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A blog about the New York Court of Appeals

New York Court of Appeals 2021 – 2022 (mid) Term Statistics

We compiled the following statistics based on information available from the Court. Explanations accompany each set of statistics, but three notes about our methodology are in order. First, we don't track decisions in attorney discipline cases and we break down the Court's other decisions into three categories: signed opinions, memorandum opinions, and summary track decisions. We categorize per curiam decisions in the memorandum opinion category. Second, we treat a decision as unanimous if all the judges that voted reached the same result, even if there were concurring opinions. Third, we look to the substance of the Court's decision to determine if a modification constitutes an affirmance or a reversal. If you have any questions or suggestions, please let us know!

Total Decisions

Total Decisions			
	Civil	Criminal	Total
Signed Opinions	9	8	17
Memorandum Opinions	1	3	4
SSM decisions	4	12	16
Total	14	23	37

The table above shows the total number of decisions issued by the Court in each category.

For the table to the right: the top shows the number of individual writings by each judge in each category; the bottom shows the number of times each judge voted for the given result.

The table below shows where the Court's cases came from and how frequently those courts were affirmed or reversed.

	Total Cases		Affirmed		Reversed	
AD1	7	18.9%	1	14.3%	6	85.7%
AD2	12	32.4%	5	41.7%	5	41.7%
AD3	7	18.9%	2	28.6%	5	71.4%
AD4	8	21.6%	6	75.0%	2	25.0%
AT1/2	3	8.1%	2	66.7%	1	33.3%

Total Judge Counts							
	DiFiore	Rivera	Fahey	Garcia	Wilson	Cannata	Singas
Total Individual Writings	4	5	7	6	11	2	3
Total Dissents	0	3	4	2	7	0	0
Total Concurrences	0	0	0	1	3	0	1
Authored the Majority Opinion	4	2	3	3	1	2	2
Rate	24%	12%	18%	18%	6%	12%	12%
Majority Op. - Joined	12	7	9	10	8	15	15
Rate	71%	41%	53%	59%	47%	88%	88%
- Concurred	0	0	0	1	2	0	0
Rate	0%	0%	0%	6%	12%	0%	0%
- Concurred in Result	0	0	0	0	0	0	0
Rate	0%	0%	0%	0%	0%	0%	0%
- Dissented	0	8	5	1	8	0	0
Rate	0%	47%	29%	6%	47%	0%	0%
- Dissented in Part	0	0	0	1	0	0	0
Rate	0%	0%	0%	6%	0%	0%	0%
Mem. Decision - Joined	3	1	2	3	1	3	3
Rate	75%	25%	50%	75%	25%	75%	75%
- Concurred	1	1	0	1	1	1	1
Rate	25%	25%	0%	25%	25%	25%	25%
- Dissented	0	2	2	0	2	0	0
Rate	0%	50%	50%	0%	50%	0%	0%
SSM Decision - Joined	16	14	16	16	13	16	16
Rate	100%	88%	100%	100%	81%	100%	100%
- Concurred	0	0	0	0	0	0	0
Rate	0%	0%	0%	0%	0%	0%	0%
- Dissented	0	1	0	0	1	0	0
Rate	0%	6%	0%	0%	6%	0%	0%

Total Decisions - Vote Count

Decisions by Vote Count					
	7 to 0	6 to 1	5 to 2	4 to 3	Total
Signed Opinions	7	3	4	3	17
<i>Civil</i>	3	3	2	1	9
<i>Criminal</i>	4	0	2	2	8
Memorandum Opinions	1	1	1	1	4
<i>Civil</i>	0	0	0	1	1
<i>Criminal</i>	1	1	1	0	3
SSM Decisions	13	1	2	0	16
<i>Civil</i>	4	0	0	0	4
<i>Criminal</i>	9	1	2	0	12
Total	21	5	7	4	37
Total Civil Cases	7	3	2	2	14
Total Criminal Cases	14	2	5	2	23

Rate of vote count				
	7 to 0	6 to 1	5 to 2	4 to 3
Signed Opinions	41%	18%	24%	18%
<i>Civil</i>	33%	33%	22%	11%
<i>Criminal</i>	50%	0%	25%	25%
Memorandum Opinions	25%	25%	25%	25%
<i>Civil</i>	0%	0%	0%	100%
<i>Criminal</i>	33%	33%	33%	0%
SSM Decisions	81%	6%	13%	0%
<i>Civil</i>	100%	0%	0%	0%
<i>Criminal</i>	75%	8%	17%	0%
Total	57%	14%	19%	11%
Total Civil Cases	50%	21%	14%	14%
Total Criminal Cases	61%	9%	22%	9%

The “7 to 0” category includes cases decided by a vote of 6 to 0 and cases decided by a vote of 5 to 0. So far in the 2021-2022 Term, there have been no 6-0 decisions and one 5-0 decision. The “6 to 1” category includes cases decided by a vote of 5 to 1 and cases decided by a vote of 4 to 1. So far in the 2021-2022 Term, there have been no 5-1 decisions and one 4-1 decision. The “5 to 2” category includes cases decided by a vote of 4 to 2. So far in the 2021-2022 Term, there have been no 4-2 decisions.

Frequency in the Majority

Frequency in the Majority							
	DiFiore	Rivera	Fahey	Garcia	Wilson	Cannataro	Singas
Signed Opinions	16	9	12	14	11	17	17
<i>Civil</i>	8	5	6	6	7	9	9
<i>Criminal</i>	8	4	6	8	4	8	8
Memorandum Opinions	4	2	2	4	2	4	4
<i>Civil</i>	1	0	0	1	0	1	1
<i>Criminal</i>	3	2	2	3	2	3	3
SSM Decisions	16	14	16	16	13	16	16
<i>Civil</i>	4	4	4	4	4	4	4
<i>Criminal</i>	12	10	12	12	9	12	12
Total	36	25	30	34	26	37	37
Total Civil Cases	13	9	10	11	11	14	14
Total Criminal Cases	23	16	20	23	15	23	23

Rate in the Majority							
	DiFiore	Rivera	Fahey	Garcia	Wilson	Cannataro	Singas
Signed Opinions	94%	53%	71%	82%	65%	100%	100%
<i>Civil</i>	89%	56%	67%	67%	78%	100%	100%
<i>Criminal</i>	100%	50%	75%	100%	50%	100%	100%
Memorandum Opinions	100%	50%	50%	100%	50%	100%	100%
<i>Civil</i>	100%	0%	0%	100%	0%	100%	100%
<i>Criminal</i>	100%	67%	67%	100%	67%	100%	100%
SSM Decisions	100%	88%	100%	100%	81%	100%	100%
<i>Civil</i>	100%	100%	100%	100%	100%	100%	100%
<i>Criminal</i>	100%	83%	100%	100%	75%	100%	100%
Total	97%	68%	81%	92%	70%	100%	100%
Total Civil Cases	93%	64%	71%	79%	79%	100%	100%
Total Criminal Cases	100%	70%	87%	100%	65%	100%	100%

A judge is treated as having been in the majority if the judge voted with the majority, regardless of whether the judge wrote or joined a separate concurring opinion.

Frequency in Dissent

Frequency in Dissent							
	DiFiore	Rivera	Fahey	Garcia	Wilson	Cannata	Singas
Signed Opinions	0	8	5	2	8	0	0
<i>Civil</i>	0	3	3	2	2	0	0
<i>Criminal</i>	0	5	2	0	6	0	0
Memorandum Opinions	0	2	2	0	2	0	0
<i>Civil</i>	0	1	1	0	1	0	0
<i>Criminal</i>	0	1	1	0	1	0	0
SSM Decisions	0	1	0	0	1	0	0
<i>Civil</i>	0	0	0	0	0	0	0
<i>Criminal</i>	0	1	0	0	1	0	0
Total	0	11	7	2	11	0	0
Total Civil Cases	0	4	4	2	3	0	0
Total Criminal Cases	0	7	3	0	8	0	0

Rate in Dissent							
	DiFiore	Rivera	Fahey	Garcia	Wilson	Cannata	Singas
Signed Opinions	0%	47%	29%	12%	47%	0%	0%
<i>Civil</i>	0%	33%	33%	22%	22%	0%	0%
<i>Criminal</i>	0%	63%	25%	0%	75%	0%	0%
Memorandum Opinions	0%	50%	50%	0%	50%	0%	0%
<i>Civil</i>	0%	100%	100%	0%	100%	0%	0%
<i>Criminal</i>	0%	33%	33%	0%	33%	0%	0%
SSM Decisions	0%	6%	0%	0%	6%	0%	0%
<i>Civil</i>	0%	0%	0%	0%	0%	0%	0%
<i>Criminal</i>	0%	8%	0%	0%	8%	0%	0%
Total	0%	30%	19%	5%	30%	0%	0%
Total Civil Cases	0%	29%	29%	14%	21%	0%	0%
Total Criminal Cases	0%	30%	13%	0%	35%	0%	0%

Judge Correlation

(In Cases Resolved by a Signed Opinion)

Same Vote in Signed Majority Opinion Cases (All)							
	DiFiore	Rivera	Fahey	Garcia	Wilson	Cannataro	Singas
DiFiore	100%	53%	69%	88%	63%	100%	100%
Rivera	53%	100%	69%	40%	94%	56%	56%
Fahey	69%	69%	100%	69%	71%	71%	71%
Garcia	88%	40%	69%	100%	50%	88%	88%
Wilson	63%	94%	71%	50%	100%	65%	65%
Cannataro	100%	56%	71%	88%	65%	100%	100%
Singas	100%	56%	71%	88%	65%	100%	100%

Same Vote in Signed Majority Opinion Cases (Civil)							
	DiFiore	Rivera	Fahey	Garcia	Wilson	Cannataro	Singas
DiFiore	100%	27%	31%	38%	38%	50%	50%
Rivera	57%	100%	63%	29%	88%	63%	63%
Fahey	63%	63%	100%	63%	67%	67%	67%
Garcia	75%	29%	63%	100%	50%	75%	75%
Wilson	75%	88%	67%	50%	100%	78%	78%
Cannataro	100%	63%	67%	75%	78%	100%	100%
Singas	100%	63%	67%	75%	78%	100%	100%

Same Vote in Signed Majority Opinion Cases (Criminal)							
	DiFiore	Rivera	Fahey	Garcia	Wilson	Cannataro	Singas
DiFiore	100%	50%	75%	100%	50%	100%	100%
Rivera	50%	100%	75%	50%	100%	50%	50%
Fahey	75%	75%	100%	75%	75%	75%	75%
Garcia	100%	50%	75%	100%	50%	100%	100%
Wilson	50%	100%	75%	50%	100%	50%	50%
Cannataro	100%	50%	75%	100%	50%	100%	100%
Singas	100%	50%	75%	100%	50%	100%	100%

For cases resolved by a signed majority opinion, these tables show how frequently a judge in the left column voted the same way—i.e., voted with the majority by joining a majority opinion or through a concurrence, or dissented from a majority opinion—as a judge in the top row, in cases where both judges cast a vote.

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