

Brett Kavanaugh: Siding with Conservative Amici Curiae 91% of the Time

An examination of District of Columbia Court of Appeals Judge Brett Kavanaugh's written opinions reveals that he aligned with conservative amici curiae ("friends of the court") 91% of the time. In these cases, Kavanaugh wrote opinions limiting collective bargaining rights, letting polluters pollute, blurring the line between the separation of church and state, protecting corporations from liability, and expanding the scope of the Second Amendment.

Methodology

- Kavanaugh wrote majority, concurring, concurring and dissenting, and dissenting opinions in 64 cases in which amicus curiae briefs were filed.
- A total of 184 amicus curiae briefs were filed in these cases.
- Kavanaugh's opinions and the amicus curiae briefs were coded according to their ideological direction based on a well-established methodology in the social scientific study of the law.¹
- Kavanaugh supported amici curiae advocating for conservative positions 91% of the time, compared to 14.6% of the time for amici curiae advocating for liberal positions.
- Amici advocating for conservative positions include groups like the American Bankers Association, the U.S. Chamber of Commerce, the National Rifle Association, and the Washington Legal Foundation.

¹ Spaeth, Harold J., Lee Epstein, Andrew D. Martin, Jeffrey A. Segal, Theodore J. Ruger, and Sara C. Benesh. 2018. *The Supreme Court Database*. <http://scdb.wustl.edu/documentation.php?var=decisionDirection>.