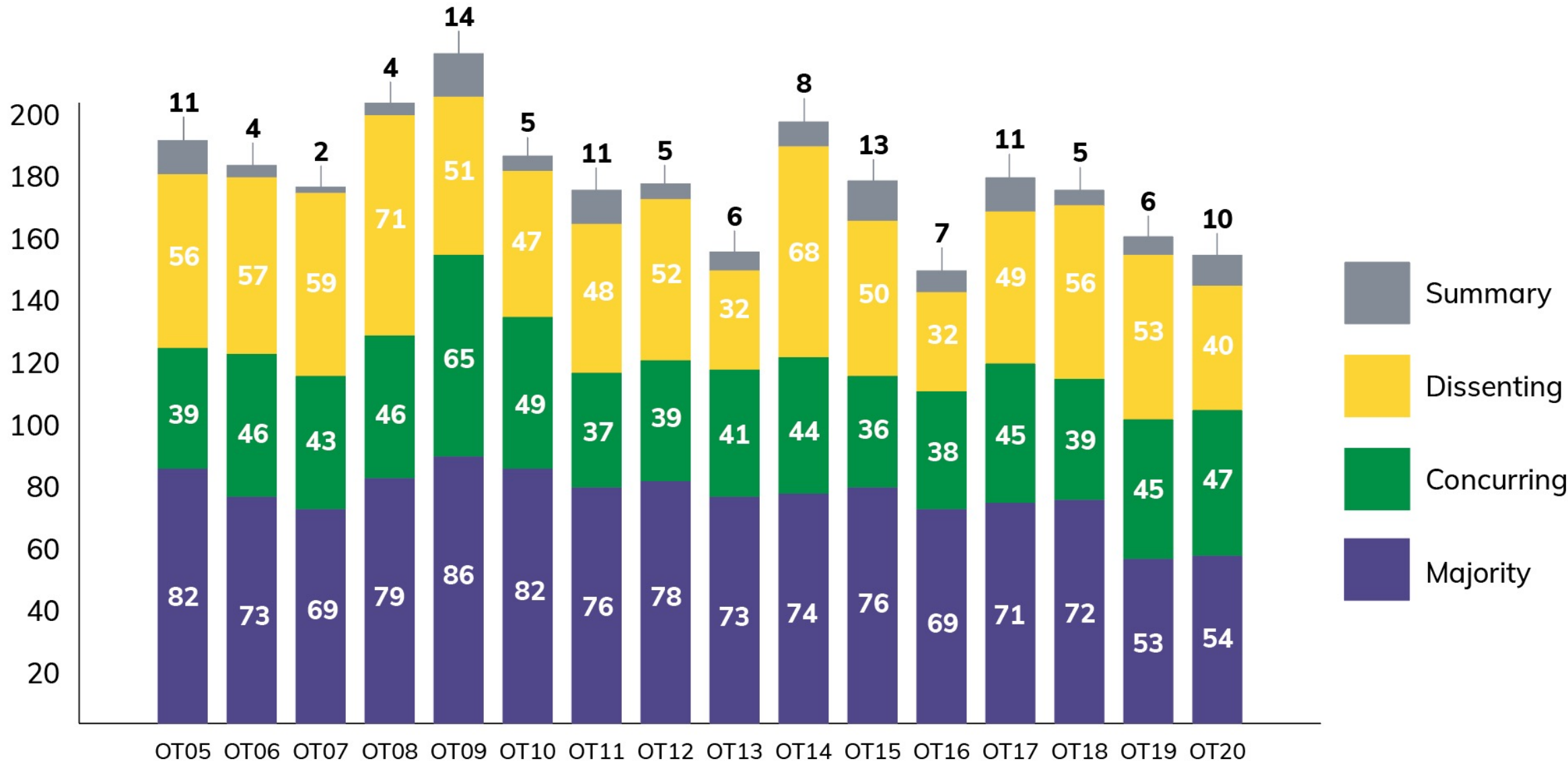
DAYS BETWEEN ARGUMENT & OPINION

Average Days by Justice (OT20)

Roberts	111 days
Thomas	78 days
Breyer	115 days
Alito	112 days
Sotomayor	79 days
Kagan	132 days
Gorsuch	112 days
Kavanaugh	103 days
Barrett	107 days

Average Days by Term

OT20 average: 100 days

	Rank	Case	Days	Author	Vote	Argued	Decided
Shortest	1	Trump	18	Per curiam	6-3	Nov. 30, 2020	Dec. 18, 2020
	2	Palomar-Santiago	27	Sotomayor	9-0	April 27, 2021	May 24, 2021
	3	Guam	28	Thomas	9-0	April 26, 2021	May 24, 2021
	4	San Antonio	36	Alito	9-0	April 21, 2021	May 27, 2021
	5	Fla. v. Ga.	38	Barrett	9-0	Feb. 22, 2021	April 1, 2021
Longest	1	Fulton	225	Roberts	9-0	Nov. 4, 2020	June 17, 2021
	2	Borden	219	Kagan	5-4	Nov. 3, 2020	June 10, 2021
	2	Calif. v. Texas	219	Breyer	7-2	Nov. 10, 2020	June 17, 2021
	4	Nestlé	198	Thomas	8-1	Dec. 1, 2020	June 17, 2021
	5	Collins	196	Alito	7-2	Dec. 9, 2020	June 23, 2021

ORAL ARGUMENT

Appearances by advocates who...	OT13	OT14	OT15	OT16	OT17	OT18	OT19	OT20
Are from the Office of the U.S. Solicitor General	61 (33%)	56 (31%)	59 (32%)	48 (30%)	48 (29%)	50 (28%)	42 (27%)	48 (32%)
Have experience in the Office of the U.S. Solicitor General	85 (47%)	78 (46%)	84 (71%)	73 (48%)	71 (65%)	86 (48%)	80 (52%)	71 (48%)
Have argued at least twice during the term	96 (52%)	104 (58%)	109 (59%)	94 (59%)	77 (47%)	87 (49%)	82 (53%)	70 (47%)
Are "expert" Supreme Court litigators*	131 (71%)	116 (66%)	136 (74%)	115 (74%)	89 (56%)	123 (69%)	114 (74%)	106 (72%)
Are based in Washington, D.C.	119 (64%)	101 (57%)	122 (66%)	97 (61%)	97 (60%)	109 (61%)	103 (66%)	92 (62%)
Are women	28 (15%)	34 (19%)	32 (18%)	33 (21%)	19 (12%)	30 (17%)	20 (13%)	27 (18%)
Total appearances	185	178	186	158	163	178	155	148
Total advocates	121	112	117	100	113	122	103	106

OT20 advocate breakdowns:

84 men — 22 women

50% 30% 20%
- Clerked for SCOTUS and appeals court
- Clerked for appeals court only
- No appellate clerkship

Top law schools:

Harvard: 25 advocates (24%)
Yale: 17 advocates (16%)
Chicago: 11 advocates (10%)
Stanford: 9 advocates (8%)
Virginia: 6 advocates (6%)

52% 22% 13% 7% 6%
- Private practice
- Office of the Solicitor General
- Other government
- Academia
- Advocacy group
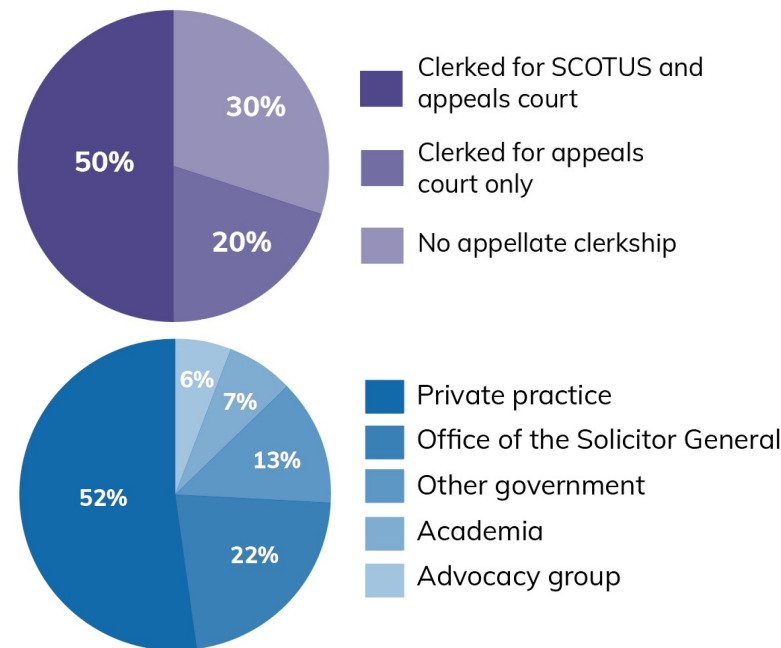
*As defined by Richard Lazarus, an "expert" Supreme Court litigator has either argued five or more times before the Supreme Court or works in an office where lawyers have collectively argued more than 10 times: http://epstein.wustl.edu/research/courses.RobertsCourtLazarus.pdf

ADVOCATES WITH MULTIPLE APPEARANCES

Name	OT20 arguments	All-time arguments	Position	Law school	SCOTUS clerkship(s)	Office of the Solicitor General experience	Gender
Paul D. Clement	4	106	Kirkland & Ellis LLP	Harvard	Scalia	Yes	Male
Eric J. Feigin	4	28	Deputy Solicitor General	Stanford	Breyer	Yes	Male
Jeffrey L. Fisher	4	44	Stanford Supreme Court Clinic	Michigan	Stevens		Male
Kannon K. Shanmugam	4	32	Paul	Weiss	Harvard	Scalia	Yes	Male
Malcolm L. Stewart	4	91	Deputy Solicitor General	Yale	Blackmun	Yes	Male
Neal K. Katyal	3	44	Hogan Lovells LLP	Yale	Breyer	Yes	Male
Edwin S. Kneedler	3	148	Deputy Solicitor General	Virginia		Yes	Male
Hashim Mooppan	3	4	Counsel to the Solicitor General	Harvard	Scalia	Yes	Male
Jeffrey B. Wall	3	29	Principal Deputy Solicitor General	Chicago	Thomas	Yes	Male
Jonathan C. Bond	2	8	Assistant to the Solicitor General	George Washington	Scalia	Yes	Male
Jonathan Ellis	2	8	Assistant to the Solicitor General	Pennsylvania	Roberts	Yes	Male
Gregory G. Garre	2	47	Latham & Watkins LLP	George Washington	Rehnquist	Yes	Male
Daniel L. Geyser	2	11	Geyser PC	Harvard			Male
Thomas C. Goldstein	2	45	Goldstein & Russell PC	American			Male
Matthew Guarnieri	2	5	Assistant to the Solicitor General	Columbia		Yes	Male
Sarah Harris	2	2	Williams & Connolly	Harvard	Thomas		Female
Kyle D. Hawkins	2	4	Texas Solicitor General	Minnesota	Alito		Male
Michael R. Huston	2	7	Assistant to the Solicitor General	Michigan	Roberts	Yes	Male
Christopher G. Michel	2	8	Assistant to the Solicitor General	Yale	Roberts	Yes	Male
Michael Mongan	2	3	California Solicitor General	Stanford	Souter		Male
Elizabeth Prelogar	2	9	Acting Solicitor General	Harvard	Kagan, Ginsburg	Yes	Female
Morgan Ratner	2	8	Assistant to the Solicitor General	Harvard	Roberts	Yes	Female
Austin Raynor	2	2	Assistant to the Solicitor General	Virginia	Thomas	Yes	Male
Erica L. Ross	2	8	Assistant to the Solicitor General	Stanford	Kagan	Yes	Female
Colleen E. Roh Sinzdak	2	3	Assistant to the Solicitor General	Harvard	Roberts	Yes	Female
Benjamin Snyder	2	3	Assistant to the Solicitor General	Harvard	Roberts	Yes	Male
Vivek Suri	2	3	Assistant to the Solicitor General	Harvard	Scalia	Yes	Male
David Zimmer	2	3	Goodwin Procter LLP	Harvard	Kagan		Male

ORAL ARGUMENTS BY LENGTH

	Rank	Case	Issue	Length (minutes)	Number of advocates arguing
	1	Gary	New trials for felons convicted of possessing a firearm	48	2
	2	Palomar-Santiago	Challenging unlawful re-entry into the United States	50	2
Shortest arguments	3	Guam	Clean-up of toxic waste site on Guam used by U.S. Navy	53	2
	4	Sanchez	Green cards for noncitizens with humanitarian protections	60	2
	5	Tanzin	Suing federal officers for damages for religious persecution	61	2
	1	Calif v. Texas	Constitutional challenge to Affordable Care Act	121	4
	2	Brnovich	Voting Rights Act and Arizona voting regulations	115	4
Longest arguments	3	Lange	Warrantless entry when an officer is in "hot pursuit"	114	4
	4	Fulton	Religious foster care services and LGBTQ foster parents	113	4
	4	Mahanoy	Regulating student speech off campus and after hours	113	3

RECUSALS

Case	Vote	Justice recused	(Likely) reason*
BP	7-1	Alito	Owns up to $50,000 in shares of two participating oil companies
Carney	8-0	Barrett	Not yet confirmed when case was argued
Texas v. N.M.	8-0	Barrett	Not yet confirmed when case was argued
Rutledge	8-0	Barrett	Not yet confirmed when case was argued
Tanzin	8-0	Barrett	Not yet confirmed when case was argued
Google	6-2	Barrett	Not yet confirmed when case was argued
Ford	8-0	Barrett	Not yet confirmed when case was argued
Briggs	8-0	Barrett	Not yet confirmed when case was argued
Chicago	8-0	Barrett	Not yet confirmed when case was argued
Torres	5-3	Barrett	Not yet confirmed when case was argued
Pereida	5-3	Barrett	Not yet confirmed when case was argued
McKesson	7-1	Barrett	Sworn in six days before case was decided (without argument)
Taylor	7-1	Barrett	Sworn in six days before case was decided (without argument)

*The justices generally do not publish their reasons for recusal (or lack of recusal). We make an effort to determine reasons for recusal ourselves, with some reference to Fix The Court's recusal guide: https://fixthecourt.com/2020/12/explain-reasons-justices-89-recusals-far-term/

CIRCUIT SCORECARD

Court below	# of cases	% of cases	# affirmed	# reversed	% affirmed	% reversed
1st Cir.	1	1%	0	1	0%	100%
2nd Cir.	3	4%	1	2	33%	67%
3rd Cir.	6	9%	2	4	33%	67%
4th Cir.	3	4%	0	3	0%	100%
5th Cir.	7	10%	2	5	29%	71%
6th Cir.	5	7%	0	5	0%	100%
7th Cir.	1	1%	0	1	0%	100%
8th Cir.	4	6%	1	3	25%	75%
9th Cir.	16	23%	1	15	6%	94%
10th Cir.	3	4%	0	3	0%	100%
11th Cir.	5	7%	2	3	40%	60%
D.C. Cir.	4	6%	0	4	0%	100%
Fed. Cir.	3	4%	0	3	0%	100%
Armed Forces	1	1%	0	1	0%	100%
State Court	4	6%	3	1	75%	25%
District Court	1	1%	0	1	0%	100%
Original	2	3%	2	0	100%	0%
Total	**69**	**100%**	**14**	**55**	**20%**	**80%**

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. We include as "affirmances" merits opinions that let stand the lower-court opinion, and as "reversals" any opinion that remands the case for further consideration by the lower court.

ALL MERITS CASES

Case name	Date decided	Vote	Author	Sotomayor	Kagan	Breyer	Roberts	Kavanaugh	Barrett	Gorsuch	Alito	Thomas
McKesson	Nov. 2, 2020	7-1	Per Curiam						(recused)			
Taylor	Nov. 2, 2020	7-1	Per Curiam						(recused)			
Diocese	Nov. 25, 2020	5-4	Per Curiam									
Tanzin	Dec. 10, 2020	8-0	Thomas						(recused)			
Carney	Dec. 10, 2020	8-0	Breyer						(recused)			
Briggs	Dec. 10, 2020	8-0	Alito						(recused)			
Rutledge	Dec. 10, 2020	8-0	Sotomayor						(recused)			
Texas v. N.M.	Dec. 14, 2020	7-1	Kavanaugh						(recused)			
Shinn	Dec. 14, 2020	6-3	Per Curiam									
Trump	Dec. 18, 2020	6-3	Per Curiam									
Chicago	Jan. 14, 2021	8-0	Alito						(recused)			
Germany	Feb. 3, 2021	9-0	Roberts									
Hungary	Feb. 3, 2021	9-0	Per Curiam									
Salinas	Feb. 3, 2021	5-4	Sotomayor									
Brownback	Feb. 25, 2021	9-0	Thomas									
Pereida	March 4, 2021	5-3	Gorsuch						(recused)			
Fish & Wildlife	March 4, 2021	7-2	Barrett									
Uzuegbunam	March 8, 2021	8-1	Thomas									

In closely divided cases, we code a 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.
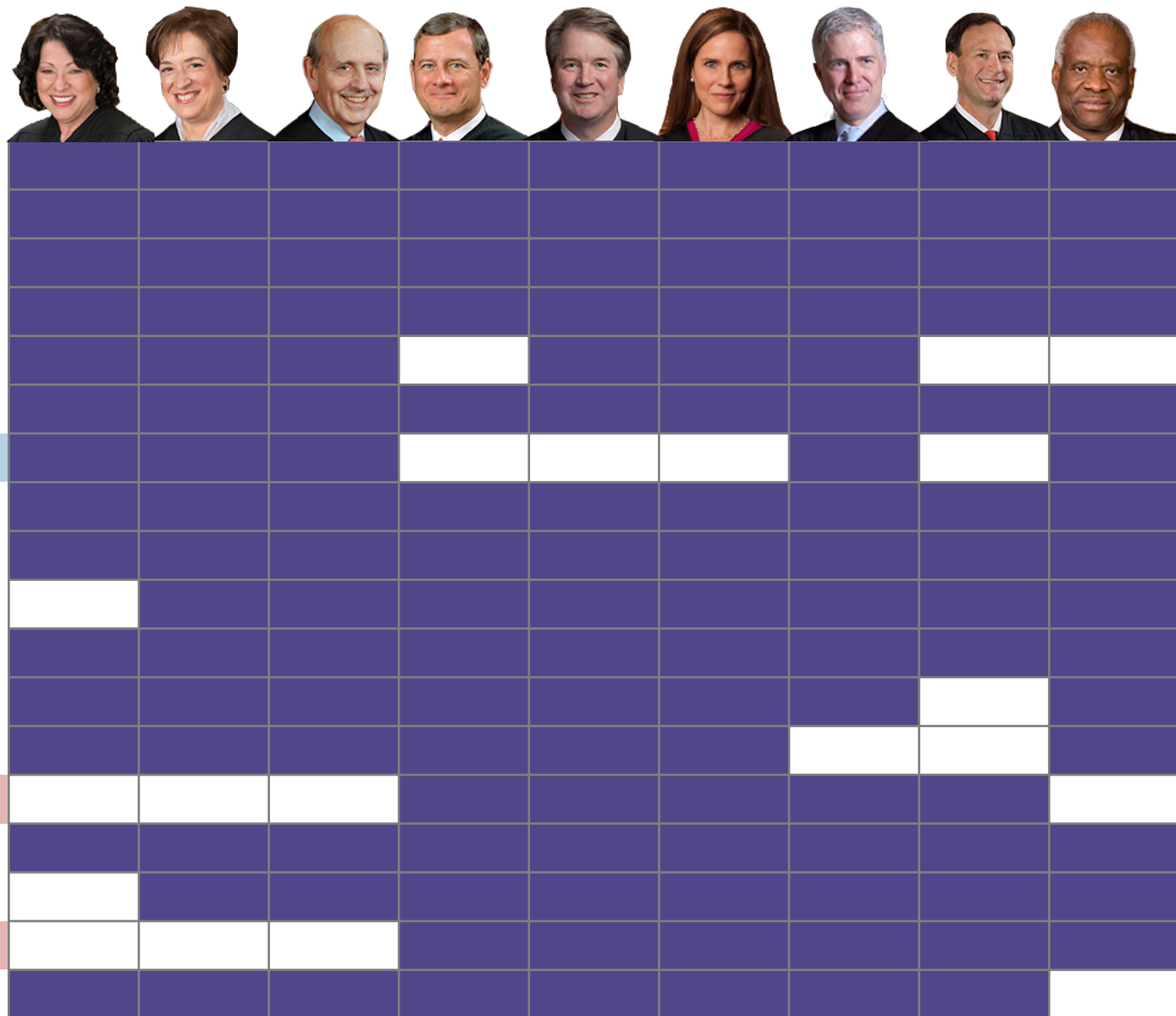
ALL MERITS CASES

Case Name	Decided	Vote	Author	Sotomayor	Kagan	Breyer	Roberts	Kavanaugh	Barrett	Gorsuch	Alito	Thomas
Torres	March 25, 2021	5-3	Roberts						(recused)			
Ford	March 25, 2021	8-0	Kagan						(recused)			
Mays	March 29, 2021	8-1	Per Curiam									
Facebook	April 1, 2021	9-0	Sotomayor									
Prometheus	April 1, 2021	9-0	Kavanaugh									
Fla. v. Ga.	April 1, 2021	9-0	Barrett									
Google	April 5, 2021	6-2	Breyer						(recused)			
Tandon	April 9, 2021	5-4	Per Curiam									
AMG Capital	April 22, 2021	9-0	Breyer									
Carr	April 22, 2021	9-0	Sotomayor									
Jones	April 22, 2021	6-3	Kavanaugh									
Wright	April 26, 2021	9-0	Per Curiam									
Niz-Chavez	April 29, 2021	6-3	Gorsuch									
Caniglia	May 17, 2021	9-0	Thomas									
CIC Services	May 17, 2021	9-0	Kagan									
BP	May 17, 2021	7-1	Gorsuch								(recused)	
Edwards	May 17, 2021	6-3	Kavanaugh									
Guam	May 24, 2021	9-0	Thomas									

In closely divided cases, we code a 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.

ALL MERITS CASES

Case Name	Decided	Vote	Author
Palomar-Santiago	May 24, 2021	9-0	Sotomayor
San Antonio	May 27, 2021	9-0	Alito
Cooley	June 1, 2021	9-0	Breyer
Dai	June 1, 2021	9-0	Gorsuch
Van Buren	June 3, 2021	6-3	Barrett
Sanchez	June 7, 2021	9-0	Kagan
Borden	June 10, 2021	5-4	Kagan
Terry	June 14, 2021	9-0	Thomas
Greer	June 14, 2021	9-0	Kavanaugh
Gary	June 14, 2021	8-1	Kavanaugh
Fulton	June 17, 2021	9-0	Roberts
Nestlé	June 17, 2021	8-1	Thomas
Calif. v. Texas	June 17, 2021	7-2	Breyer
Arthrex	June 21, 2021	5-4	Roberts
Alston	June 21, 2021	9-0	Gorsuch
Goldman Sachs	June 21, 2021	8-1	Barrett
Cedar Point	June 23, 2021	6-3	Roberts
Mahanoy	June 23, 2021	8-1	Breyer

In closely divided cases, we code a 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.

ALL MERITS CASES

Case Name	Decided	Vote	Author	Sotomayor	Kagan	Breyer	Roberts	Kavanaugh	Barrett	Gorsuch	Alito	Thomas
Collins	June 23, 2021	7-2	Alito		■		■	■	■	■	■	■
Lange	June 23, 2021	9-0	Kagan	■	■	■	■	■	■	■	■	■
HollyFrontier	June 25, 2021	6-3	Gorsuch			■	■	■		■	■	■
TransUnion	June 25, 2021	5-4	Kavanaugh				■	■	■	■	■	
Chehalis	June 25, 2021	6-3	Sotomayor	■		■	■	■		■	■	
Minerva	June 29, 2021	5-4	Kagan	■	■	■	■	■				
Chavez	June 29, 2021	6-3	Alito				■	■	■	■	■	■
PennEast	June 29, 2021	5-4	Roberts	■		■	■			■	■	
Brnovich	July 1, 2021	6-3	Alito				■	■	■	■	■	■
AFP Foundation	July 1, 2021	6-3	Roberts				■	■	■	■	■	■
Dunn	July 2, 2021	6-3	Per Curiam				■	■	■	■	■	■

In closely divided cases, we code a 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.