

Supreme Court Update: 2025 Term

David Schultz, Distinguished Professor,
Department of Political Science
Hamline University
dschultz@hamline.edu



Observations and Highlights

- Unitary executive wins
- Birth Right citizenship preserved
- Immigration powers upheld
- Gun rights prevail
- Campaign finance and voting rights lose
- Trump Tariffs lose
- Transgender lose
- First Amendment and conversion therapy free-speech win



Two Models of Judicial Decision Making



Judicial Model



Political Science Model

Composition of the Federal Courts

(District Courts: Apr. 20, 2026; Courts of Appeals: Nov. 4, 2025)

- 680 Federal District Court Judges
 - 378 Appointed by Democratic Presidents
 - 270 Appointed by Republican Presidents
 - Seven Circuits with majority Democrats
 - Four Circuits with a majority Republicans (one, the 8th, evenly split)
- Thirty-two District Court Vacancies
- 179 Court of Appeals Judges
 - 87 Appointed by Democratic Presidents
 - 92 Appointed by Republican Presidents
 - Seven Circuits with majority Democrats
 - Six Circuits with majority Republicans
- Zero Appeals Court Vacancies

Democratic Party Presidential Appointment
(Biden 227)

Republican Party Presidential Appointment
(Trump 260, both terms)

Elections Matter...or Not?

- Both legal and political science models have cogency
- Does appointing President Matter?
- Is or should the Supreme Court be above public opinion?



Overview

- Multiple trackers and news analyses report on how the Trump administration has fared in federal court during the second term
 - Figures vary considerably by court level: district court, appellate, or Supreme Court
 - Figures also vary by time window measured and which cases are included in the sample
 - No single authoritative tracker exists; data comes from advocacy organizations, news organizations, and academic analyses
 - This overview synthesizes findings publicly available as of mid-2026
- 

Overall Win/Loss Rate

- Democracy Forward: administration lost more than 70% of over 600 lawsuits (Jan. 2026)
 - Stanford analysis (Bonica): 96% district court loss rate in one month (May 2025)
 - Bloomberg: 128 of 328 suits blocked by court order vs. only 43 allowed to proceed (May 2025)
 - White House: 21 Supreme Court victories touted as of September 2025
 - Trump allies cite an appellate reversal rate far higher than the Biden administration
- 

District Court vs. Supreme Court/Appellate

- **District Court Record**
 - Losses in 70 to 96% of rulings, depending on the period measured
 - Losses come from judges appointed by presidents of both parties
 - Represents the bulk of the more than 600 lawsuits filed
- **Supreme Court / Appellate Record**
 - 21 Supreme Court wins touted by the White House (Sept. 2025)
 - Appellate reversal rate cited as far exceeding the Biden era
 - Reflects a more selectively curated docket than district court litigation as a whole
 - 2026 docket seen as a tougher test for the administration

Win/Loss by Appointing President

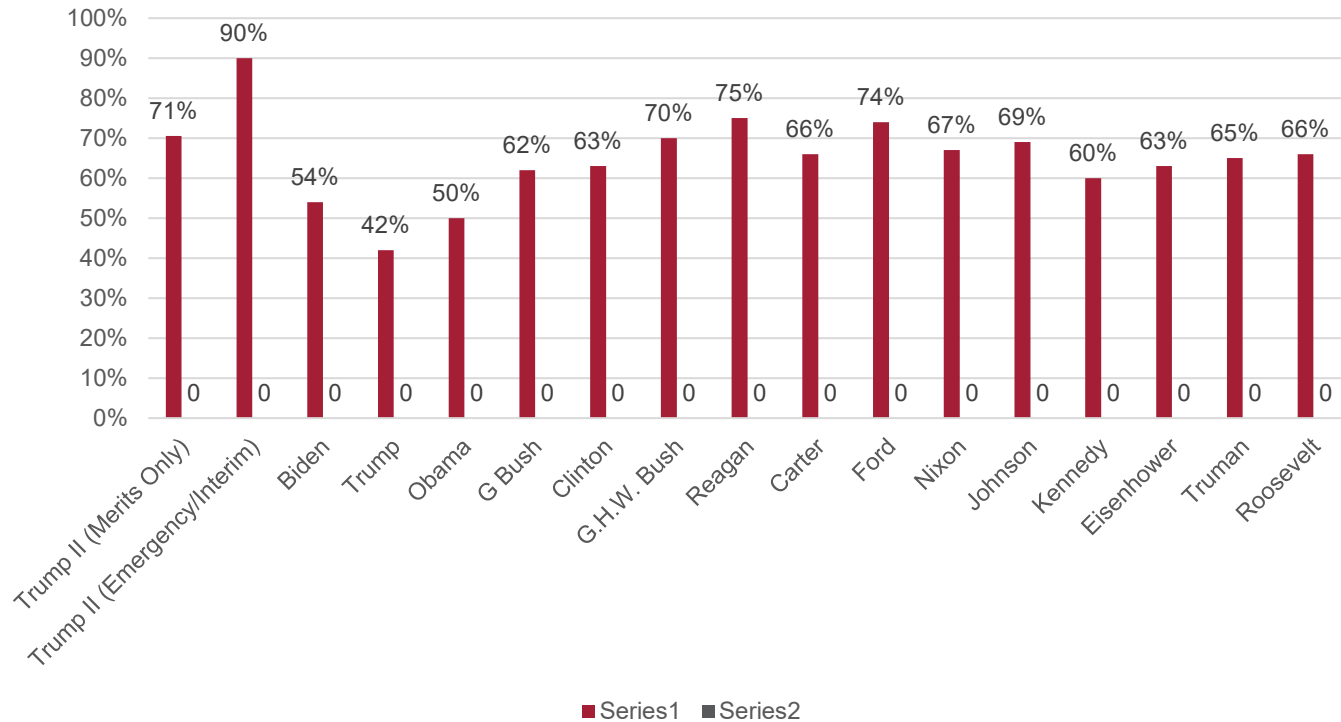
- Democracy Docket/Bonica: lost 72% of rulings by Republican appointees; 80% by Democratic appointees
 - ABA analysis: 62% loss rate before Republican appointees vs. 82% before Democratic appointees
 - Half of the 41 adverse Republican-appointee rulings came from judges Trump himself appointed
 - Forbes: every appellate win included a Trump appointee on the panel
 - Rulings from non-Trump-appointed judges favored the administration only about 14% of the time
- 

Key Takeaways

- No single continuously updated tracker exists; figures vary by source and methodology
 - District courts show consistent majority losses (70 to 96%) across judges of both parties
 - Trump appointees rule for the administration more often, especially on appeal
 - The administration still loses most rulings even before Republican and Trump appointees (62 to 72%)
 - Supreme Court and appellate "win" statistics reflect a curated docket, not a representative sample
- 

Trump Administration in Court

Presidential Administration Success Before the Supreme Court



Trump II figures are preliminary, partial-term statistics and use different methodologies than the full-term merits-based rates shown for other administrations: Emergency/Interim = emergency-docket and interim rulings through Oct. 2025 (Court Accountability, 23 rulings examined); Merits Only = argued cases decided on the merits as of July 2025, 12 of 17 (Forbes).

Republican-Appointed and Conservative Justices on the Roberts Court More likely to vote to Overrule Constitutional Precedent

Party of Appointing President	Justice	Votes to Overrule Constitutional Precedent	Total Votes on Constitutional Precedent	Percentage Votes to Overrule Constitutional Precedent		
Republican	Barrett	1	1	100%	0.949	
Republican	Gorsuch	9	10	90%	1.027	
Republican	Kennedy	8	9	88.90%	0.263	
Republican	Thomas	14	16	87.50%	3.114	
Republican	Kavanaugh	6	7	85.70%	0.558	
Republican	Scalia	4	6	67%	2.069	
Republican	Roberts	10	16	62.50%	0.859	
Republican	Alito	10	16	62.50%	1.95	
Democrat	Ginsburg	6	12	50%	-2.132	
Democrat	Sotomayor	7	15	46.70%	-3.127	
Democrat	Breyer	7	15	46.70%	-1.578	
Democrat	Kagan	4	12	33%	-1.713	
Republican	Stevens	0	2	0%	-2.809	
Republican	Souter	0	0			
Republican	O'Connor	0	0			
Democrat	Brown Jackson	0	0		0.73553	
					3	
						The P-Value is .004206. The result is significant at p < .01.

Cert Petitions

- Estimated 7,000 to 10,000 cert petitions to the US Supreme Court for the 2025 term according to Ballotpedia and the Supreme Court's own website.



Nice Work If you Can Get It: Comparing the 2024 and 2025 Terms

- 2024 Term

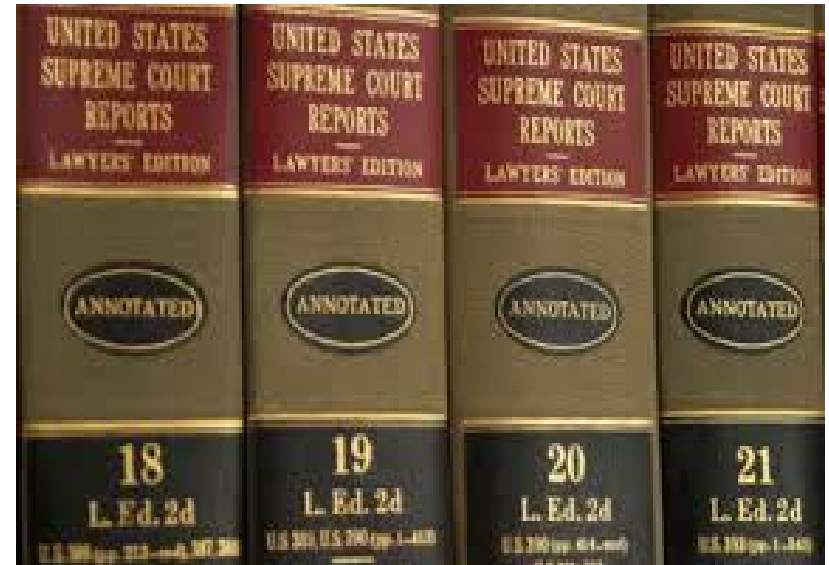
- Agreed to hear 62 cases
- 56 Merit opinions released
- 4 dismissal

2025 Term

- Agreed to hear 57 cases for argument (+9 decided without argument)
- 66 Merit opinions released (56 signed + 10 per curiam)
- 1 dismissal (DIG, after argument)

Total Opinions; Historical

- 1964 325 total opinions (Warren Court)
- 2024 total opinions (Roberts 164)



Workload Over Time (Majority Opinions)

- 1970 105 (Burger Court)
- 1990 129 (Rehnquist Court)
- 2000 75 (Rehnquist Court)
- 2005 82 (Roberts Court)
- 2024 66 (Roberts Court)
- 2025 66 (Roberts Court, 56 signed + 10 per curiam)



What is the Shadow Docket

- The shadow docket encompasses the Supreme Court's handling of emergency applications, stay requests, injunctions pending appeal, and various other procedural matters that bypass the normal deliberative process.



How big is the Shadow Docket?

- Emergency orders were once rare. By early August 2026, Georgetown law professor Steve Vladeck counted roughly 104 full Court rulings on emergency (shadow docket) applications during the 2025 Term, most of them tied to challenges against the Trump administration.
- If we add those 104 emergency rulings to the 66 signed and per curiam merit opinions issued in the 2025 Term, roughly 61% of all the decisions the Court issued that term came without full briefing, oral argument, or a signed opinion. In effect, the number of signed merits opinions has stagnated while unsigned shadow docket rulings have kept climbing.



Important 2025 Shadow Docket Decisions

- **1. *Noem v. Vasquez Perdomo* (Immigration Stops in Los Angeles)**
 - 606 U.S. ____ (2025), No. 25A410
 - On **September 8, 2025**, the Court stayed a district court order barring federal agents from making immigration stops based on apparent ethnicity, language, job type, or location, lifting limits on ICE "roving patrol" stops in Los Angeles. Justice Kavanaugh concurred; Justice Sotomayor dissented, joined by Justices Kagan and Jackson.
- **2. *Trump v. Illinois* (National Guard Deployment to Chicago)**
 - 607 U.S. ____ (2025), No. 25A544
 - On **December 23, 2025**, the Court denied the administration's request to lift an injunction blocking federalization of the Illinois National Guard for deployment to Chicago, a rare loss for the administration on the emergency docket. Justice Kavanaugh concurred in the judgment; Justices Alito (joined by Thomas) and Gorsuch dissented.
- **3. *Trump v. Cook* (Federal Reserve Governor Removal)**
 - 609 U.S. ____ (2026), No. 25A312
 - Filed in **September 2025**, this application asked the Court to let President Trump remove Federal Reserve Governor Lisa Cook. Instead of ruling summarily, the Court deferred the application for full briefing and oral argument, an unusual move on the emergency docket, then denied the stay 5 to 4 in a signed opinion by Chief Justice Roberts on June 29, 2026.
- **4. *National Park Service v. National Trust for Historic Preservation* (White House East Wing)**
 - No. 26A203, pending
 - Filed in **August 2026** and still pending, this application asks the Court to stay an injunction halting construction of a new ballroom and events complex at the White House East Wing, an example of the emergency docket's continuing reach into high profile executive branch disputes.

Circuit Scorecard

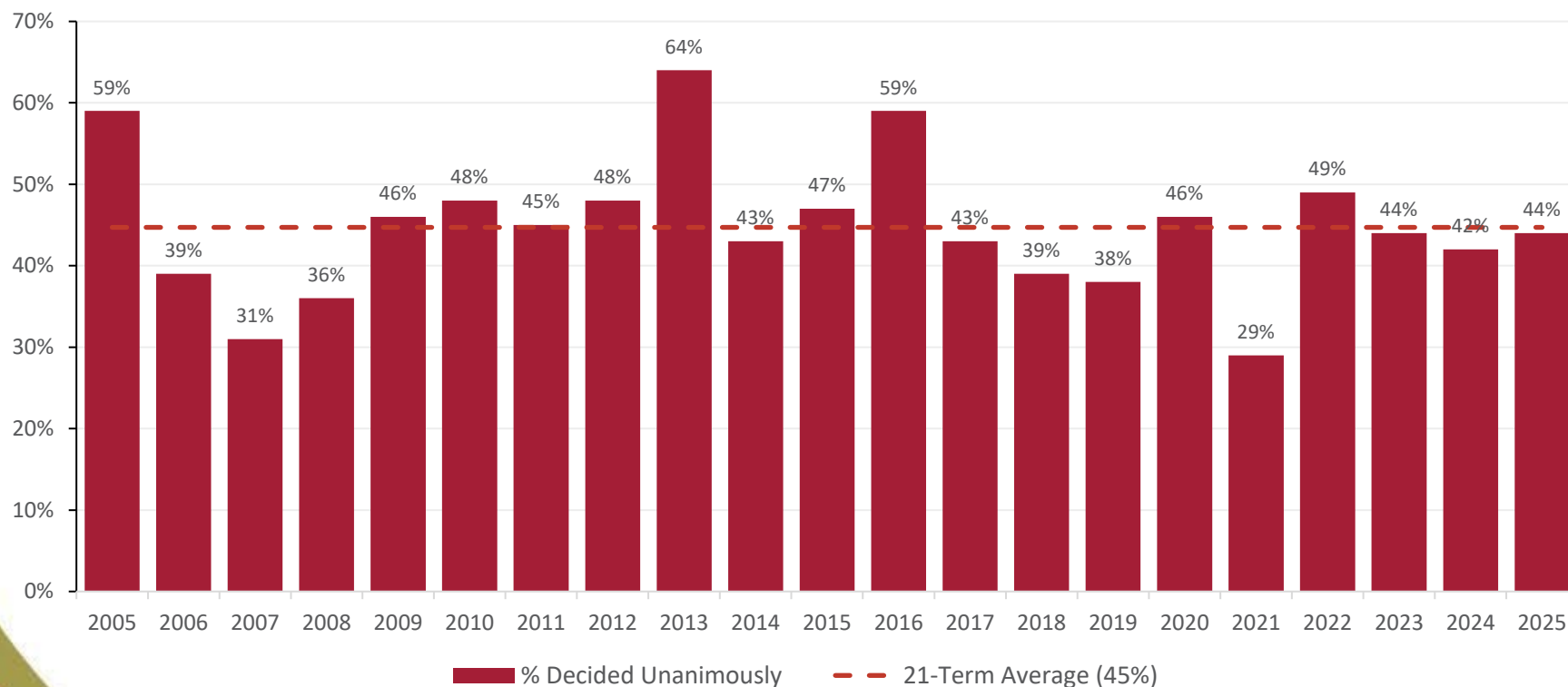
SCOTUS decisions by circuit, 2025 Term				
Court	Decided	Affirmed	Reversed	Percent Reversed
First Circuit	2	2	0	0.00%
Second Circuit	9	3	6	66.70%
Third Circuit	3	1	2	66.70%
Fourth Circuit	8	1	7	87.50%
Fifth Circuit	11	3	8	72.70%
Sixth Circuit	4	2	2	50.00%
Seventh Circuit	2	0	2	100.00%
Eighth Circuit	1	0	1	100.00%
Ninth Circuit	7	1	6	85.70%
Tenth Circuit	3	2	1	33.30%
Eleventh Circuit	3	0	3	100.00%
D.C. Circuit	6	2	4	66.70%
Federal Circuit	2	1	1	50.00%

Historical Statistics on Reversal

- Between the 2007 and 2023 terms, SCOTUS released opinions in **1250 cases**.
- Of those, it reversed a lower court decision **891 times (71.3%)** while affirming a lower court decision **347 times (27.8%)**. In that time period, SCOTUS decided more cases originating from the Ninth Circuit (243) than from any other circuit.
- These trends continued in the 2025 Term: of the 61 cases decided that originated in a U.S. Court of Appeals, the Justices affirmed 18 (29.5%) and reversed 43 (70.5%), in line with the long-run average.
- **Bottom Line:** Odds are the Supreme Court will not take your case and if they do, the odds are that the Supreme Court will reverse the lower court.

Unanimous Decisions by Term (OT2005–OT2025)

Percentage of cases decided without any full dissent (including per curiam decisions), by Supreme Court term.



Justice Agreement: All Cases

Barrett								59%
Kavanaugh							88%	62%
Gorsuch						85%	91%	59%
Kagan					65%	68%	68%	88%
Sotomayor				94%	62%	68%	65%	94%
Alito			55%	55%	88%	88%	88%	49%
Thomas		94%	56%	56%	88%	85%	88%	50%
Roberts	82%	85%	68%	71%	88%	94%	91%	62%
	Thomas	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Barrett	Jackson

Agreement Statistics

- The highest agreement rate was 94%, shared by four pairs of Justices: Kagan and Sotomayor, Kavanaugh and Chief Justice Roberts, Jackson and Sotomayor, and Thomas and Alito
 - The lowest agreement rate was 49%, between Justices Alito and Jackson
- 

Frequency in the Majority (non-unanimous cases)

Justice	Percentage
Roberts	92%
Thomas	70%
Alito	70%
Sotomayor	51%
Kagan	51%
Gorsuch	76%
Kavanaugh	92%
Barrett	86%
Jackson	41%

Frequency in the Majority (5-4 or 6-3 cases)

Justice	Percentage
Roberts	88%
Thomas	69%
Alito	65%
Sotomayor	38%
Kagan	35%
Gorsuch	69%
Kavanaugh	88%
Barrett	81%
Jackson	38%

It's the Roberts Court

- 95% in majority in all cases (tied with Kavanaugh)
- 92% in non-unanimous cases (tied with Kavanaugh)
- 88% in closely divided cases (tied with Kavanaugh)
- Kavanaugh was in the majority 95% of all cases, 92% of non-unanimous cases, and 88% of closely divided cases
- Barrett was in the majority 92% of all cases, 86% of non-unanimous cases, and 81% of closely divided cases



Observations on Case Disposition

- 43.9% of cases decided unanimously (43.1% average, 2005 to 2024 terms)
- 19 decisions were 6-3 (not all ideological)
 - In 15 of those, the three Democratic appointed justices, Sotomayor, Kagan, and Jackson, dissented together
 - In 1 (*Trump v. Barbara*, the birthright citizenship case), Thomas, Alito, and Gorsuch dissented together instead
- In 10 cases, three or more conservative appointed justices dissented together, including *Bowe*, *Trump v. Cook*, *Watson v. Republican National Committee*, *Learning Resources*, and *Barbara*
- Three blocs on the Court
 - Conservatives: Thomas, Alito, Gorsuch
 - Center-right: Roberts, Kavanaugh, Barrett, with Kavanaugh increasingly voting with the conservative bloc in closely divided cases
 - Center-left: Sotomayor, Kagan, Jackson

Ideological Splits

- Ideology often matters
- Appointing President matters



The Major Questions Doctrine

- Requires Congress to speak clearly before courts read a statute to give the executive power over questions of vast economic or political significance
- Traces to *West Virginia v. EPA*, 597 U.S. 697 (2022)
- 2025 Term question: does the doctrine reach the President's own claimed emergency powers, not just agency rulemaking?
- 607 U.S. 229 (2026), No. 24-1287, consolidated with *Trump v. V.O.S. Selections, Inc.*, decided Feb. 20, 2026
- Held, 6-3: IEEPA does not authorize the tariffs. Only 3 Justices (Roberts, Gorsuch, Barrett) joined the major-questions rationale itself
- Kagan, joined by Sotomayor and Jackson, reached the same result through ordinary statutory interpretation, without invoking the doctrine
- Gorsuch's concurrence grounds the doctrine in Article I and rejects a foreign-affairs carve-out, warning it would swallow the rule
- Kavanaugh's dissent, joined by Thomas and Alito, argues the doctrine has never applied to foreign-affairs statutes and should not apply here

The Doctrine

Learning Resources v. Trump

Long Standing Traditions Doctrine

- From *N.Y. State Rifle & Pistol Assn. v. Bruen*, 597 U.S. 1 (2022)
- A law regulating conduct covered by the Second Amendment's text is presumptively unconstitutional unless the government shows it fits the Nation's historical tradition of firearm regulation
- Two steps: (1) does the plain text cover the conduct, and (2) is the regulation analogous to historical firearms laws
- 609 U.S. ____ (2026), No. 24-1046, decided June 25, 2026
- Held, 6-3 (Alito): Hawaii's "vampire rule," barring concealed carry on private property open to the public without the owner's consent, violates the Second Amendment
- Bruen step 1 easily satisfied: carrying arms onto such property is covered conduct
- At step 2, Hawaii's strongest historical analogues were Reconstruction-era laws, including an 1865 Louisiana law, that had disarmed freed Black Americans
- That reliance drew sharp questioning at argument, including from Justice Gorsuch, about using laws rooted in racial exclusion to justify modern gun restrictions

The Doctrine

Wolford v. Lopez

1. Transgender Rights and LGBTQ+ Rights

- ***West Virginia v. B.P.J.***, 609 U.S. ____ (2026), No. 24-43

Upheld state law barring transgender girls from competing on girls' sports teams. The Court found no violation of Title IX or the Equal Protection Clause.

- ***Little v. Hecox***, 609 U.S. ____ (2026), No. 24-38

Upheld Idaho's similar law. States may restrict girls' and women's athletic teams based on biological sex.

- ***Chiles v. Salazar***, 607 U.S. ____ (2026), No. 24-539

Colorado's ban on conversion therapy for minors violated the First Amendment as applied to talk therapy. The law discriminated based on viewpoint.

2. Second Amendment and Gun Rights

- ***Wolford v. Lopez***, 609 U.S. ____ (2026), No. 24-1046

Addressed Hawaii's restrictions on carrying firearms on private property open to the public. Continues the Court's post-Bruen analysis of where firearms may be carried.

- ***United States v. Hemani***, 609 U.S. ____ (2026), No. 24-1234

The government may not prohibit firearm possession solely because an individual regularly uses a controlled substance for a nonprescribed purpose.



3. Voting Rights and Elections

- ***Louisiana v. Callais***, 608 U.S. ____ (2026), Nos. 24-109 & 24-110

Held that Louisiana's second majority-Black congressional district was an unconstitutional racial gerrymander. Reinforces Equal Protection limits on race-based redistricting, even when adopted to comply with Section 2 of the Voting Rights Act.

- ***Watson v. Republican National Committee***, 609 U.S. ____ (2026), No. 24-1260

Upheld Mississippi's rule counting mail ballots postmarked by Election Day if received within five business days. Federal law does not require ballots to be received by Election Day.

4. Campaign Finance

- ***National Republican Senatorial Committee v. FEC***, 609 U.S. ____ (2026), No. 24-621

Struck down federal limits on coordinated expenditures between political parties and their candidates.
Expands First Amendment protections for political parties and their role in financing campaigns.

5. Immigration, Citizenship, and Immigrants' Rights (1 of 2)

- ***Trump v. Barbara***, 609 U.S. ____ (2026), No. 25-365

The Court rejected the President's attempt to deny birthright citizenship to children born in the U.S. to parents who are unlawfully or temporarily present. Affirms the Citizenship Clause of the Fourteenth Amendment.

- ***Mullin v. Al Otro Lado***, 609 U.S. ____ (2026)

A noncitizen at the border has not “arrived” in the U.S. until physically crossing. The INA does not entitle such a person to apply for asylum or require inspection.

5. Immigration, Citizenship, and Immigrants' Rights (2 of 2)

- ***Mullin v. Doe***, 609 U.S. ____ (2026)

Upheld the termination of Temporary Protected Status and ruled that federal courts lack jurisdiction to review certain discretionary immigration decisions.

- ***Urias-Orellana v. Bondi***, 609 U.S. ____ (2026)

Held that an undocumented immigrant apprehended in the U.S. is entitled to notice and a reasonable opportunity to seek withholding of removal under the INA.

6. Presidential Power and Separation of Powers (1 of 2)

- ***Trump v. Slaughter***, 609 U.S. ____ (2026), No. 25-332

Substantially narrowed limits on the President's removal power. Weakens Humphrey's Executor and strengthens presidential control over officials exercising executive power.

- ***Trump v. Cook***, 609 U.S. ____ (2026), No. 25A312

The President may not remove a Federal Reserve Governor under the circumstances presented. Suggests the Fed may occupy a constitutionally distinctive position.

6. Presidential Power and Separation of Powers (2 of 2)

- ***Learning Resources, Inc. v. Trump***, 607 U.S. 229 (2026), No. 24-1287

Held that IEEPA does not authorize the President to impose broad tariffs. A major setback for expansive claims of emergency presidential power.

- ***Trump v. V.O.S. Selections, Inc.***, 607 U.S. 229 (2026)

Agreed with Learning Resources that IEEPA does not permit the tariffs at issue.

Overarching Theme of the 2025–2026 Term

The Court advanced many conservative constitutional doctrines, expanding gun rights, limiting voting protections, broadening campaign-finance speech, permitting transgender sports restrictions, and strengthening presidential removal power.

At the same time, the Court rejected key Trump administration efforts, striking down broad tariffs, affirming birthright citizenship, protecting the Federal Reserve from unrestricted removal, and upholding states' ability to count timely mailed ballots received after Election Day.

The 2025–2026 Term reflects a complex Court that strengthened conservative principles while preserving important constitutional guardrails.



Six Major Cases to Watch in the 2026 Term



Republican National Committee v. Mi Familia Vota

No. 25-1017, cert. granted June 30, 2026

- Area: Voting Rights / Election Administration / Federalism
 - Arizona laws require documentary proof of U.S. citizenship for some voter registrations and authorize citizenship-related voter-roll checks.
 - Question: Does the National Voter Registration Act, or an existing federal consent decree, prevent Arizona from imposing proof-of-citizenship requirements on its state registration form or cancelling noncitizen registrations within 90 days of a federal election?
 - Why it matters: The decision could significantly redefine the boundary between federal election law and state authority over voter eligibility and registration.
- 

Viramontes v. Cook County

No. 25-238 (consolidated with *Grant v. Higgins*), cert. granted June 30, 2026

- Area: Second Amendment
 - Consolidated with *Grant v. Higgins*. The challenges involve Illinois and local restrictions on AR-15-style and similar semiautomatic rifles.
 - Question: Do the Second and Fourteenth Amendments protect an individual right to possess AR-15-platform and similar semiautomatic rifles?
 - Why it matters: The case may become the Court's most important post-Bruen ruling on which weapons qualify as constitutionally protected "arms" and how governments may regulate commonly owned semiautomatic rifles.
- 

Suncor Energy (U.S.A.) Inc. v. County Commissioners of Boulder County

No. 25-170, cert. granted Feb. 23, 2026

- Area: Climate Change / Federal Preemption / Federalism
 - Colorado local governments seek relief under state law from energy companies for climate-related injuries allegedly connected to interstate and international greenhouse-gas emissions.
 - Questions: Does federal law preclude these state-law claims, and does the Supreme Court have statutory and Article III jurisdiction to decide the dispute?
 - Why it matters: A broad ruling could determine whether state and local governments may use state tort law to pursue major climate-change litigation against fossil-fuel companies.
- 

St. Mary Catholic Parish v. Roy

cert. granted, OT 2026

- Area: Free Exercise / Religious Schools / LGBTQ Nondiscrimination
 - Catholic preschools seek to participate in Colorado's publicly funded universal preschool program while objecting to nondiscrimination requirements involving sexual orientation and gender identity.
 - Questions: When does a government program cease to be generally applicable under *Employment Division v. Smith*, and how far does *Carson v. Makin* protect religious institutions seeking access to public benefits?
 - Why it matters: The ruling could reshape the relationship among religious liberty, government funding, nondiscrimination rules, and the continuing reach of *Employment Division v. Smith*.
- 

Grand v. City of University Heights

cert. granted, OT 2026

- Area: First Amendment / Religious Exercise / Justiciability
 - An Orthodox Jewish homeowner alleges that city zoning threats deterred prayer gatherings in his home and chilled religious exercise, worship, and assembly.
 - Question: Does the normal First Amendment chilling-effect doctrine permit an immediate constitutional claim, or must the plaintiff first satisfy the special finality requirement used in land-use disputes?
 - Why it matters: The decision could affect when plaintiffs may enter federal court after government action allegedly chills First Amendment activity, especially in religious land-use disputes.
- 

Montoya Palacios v. Liggins

cert. granted, OT 2026

- Area: Immigration / Habeas Corpus / Attorney's Fees
 - An immigration detainee successfully challenged his civil detention through habeas corpus and then sought attorney's fees under the Equal Access to Justice Act.
 - Question: Does the EAJA phrase "any civil action" include a habeas action challenging civil immigration detention?
 - Why it matters: The Court will resolve a circuit split and could affect the practical ability of detained noncitizens to obtain legal representation when challenging unlawful detention.
- 

Overarching Themes

- Federalism: Several cases test the allocation of authority between federal and state governments.
 - Rights and regulation: The Court will again confront conflicts between individual constitutional rights and government regulatory authority.
 - Doctrinal clarification: *Bruen*, *Smith*, *Carson*, First Amendment chilling doctrine, federal preemption, and habeas procedure may all receive important clarification.
 - Institutional access: Several cases concern not only substantive rights, but when and how individuals or governments may invoke federal judicial remedies.
- 

Acknowledgements

- SCOTUSBlog
- Empirical SCOTUS
- *NY Times*
- Ballotpedia
- *The Guardian*



Questions and Thank you! David Schultz

dschultz@hamline.edu



HAMLINE UNIVERSITY

—— MINNESOTA'S FIRST UNIVERSITY ——