

TWENTY



EAGLE

A blog about the New York Court of Appeals

New York Court of Appeals 2021 – 2022 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	25	16	41
Memorandum Opinions	9	6	15
SSM decisions	13	22	35
Total	47	44	91

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 did the thing identified.

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	22	24.4%	10	45.5%	12	54.5%
AD2	25	27.8%	14	56.0%	9	36.0%
AD3	18	20.0%	10	55.6%	8	44.4%
AD4	19	21.1%	14	73.7%	4	21.1%
AT1/2	6	6.7%	3	50.0%	3	50.0%

Total Judge Counts							
	DiFiore	Rivera	Garcia	Wilson	Cannata	Singas	Troutman
Total Individual Writings	12	22	11	27	4	7	3
Total Dissents	0	18	2	21	0	0	1
Total Concurrences	0	1	1	3	0	1	0
Authored the Majority Opinion	12	3	8	3	4	6	2
Rate	29%	7%	20%	7%	10%	15%	5%
Majority Op. - Joined	27	16	28	15	37	34	13
Rate	66%	39%	68%	37%	90%	83%	32%
- Concurred	0	0	1	2	0	0	0
Rate	0%	0%	2%	5%	0%	0%	0%
- Concurred in Result	0	1	2	2	1	1	1
Rate	0%	2%	5%	5%	2%	2%	2%
- Dissented	0	18	1	17	0	0	3
Rate	0%	44%	2%	41%	0%	0%	7%
- Dissented in Part	0	2	1	2	0	0	1
Rate	0%	5%	2%	5%	0%	0%	2%
Mem. Decision - Joined	14	7	14	8	14	13	5
Rate	93%	47%	93%	53%	93%	87%	33%
- Concurred	1	1	1	1	1	1	0
Rate	7%	7%	7%	7%	7%	7%	0%
- Dissented	0	7	0	6	0	0	2
Rate	0%	47%	0%	40%	0%	0%	13%
SSM Decision - Joined	35	26	35	24	35	35	12
Rate	100%	74%	100%	69%	100%	100%	34%
- Concurred	0	0	0	0	0	0	0
Rate	0%	0%	0%	0%	0%	0%	0%
- Dissented	0	9	0	10	0	0	0
Rate	0%	26%	0%	29%	0%	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	16	8	10	7	41
<i>Civil</i>	6	8	7	4	25
<i>Criminal</i>	10	0	3	3	16
Memorandum Opinions	7	2	3	3	15
<i>Civil</i>	6	1	0	2	9
<i>Criminal</i>	1	1	3	1	6
SSM Decisions	23	4	7	1	35
<i>Civil</i>	8	2	3	0	13
<i>Criminal</i>	15	2	4	1	22
Total	46	14	20	11	91
Total Civil Cases	20	11	10	6	47
Total Criminal Cases	26	3	10	5	44

Rate of vote count				
	7 to 0	6 to 1	5 to 2	4 to 3
Signed Opinions	39%	20%	24%	17%
<i>Civil</i>	24%	32%	28%	16%
<i>Criminal</i>	63%	0%	19%	19%
Memorandum Opinions	47%	13%	20%	20%
<i>Civil</i>	67%	11%	0%	22%
<i>Criminal</i>	17%	17%	50%	17%
SSM Decisions	66%	11%	20%	3%
<i>Civil</i>	62%	15%	23%	0%
<i>Criminal</i>	68%	9%	18%	5%
Total	51%	15%	22%	12%
Total Civil Cases	43%	23%	21%	13%
Total Criminal Cases	59%	7%	23%	11%

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. In the 2021-2022 Term, there were eight 6-0 decisions (*Ortiz, Reames, Matter of Callen, Hunters for Deer, Matter of Gray, Bonczar, McKenzie-Smith, Stroud*) and two 5-0 decisions (*Ortiz v. Ciox, Donohue*). 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. In the 2021-2022 Term, there were five 5-1 decisions (*Kainer, Kotsones, Sposito, Matter of Endara-Caicedo, Nemeth*) and no 4-1 decisions. The “5 to 2” category includes cases decided by a vote of 4 to 2. In the 2021-2022 Term, there were four 4-2 decisions (*Duarte, Matter of Aurora Associates, Konkur, Mitchell*).

Frequency in the Majority

Frequency in the Majority							
	DiFiore	Rivera	Garcia	Wilson	Cannata	Singas	Troutman
Signed Opinions	39	20	37	21	41	40	16
<i>Civil</i>	23	10	21	11	25	25	9
<i>Criminal</i>	16	10	16	10	16	15	7
Memorandum Opinions	15	8	15	9	15	14	5
<i>Civil</i>	9	6	9	7	9	9	4
<i>Criminal</i>	6	2	6	2	6	5	1
SSM Decisions	35	26	35	24	35	35	12
<i>Civil</i>	13	9	13	9	13	13	5
<i>Criminal</i>	22	17	22	15	22	22	7
Total	89	54	87	54	91	89	33
Total Civil Cases	45	25	43	27	47	47	18
Total Criminal Cases	44	29	44	27	44	42	15

Rate in the Majority							
	DiFiore	Rivera	Garcia	Wilson	Cannata	Singas	Troutman
Signed Opinions	95%	49%	90%	51%	100%	98%	39%
<i>Civil</i>	92%	40%	84%	44%	100%	100%	36%
<i>Criminal</i>	100%	63%	100%	63%	100%	94%	44%
Memorandum Opinions	100%	53%	100%	60%	100%	93%	33%
<i>Civil</i>	100%	67%	100%	78%	100%	100%	44%
<i>Criminal</i>	100%	33%	100%	33%	100%	83%	17%
SSM Decisions	100%	74%	100%	69%	100%	100%	34%
<i>Civil</i>	100%	69%	100%	69%	100%	100%	38%
<i>Criminal</i>	100%	77%	100%	68%	100%	100%	32%
Total	98%	59%	96%	59%	100%	98%	36%
Total Civil Cases	96%	53%	91%	57%	100%	100%	38%
Total Criminal Cases	100%	66%	100%	61%	100%	95%	34%

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	Garcia	Wilson	Cannataro	Singas	Troutman
Signed Opinions	0	20	2	19	0	0	4
<i>Civil</i>	0	14	2	12	0	0	3
<i>Criminal</i>	0	6	0	7	0	0	1
Memorandum Opinions	0	7	0	6	0	0	2
<i>Civil</i>	0	3	0	2	0	0	1
<i>Criminal</i>	0	4	0	4	0	0	1
SSM Decisions	0	9	0	10	0	0	0
<i>Civil</i>	0	4	0	4	0	0	0
<i>Criminal</i>	0	5	0	6	0	0	0
Total	0	36	2	35	0	0	6
Total Civil Cases	0	21	2	18	0	0	4
Total Criminal Cases	0	15	0	17	0	0	2

Rate in Dissent							
	DiFiore	Rivera	Garcia	Wilson	Cannataro	Singas	Troutman
Signed Opinions	0%	49%	5%	46%	0%	0%	10%
<i>Civil</i>	0%	56%	8%	48%	0%	0%	12%
<i>Criminal</i>	0%	38%	0%	44%	0%	0%	6%
Memorandum Opinions	0%	47%	0%	40%	0%	0%	13%
<i>Civil</i>	0%	33%	0%	22%	0%	0%	11%
<i>Criminal</i>	0%	67%	0%	67%	0%	0%	17%
SSM Decisions	0%	26%	0%	29%	0%	0%	0%
<i>Civil</i>	0%	31%	0%	31%	0%	0%	0%
<i>Criminal</i>	0%	23%	0%	27%	0%	0%	0%
Total	0%	40%	2%	38%	0%	0%	7%
Total Civil Cases	0%	45%	4%	38%	0%	0%	9%
Total Criminal Cases	0%	34%	0%	39%	0%	0%	5%

Judge Correlation

(In Cases Resolved by a Signed Opinion)

Same Vote in Signed Majority Opinion Cases (All)							
	DiFiore	Rivera	Garcia	Wilson	Cannataro	Singas	Troutman
DiFiore	100%	47%	95%	51%	100%	100%	80%
Rivera	47%	100%	45%	89%	50%	51%	70%
Garcia	95%	45%	100%	49%	95%	95%	84%
Wilson	51%	89%	49%	100%	54%	55%	67%
Cannataro	100%	50%	95%	54%	100%	100%	80%
Singas	100%	51%	95%	55%	100%	100%	79%
Troutman	80%	70%	84%	67%	80%	79%	100%

Same Vote in Signed Majority Opinion Cases (Civil)							
	DiFiore	Rivera	Garcia	Wilson	Cannataro	Singas	Troutman
DiFiore	100%	36%	91%	43%	100%	100%	75%
Rivera	36%	100%	32%	82%	42%	42%	58%
Garcia	91%	32%	100%	38%	91%	91%	82%
Wilson	43%	82%	38%	100%	48%	48%	50%
Cannataro	100%	42%	91%	48%	100%	100%	75%
Singas	100%	42%	91%	48%	100%	100%	75%
Troutman	75%	58%	82%	50%	75%	75%	100%

Same Vote in Signed Majority Opinion Cases (Criminal)							
	DiFiore	Rivera	Garcia	Wilson	Cannataro	Singas	Troutman
DiFiore	100%	63%	100%	63%	100%	100%	88%
Rivera	63%	100%	63%	100%	63%	67%	88%
Garcia	100%	63%	100%	63%	100%	100%	88%
Wilson	63%	100%	63%	100%	63%	67%	88%
Cannataro	100%	63%	100%	63%	100%	100%	88%
Singas	100%	67%	100%	67%	100%	100%	86%
Troutman	88%	88%	88%	88%	88%	86%	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.



Judge Correlation

(In All Cases)

Same Vote in All Cases							
	DiFiore	Rivera	Garcia	Wilson	Cannataro	Singas	Troutman
DiFiore	100%	59%	98%	60%	100%	100%	85%
Rivera	59%	100%	58%	90%	60%	61%	64%
Garcia	98%	58%	100%	59%	98%	98%	87%
Wilson	60%	90%	59%	100%	61%	62%	62%
Cannataro	100%	60%	98%	61%	100%	100%	85%
Singas	100%	61%	98%	62%	100%	100%	84%
Troutman	85%	64%	87%	62%	85%	84%	100%

Same Vote in All Cases (Civil)							
	DiFiore	Rivera	Garcia	Wilson	Cannataro	Singas	Troutman
DiFiore	100%	52%	95%	58%	100%	100%	82%
Rivera	52%	100%	50%	84%	54%	54%	59%
Garcia	95%	50%	100%	56%	96%	96%	86%
Wilson	58%	84%	56%	100%	60%	60%	60%
Cannataro	100%	54%	96%	60%	100%	100%	82%
Singas	100%	54%	96%	60%	100%	100%	82%
Troutman	82%	59%	86%	60%	82%	82%	100%

Same Vote in All Cases (Criminal)							
	DiFiore	Rivera	Garcia	Wilson	Cannataro	Singas	Troutman
DiFiore	100%	66%	100%	61%	100%	100%	88%
Rivera	66%	100%	66%	95%	66%	69%	71%
Garcia	100%	66%	100%	61%	100%	100%	88%
Wilson	61%	95%	61%	100%	61%	64%	65%
Cannataro	100%	66%	100%	61%	100%	100%	88%
Singas	100%	69%	100%	64%	100%	100%	87%
Troutman	88%	71%	88%	65%	88%	87%	100%

For all cases, 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.