

TWENTY



EAGLE

A blog about the New York Court of Appeals

New York Court of Appeals 2020 – 2021 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	6	3	9
SSM decisions	6	12	18
Total	35	31	66

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	12	24	12	11	11	6	21
Total Dissents	2	16	2	5	4	1	11
Total Concurrences	0	4	2	2	1	2	6
Authored the Majority Opinion	10	4	8	4	6	3	4
Rate	26%	10%	21%	10%	15%	8%	10%
Majority Op. - Joined	19	10	26	22	25	26	14
Rate	49%	26%	67%	56%	64%	67%	36%
- Concurred	0	0	2	1	0	0	2
Rate	0%	0%	5%	3%	0%	0%	5%
- Concurred in Result	0	5	1	1	1	1	5
Rate	0%	13%	3%	3%	3%	3%	13%
- Dissented	7	16	2	9	6	2	12
Rate	18%	41%	5%	23%	15%	5%	31%
- Dissented in Part	0	4	0	2	0	0	2
Rate	0%	10%	0%	5%	0%	0%	5%
Mem. Decision - Joined	7	8	9	9	9	6	7
Rate	78%	89%	100%	100%	100%	67%	78%
- Concurred	1	0	0	0	0	1	1
Rate	11%	0%	0%	0%	0%	11%	11%
- Dissented	0	1	0	0	0	0	1
Rate	0%	11%	0%	0%	0%	0%	11%
SSM Decision - Joined	16	16	17	17	15	9	15
Rate	89%	89%	94%	94%	83%	50%	83%
- Concurred	0	0	0	1	0	0	0
Rate	0%	0%	0%	6%	0%	0%	0%
- Dissented	2	2	1	0	3	0	3
Rate	11%	11%	6%	0%	17%	0%	17%

Total Decisions - Vote Count

Decisions by Vote Count					
	7 to 0	6 to 1	5 to 2	4 to 3	Total
Signed Opinions	10	7	11	11	39
<i>Civil</i>	5	5	7	6	23
<i>Criminal</i>	5	2	4	5	16
Memorandum Opinions	8	0	1	0	9
<i>Civil</i>	6	0	0	0	6
<i>Criminal</i>	2	0	1	0	3
SSM Decisions	12	1	5	0	18
<i>Civil</i>	3	0	3	0	6
<i>Criminal</i>	9	1	2	0	12
Total	30	8	17	11	66
Total Civil Cases	14	5	10	6	35
Total Criminal Cases	16	3	7	5	31

Rate of vote count				
	7 to 0	6 to 1	5 to 2	4 to 3
Signed Opinions	26%	18%	28%	28%
<i>Civil</i>	22%	22%	30%	26%
<i>Criminal</i>	31%	13%	25%	31%
Memorandum Opinions	89%	0%	11%	0%
<i>Civil</i>	100%	0%	0%	0%
<i>Criminal</i>	67%	0%	33%	0%
SSM Decisions	67%	6%	28%	0%
<i>Civil</i>	50%	0%	50%	0%
<i>Criminal</i>	75%	8%	17%	0%
Total	45%	12%	26%	17%
Total Civil Cases	40%	14%	29%	17%
Total Criminal Cases	52%	10%	23%	16%

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 2020-2021 Term, there were twelve 6-0 decisions and two 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 2020-2021 Term, there was one 5-1 decision and one 4-1 decision. The “5 to 2” category includes cases decided by a vote of 4 to 2. In the 2020-2021 Term, there were five 4-2 decisions.

Frequency in the Majority

Frequency in the Majority							
	DiFiore	Rivera	Stein	Fahey	Garcia	Feinman	Wilson
Signed Opinions	29	19	37	28	32	30	25
<i>Civil</i>	18	10	21	14	21	20	15
<i>Criminal</i>	11	9	16	14	11	10	10
Memorandum Opinions	8	8	9	9	9	7	8
<i>Civil</i>	6	6	6	6	6	5	6
<i>Criminal</i>	2	2	3	3	3	2	2
SSM Decisions	16	16	17	17	15	9	15
<i>Civil</i>	4	5	6	5	4	3	5
<i>Criminal</i>	12	11	11	12	11	6	10
Total	53	43	63	54	56	46	48
Total Civil Cases	28	21	33	25	31	28	26
Total Criminal Cases	25	22	30	29	25	18	22

Rate in the Majority							
	DiFiore	Rivera	Stein	Fahey	Garcia	Feinman	Wilson
Signed Opinions	74%	49%	95%	72%	82%	77%	64%
<i>Civil</i>	78%	43%	91%	61%	91%	87%	65%
<i>Criminal</i>	69%	56%	100%	88%	69%	63%	63%
Memorandum Opinions	89%	89%	100%	100%	100%	78%	89%
<i>Civil</i>	100%	100%	100%	100%	100%	83%	100%
<i>Criminal</i>	67%	67%	100%	100%	100%	67%	67%
SSM Decisions	89%	89%	94%	94%	83%	50%	83%
<i>Civil</i>	67%	83%	100%	83%	67%	50%	83%
<i>Criminal</i>	100%	92%	92%	100%	92%	50%	83%
Total	80%	65%	95%	82%	85%	70%	73%
Total Civil Cases	80%	60%	94%	71%	89%	80%	74%
Total Criminal Cases	81%	71%	97%	94%	81%	58%	71%

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	7	20	2	11	6	2	14
<i>Civil</i>	4	13	2	9	1	0	8
<i>Criminal</i>	3	7	0	2	5	2	6
Memorandum Opinions	0	1	0	0	0	0	1
<i>Civil</i>	0	0	0	0	0	0	0
<i>Criminal</i>	0	1	0	0	0	0	1
SSM Decisions	2	2	1	0	3	0	3
<i>Civil</i>	2	1	0	0	2	0	1
<i>Criminal</i>	0	1	1	0	1	0	2
Total	9	23	3	11	9	2	18
Total Civil Cases	6	14	2	9	3	0	9
Total Criminal Cases	3	9	1	2	6	2	9

Rate in Dissent							
	DiFiore	Rivera	Stein	Fahey	Garcia	Feinman	Wilson
Signed Opinions	18%	51%	5%	28%	15%	5%	36%
<i>Civil</i>	17%	57%	9%	39%	4%	0%	35%
<i>Criminal</i>	19%	44%	0%	13%	31%	13%	38%
Memorandum Opinions	0%	11%	0%	0%	0%	0%	11%
<i>Civil</i>	0%	0%	0%	0%	0%	0%	0%
<i>Criminal</i>	0%	33%	0%	0%	0%	0%	33%
SSM Decisions	11%	11%	6%	0%	17%	0%	17%
<i>Civil</i>	33%	17%	0%	0%	33%	0%	17%
<i>Criminal</i>	0%	8%	8%	0%	8%	0%	17%
Total	14%	35%	5%	17%	14%	3%	27%
Total Civil Cases	17%	40%	6%	26%	9%	0%	26%
Total Criminal Cases	10%	29%	3%	6%	19%	6%	29%

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%	39%	86%	56%	81%	87%	47%
Rivera	39%	100%	44%	62%	50%	41%	69%
Stein	86%	44%	100%	67%	79%	91%	64%
Fahey	56%	62%	67%	100%	66%	63%	67%
Garcia	81%	50%	79%	66%	100%	87%	47%
Feinman	87%	41%	91%	63%	87%	100%	59%
Wilson	47%	69%	64%	67%	47%	59%	100%

Same Vote in Signed Majority Opinion Cases (Civil)							
	DiFiore	Rivera	Stein	Fahey	Garcia	Feinman	Wilson
DiFiore	100%	22%	56%	31%	47%	53%	33%
Rivera	36%	100%	35%	57%	50%	40%	61%
Stein	91%	35%	100%	52%	86%	95%	65%
Fahey	50%	57%	52%	100%	64%	60%	70%
Garcia	77%	50%	86%	64%	100%	95%	59%
Feinman	84%	40%	95%	60%	95%	100%	65%
Wilson	55%	61%	65%	70%	59%	65%	100%

Same Vote in Signed Majority Opinion Cases (Criminal) - Rate							
	DiFiore	Rivera	Stein	Fahey	Garcia	Feinman	Wilson
DiFiore	100%	43%	79%	64%	86%	71%	36%
Rivera	38%	100%	56%	69%	50%	31%	81%
Stein	69%	56%	100%	88%	69%	63%	63%
Fahey	56%	69%	88%	100%	69%	50%	63%
Garcia	75%	50%	69%	69%	100%	56%	31%
Feinman	83%	42%	83%	67%	75%	100%	50%
Wilson	31%	81%	63%	63%	31%	38%	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.