

TWENTY



EAGLE

A blog about the New York Court of Appeals

New York Court of Appeals 2019 – 2020 Term Statistics

We compiled the following statistics based on information available from the Court. Explanations accompany each set of statistics, but two notes about our methodology are in order. First, we break down the Court's decisions into three categories: signed opinions, memorandum opinions, and summary track decisions. We categorize per curiam decisions in the memorandum opinion category. We know they're different, but that's just how we do it. Also, we don't track decisions in attorney discipline cases. Second, we treat a decision as unanimous if all of the judges reached the same result, even if there were concurring opinions. And we treat a decision as unanimous if all the judges that voted reached the same result. As always, if you have any questions about how we compile statistics, or suggestions about information we should add, please let us know!

Total Decisions

Total Decisions			
	Civil	Criminal	Total
Signed Opinions	23	16	39
Memorandum Opinions	9	13	22
SSM decisions	15	10	25
Total	47	39	86

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

The table to the right, at the top, shows the number of individual writings by each judge in each category. The bottom of the table shows the number of times each judge voted for the given result.

Total Judge Counts							
	DiFiore	Rivera	Stein	Fahey	Garcia	Feinman	Wilson
Total Individual Writings	10	22	10	18	9	7	17
Total Dissents	0	15	4	5	4	1	11
Total Concurrences	3	4	0	4	0	0	3
Authored the Majority Opinion	7	3	6	9	5	6	3
Rate	18%	8%	15%	23%	13%	15%	8%
Majority Op. - Joined	28	19	30	20	25	30	23
Rate	72%	49%	77%	51%	64%	77%	59%
- Concurred	0	0	0	1	0	0	1
Rate	0%	0%	0%	3%	0%	0%	3%
- Concurred in Result	1	3	0	3	1	1	2
Rate	3%	8%	0%	8%	3%	3%	5%
- Dissented	3	14	3	5	5	2	10
Rate	8%	36%	8%	13%	13%	5%	26%
- Dissented in Part	0	0	0	0	0	0	0
Rate	0%	0%	0%	0%	0%	0%	0%
Mem. Decision - Joined	18	12	20	18	20	19	14
Rate	82%	55%	91%	82%	91%	86%	64%
- Concurred	2	3	0	1	1	1	2
Rate	9%	14%	0%	5%	5%	5%	9%
- Dissented	1	6	2	3	1	2	6
Rate	5%	27%	9%	14%	5%	9%	27%
SSM Decision - Joined	23	18	24	22	23	23	20
Rate	92%	72%	96%	88%	92%	92%	80%
- Concurred	0	0	0	0	0	0	0
Rate	0%	0%	0%	0%	0%	0%	0%
- Dissented	2	7	1	3	2	2	5
Rate	8%	28%	4%	12%	8%	8%	20%

Total Decisions - Vote Count

Decisions by Vote Count					
	7 to 0	6 to 1	5 to 2	4 to 3	Total
Signed Opinions	19	4	10	6	39
<i>Civil</i>	12	1	5	5	23
<i>Criminal</i>	7	3	5	1	16
Memorandum Opinions	12	3	3	4	22
<i>Civil</i>	2	3	2	2	9
<i>Criminal</i>	10	0	1	2	13
SSM Decisions	15	2	4	4	25
<i>Civil</i>	9	0	3	3	15
<i>Criminal</i>	6	2	1	1	10
Total	46	9	17	14	86
Total Civil Cases	23	4	10	10	47
Total Criminal Cases	23	5	7	4	39

Rate of vote count				
	7 to 0	6 to 1	5 to 2	4 to 3
Signed Opinions	49%	10%	26%	15%
<i>Civil</i>	52%	4%	22%	22%
<i>Criminal</i>	44%	19%	31%	6%
Memorandum Opinions	55%	14%	14%	18%
<i>Civil</i>	22%	33%	22%	22%
<i>Criminal</i>	77%	0%	8%	15%
SSM Decisions	60%	8%	16%	16%
<i>Civil</i>	60%	0%	20%	20%
<i>Criminal</i>	60%	20%	10%	10%
Total	53%	10%	20%	16%
Total Civil Cases	49%	9%	21%	21%
Total Criminal Cases	59%	13%	18%	10%

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 2019-2020 Term, there were two 6-0 decisions and no 5-0 decisions. 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 2019-2020 Term, there was one 5-1 decision and no 4-1 decisions. The “5 to 2” category includes cases decided by a vote of 4 to 2. In the 2019-2020 Term, there were three 4-2 decisions.

Frequency in the Majority

Frequency in the Majority							
	DiFiore	Rivera	Stein	Fahey	Garcia	Feinman	Wilson
Signed Opinions	36	25	36	33	31	37	29
<i>Civil</i>	21	15	21	18	17	22	17
<i>Criminal</i>	15	10	15	15	14	15	12
Memorandum Opinions	20	15	20	19	21	20	16
<i>Civil</i>	8	4	8	7	9	8	5
<i>Criminal</i>	12	11	12	12	12	12	11
SSM Decisions	23	18	24	22	23	23	20
<i>Civil</i>	13	11	14	14	13	13	12
<i>Criminal</i>	10	7	10	8	10	10	8
Total	79	58	80	74	75	80	65
Total Civil Cases	42	30	43	39	39	43	34
Total Criminal Cases	37	28	37	35	36	37	31

Rate in the Majority							
	DiFiore	Rivera	Stein	Fahey	Garcia	Feinman	Wilson
Signed Opinions	92%	64%	92%	85%	79%	95%	74%
<i>Civil</i>	91%	65%	91%	78%	74%	96%	74%
<i>Criminal</i>	94%	63%	94%	94%	88%	94%	75%
Memorandum Opinions	91%	68%	91%	86%	95%	91%	73%
<i>Civil</i>	89%	44%	89%	78%	100%	89%	56%
<i>Criminal</i>	92%	85%	92%	92%	92%	92%	85%
SSM Decisions	92%	72%	96%	88%	92%	92%	80%
<i>Civil</i>	87%	73%	93%	93%	87%	87%	80%
<i>Criminal</i>	100%	70%	100%	80%	100%	100%	80%
Total	92%	67%	93%	86%	87%	93%	76%
Total Civil Cases	89%	64%	91%	83%	83%	91%	72%
Total Criminal Cases	95%	72%	95%	90%	92%	95%	79%

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	Stein	Fahey	Garcia	Feinman	Wilson
Signed Opinions	3	14	3	5	5	2	10
<i>Civil</i>	2	8	2	4	3	1	6
<i>Criminal</i>	1	6	1	1	2	1	4
Memorandum Opinions	1	6	2	3	1	2	6
<i>Civil</i>	1	4	1	2	0	1	4
<i>Criminal</i>	0	2	1	1	1	1	2
SSM Decisions	2	7	1	3	2	2	5
<i>Civil</i>	2	4	1	1	2	2	3
<i>Criminal</i>	0	3	0	2	0	0	2
Total	6	27	6	11	8	6	21
Total Civil Cases	5	16	4	7	5	4	13
Total Criminal Cases	1	11	2	4	3	2	8

Rate in Dissent							
	DiFiore	Rivera	Stein	Fahey	Garcia	Feinman	Wilson
Signed Opinions	8%	36%	8%	13%	13%	5%	26%
<i>Civil</i>	9%	35%	9%	17%	13%	4%	26%
<i>Criminal</i>	6%	38%	6%	6%	13%	6%	25%
Memorandum Opinions	5%	27%	9%	14%	5%	9%	27%
<i>Civil</i>	11%	44%	11%	22%	0%	11%	44%
<i>Criminal</i>	0%	15%	8%	8%	8%	8%	15%
SSM Decisions	8%	28%	4%	12%	8%	8%	20%
<i>Civil</i>	13%	27%	7%	7%	13%	13%	20%
<i>Criminal</i>	0%	30%	0%	20%	0%	0%	20%
Total	7%	31%	7%	13%	9%	7%	24%
Total Civil Cases	11%	34%	9%	15%	11%	9%	28%
Total Criminal Cases	3%	28%	5%	10%	8%	5%	21%

Judge Correlation

(In Cases Resolved by a Signed Opinion)

Same Vote in Signed Majority Opinion Cases (All)							
	DiFiore	Rivera	Stein	Fahey	Garcia	Feinman	Wilson
DiFiore	100%	62%	90%	79%	89%	97%	67%
Rivera	62%	100%	72%	76%	53%	59%	74%
Stein	90%	72%	100%	84%	78%	87%	67%
Fahey	79%	76%	84%	100%	77%	82%	74%
Garcia	89%	53%	78%	77%	100%	92%	72%
Feinman	97%	59%	87%	82%	92%	100%	69%
Wilson	67%	74%	67%	74%	72%	69%	100%

Same Vote in Signed Majority Opinion Cases (Civil)							
	DiFiore	Rivera	Stein	Fahey	Garcia	Feinman	Wilson
DiFiore	100%	38%	54%	42%	47%	56%	38%
Rivera	65%	100%	74%	82%	55%	61%	74%
Stein	91%	74%	100%	82%	75%	87%	65%
Fahey	73%	82%	82%	100%	74%	77%	77%
Garcia	85%	55%	75%	74%	100%	90%	80%
Feinman	96%	61%	87%	77%	90%	100%	70%
Wilson	65%	74%	65%	77%	80%	70%	100%

Same Vote in Signed Majority Opinion Cases (Criminal) - Rate							
	DiFiore	Rivera	Stein	Fahey	Garcia	Feinman	Wilson
DiFiore	100%	56%	88%	88%	94%	100%	69%
Rivera	56%	100%	69%	69%	50%	56%	75%
Stein	88%	69%	100%	88%	81%	88%	69%
Fahey	88%	69%	88%	100%	81%	88%	69%
Garcia	94%	50%	81%	81%	100%	94%	63%
Feinman	100%	56%	88%	88%	94%	100%	69%
Wilson	69%	75%	69%	69%	63%	69%	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.