

Supreme Court Update: 2024 Term

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Observations and Highlights

- Six to Three is all you need to know (but only 15% of the time, and not all ideological)
- It's Trump Court (Supreme Court v. lower courts)
- It's Roberts Court (most in the majority)
- Only the Shadow Court knows
- Individual rights lose
- Except for Free Exercise



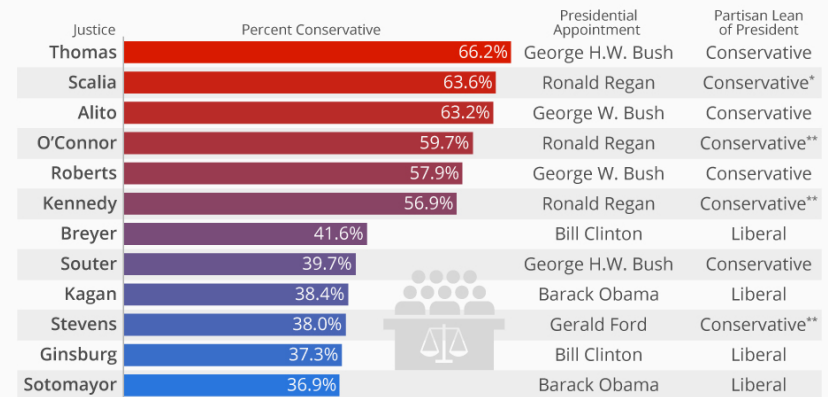
Two Models of Judicial Decision Making



Judicial Model

How Supreme Court Justices Align With Their Appointer

% of votes coded as conservative in each justice's Supreme Court career, through 2016 term



* Died
** Retired
Neil Gorsuch is not featured in this report.
As of 2016

cc i e
@StatistaCharts

Source: FiveThirtyEight

statista

Political Science Model

Composition of the Federal Courts (As of July 29, 2025)

- 679 Federal District Court Judges
 - 384 Appointed by Democratic Presidents
 - 251 Appointed by Republican Presidents
 - Eight Circuits with majority Democrats
 - Four Circuits with a majority Republicans
- Forty-five District Court Vacancies
- 179 Court of Appeals Judges
 - 87 Appointed by Democratic Presidents
 - 90 Appointed by Republican Presidents
 - Seven Circuits with majority Democrats
 - Six Circuits with majority Republicans
- Two Appeals Court Vacancies

Democratic Party Presidential Appointment
(Biden 235)

Republican Party Presidential Appointment
(Trump 239)

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?



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 2024 term according to Ballotpedia and the Supreme Court's own website.



Nice Work If you Can Get It: Comparing the 2024 and 2023 Term

- 2024 Term

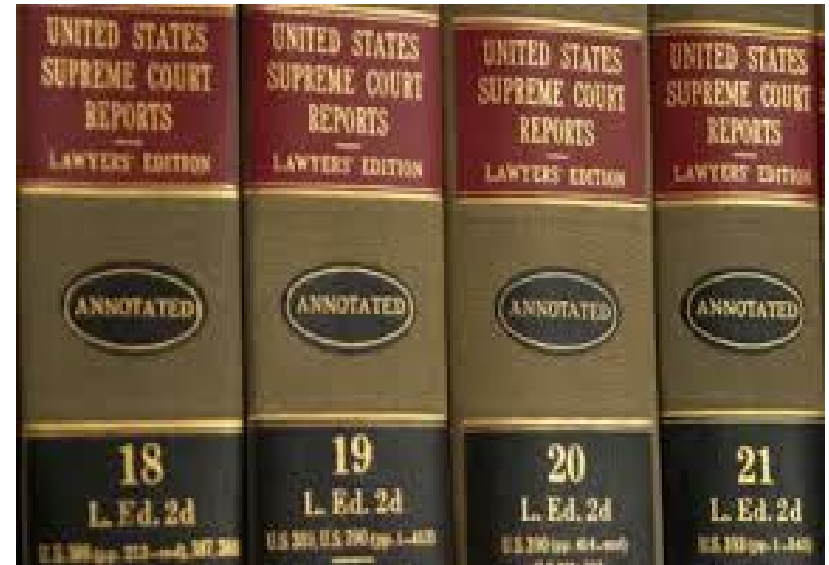
- Agreed to hear 62 cases
- 56 Merit opinions released
- 4 dismissal

2023 Term

Agreed to hear 62 cases
Two cases dismissed
60 Merit opinions issued

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)



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?

- Focusing only on emergency orders, data from the Princeton–Texas Shadow Docket database shows indicate for example, emergency orders were rare. In the 2024 term there were 44 emergency orders issued. SCOTUSblog reported 113 emergency order requests on in 2025 term by July 1, 2025, with the return of Donald Trump to the presidency.
- If we look at the 56 merit opinions issued in the 2024 term and add the 44 emergency orders, 44% of all the decisions the Supreme Court issued in that term were without oral arguments, full opinions, or even signed. In effect, over the last few years the number of signed opinions has stagnated or gone down while unsigned shadow docket opinions have increased



Important 2024 Shadow Docket Decisions

- **Maine Lawmaker Laurel Libby Censure**
 - On **May 20, 2025**, the Court temporarily blocked enforcement of a censure against Maine legislator Laurel Libby—who was disciplined for misgendering a transgender student. The Court’s emergency order allowed her to vote pending appeal, though she remained barred from speaking on the House floor. Justice Sotomayor and Justice Jackson dissented, criticizing the procedural overreach and lack of transparency. [AP](#)
[News+11Them+11SCOTUSblog+11](#)
- **2. Trump v. Boyle – Firing of Agency Officials**
 - In a **July 23, 2025** emergency order, the Court granted President Trump’s request to stay the reinstatement of Consumer Product Safety Commission members whom he had removed. Justices Kagan, Sotomayor, and Jackson dissented. [SCOTUSblog](#)
- **3. Turtle Mountain Band (Voting Rights Act §1983)**
 - On **July 24, 2025**, the Supreme Court granted an emergency order to stay an appeals court mandate that limited the use of §1983 lawsuits to enforce Section 2 of the Voting Rights Act. [SCOTUSblog+2The Guardian+2](#)
- **5. Trump v. Wilcox – Removals from Federal Boards**
 - Although not tied to a specific date in these sources, Justice Vladeck noted that in May 2025 the Court overturned preliminary injunctions blocking Trump from removing officials from federal boards (NLRB and MSPB) via a 6–3 shadow-docket decision.

Circuit Scorecard

SCOTUS decisions by circuit, 2024				
Court	Decided	Affirmed	Reversed	Percent Reversed
First Circuit	2	0	2	100.00%
Second Circuit	5	2	3	60.00%
Third Circuit	2	1	1	50.00%
Fourth Circuit	8	0	8	100.00%
Fifth Circuit	13	3	10	76.90%
Sixth Circuit	4	2	2	50.00%
Seventh Circuit	2	1	1	50.00%
Eighth Circuit	2	1	1	50.00%
Ninth Circuit	4	0	4	100.00%
Tenth Circuit	5	0	5	100.00%
Eleventh Circuit	4	3	2	50.00%
D.C. Circuit	5	2	3	60.00%
Federal Circuit	3	1	2	66.70%

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 2024 session.
- **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.

It's Trump's Supreme Court

- “Since May, federal district courts have ruled against the administration 94.3 percent of the time,” Adam Bonica, a political scientist at Stanford, wrote in a [June 25 Substack essay](#). “The Supreme Court, however, has flipped that outcome, siding with the administration in 93.7 percent of its cases. The Supreme Court is now in open conflict with the lower courts over cases involving the Trump administration.”



Thomas Edsall, “The Supreme Court has finally found a president it likes,” *New York Times* (August 5, 2025)

Justice Agreement: All Cases

Barrett								68%
Kavanaugh							91%	65%
Gorsuch						70%	72%	59%
Kagan					64%	75%	78%	89%
Sotomayor				92%	59%	71%	74%	94%
Alito			56%	64%	76%	83%	83%	53%
Thomas		97%	57%	65%	77%	83%	83%	54%
Roberts	77%	77%	77%	82%	77%	91%	85%	71%
	Thomas	Alito	Sotomayor	Kagan	Gorsuch	Kavanaugh	Barrett	Jackson

Agreement Statistics

- The highest agreement rate was 97% when it applied to Alito and Thomas, followed by 94 percent, which applied to Justices Sotomayor and Jackson
- The lowest agreement rate was 53% which applied to Justices Alito and Jackson

Frequency in the Majority (non-unanimous cases)

Justice	Percentage
Roberts	92%
Thomas	62%
Alito	62%
Sotomayor	62%
Kagan	70%
Gorsuch	61%
Kavanaugh	86%
Barrett	81%
Jackson	51%

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

Justice	Percentage
Roberts	90%
Thomas	50%
Alito	50%
Sotomayor	50%
Kagan	45%
Gorsuch	70%
Kavanaugh	80%
Barrett	70%
Jackson	45%

It's the Roberts Court

- 95% in majority in all cases
- 92% in non-unanimous cases
- 90% in closely divided cases
- Kavanaugh was in the majority 92%
- Barrett was in the majority 89%



Observations on Case Disposition

- 42% of cases decided unanimously (44.5% average since 2006)
- Ten 6-3 decisions (not all ideological)
 - In some cases, the three liberal justices—Sotomayor, Kagan, and Jackson—team up with Roberts, Kavanaugh, and Barrett four times.
 - Free preventive care
 - FCC universal service fund
- Three blocs on the Court
 - Conservatives: Thomas, Alito, Gorsuch
 - Center-right: Roberts, Kavanaugh, Barrett
 - Center-left: Sotomayor, Kagan, Jackson

Ideological Splits

- Ideology often matters
- Appointing President matters



Top Decisions I: 2024 Term

- **United States v. Skrmetti**
 - The Court upheld Tennessee's ban on gender-affirming medical treatments (like puberty blockers and hormone therapy) for transgender minors, a major setback for trans rights.
- **Free Speech Coalition v. Paxton**
 - In a 6–3 decision, the Court upheld Texas's law requiring age verification for pornography websites, ruling it passed intermediate scrutiny despite incidental effects on adult speech. A (not) so surprise loss for Free Speech..
- **Catholic Charities Bureau, Inc. v. Wisconsin Labor & Industry Review Commission, 605 U.S. ____ (2025)**
 - The U.S. Supreme Court unanimously reversed the Wisconsin Supreme Court's ruling, holding that denying a tax exemption to Catholic Charities Bureau—despite its faith-driven mission and being controlled by the Diocese of Superior—violated the First Amendment's requirement of religious neutrality
- **Mahmoud v. Taylor**
 - The Court ruled that parents have a right under the Free Exercise Clause to opt their children out of LGBTQ-themed storybook instruction in public schools.

Top Decisions II: 2024 Term

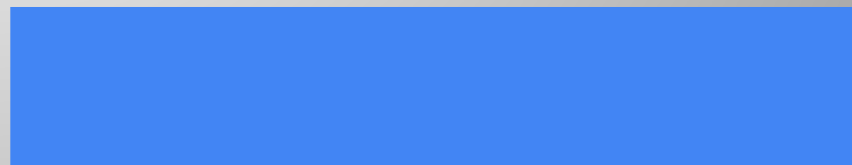
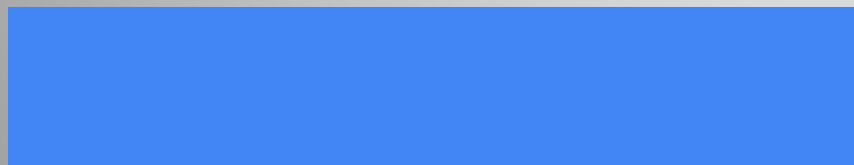
- **Williams v. Reed**
 - The Court held that federal civil rights claims under Section 1983 cannot be blocked merely because state administrative remedies haven't been exhausted—affirming the role of federal jurisdiction.
- **Glossip v. Oklahoma**
 - A new trial was ordered for death-row inmate Richard Glossip after prosecutors suppressed key testimony—reflecting due process violations and reinforcing appellate review authority.
- **Oklahoma Statewide Charter School Board v. Drummond (and related case)**
 - The Court deadlocked 4–4 on whether religious charter schools may receive public funding. The lower court's decision was affirmed without setting a national precedent.
- **Medina v. Planned Parenthood South Atlantic**
 - The justices ruled that Medicaid statutes do not create a private right of action under §1983, limiting the ability of providers and enrollees to sue states for violations.

Top Decisions III: 2024 Term

- Limit on Nationwide Injunctions & Birthright Citizenship Order (Trump v. CASA, Inc.)
 - The Court significantly restricted lower courts' authority to issue sweeping nationwide injunctions. At the same time, it left unresolved the legality of Trump's executive order limiting birthright citizenship.
- Future and Ongoing Voting Rights Case: Louisiana v. Callais
 - The Court has signaled it may revisit if congressional maps built with race-based majority-minority districts under Section 2 of the VRA violate the Equal Protection Clause—a case potentially reshaping redistricting.
- Presidential Control Over Regulatory Agencies
 - In a 6–3 ruling, the Court allowed President Trump to remove Democratic commissioners from the Consumer Product Safety Commission, reinforcing executive authority over independent agencies.

Acknowledgements

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



Questions and Thank you! David Schultz

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