

# Eleven things about the second-longest-serving justice of all time



By ADAM FELDMAN / MAY 7, 2026



(Chip Somodevilla/Getty Images)

*Empirical SCOTUS* is a recurring series by [Adam Feldman](#) that looks at Supreme Court data, primarily in the form of opinions and oral arguments, to provide insights into the justices' decision making and what we can expect from the court in the future.

Justice Clarence Thomas, now the second-longest-serving justice in Supreme Court history, has occupied a singular place on the court for more than three decades. In this column, I describe some of the most notable facts about this incredibly influential (and polarizing) justice.

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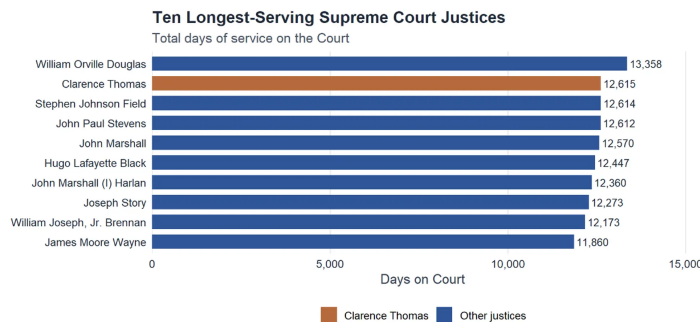
First, some background. Born in 1948 near Savannah, Georgia, and raised in Pin Point by his grandparents after his father left their family, Thomas came to the court with a background that differed sharply from many of his predecessors: African American, Southern, and from a lower-income family, with no family tradition in the law or judiciary.

Thomas graduated from the College of the Holy Cross in 1971 and Yale Law School in 1974. After law school, he was admitted to the Missouri bar and began his career as an assistant attorney general in Missouri from 1974 to 1977. He then worked as an attorney for Monsanto in St. Louis from 1977 to 1979, before joining the office of Sen. John Danforth as a legislative assistant from 1979 to 1981. Thomas’ federal executive-branch experience followed quickly: assistant secretary for civil rights at the Department of Education from 1981 to 1982, and then chairman of the Equal Employment Opportunity Commission from 1982 to 1990.

President George H.W. Bush first nominated Thomas to the U.S. Court of Appeals for the District of Columbia Circuit on Oct. 30, 1989, to fill the seat previously held by Robert Bork. The Senate confirmed him by voice vote on March 6, 1990, and his commission issued the same day. His time on the D.C. Circuit was brief, however: In July 1991, Bush nominated Thomas to succeed Justice Thurgood Marshall on the Supreme Court. The Senate Judiciary Committee reported the nomination without recommendation, and the full Senate confirmed Thomas by a 52-48 roll-call vote on Oct. 15, 1991. He received his Supreme Court commission on Oct. 18, 1991, and took his seat on Oct. 23, 1991.

The nomination itself remains one of the most closely contested in modern Supreme Court history – especially given the sexual harassment claims made against him by Anita Hill, who worked under Thomas at the EEOC. By the numbers, the [Justices Database](#) gave him an ABA rating of “qualified,” a divided committee process occurred, there were 11 hearing days (again, many dealing with the allegations made against Thomas), and a final Senate vote of 52 supporters and 48 opponents. Those numbers help frame the long, ironic arc of Thomas’ tenure: A justice confirmed by one of the narrowest, and controversial, margins in the court’s modern history has become one of its most institutionally durable and jurisprudentially consequential members.

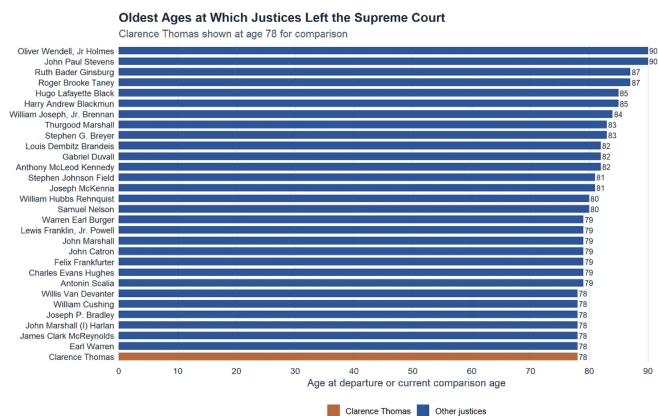
## 1. Length of service



Measured by total days of service on the Supreme Court, as of Wednesday, Thomas now sits essentially at the top of the court’s longevity list. Justice William O. Douglas remains first, with 13,358 days, but Thomas’ 12,615 days place him second – just

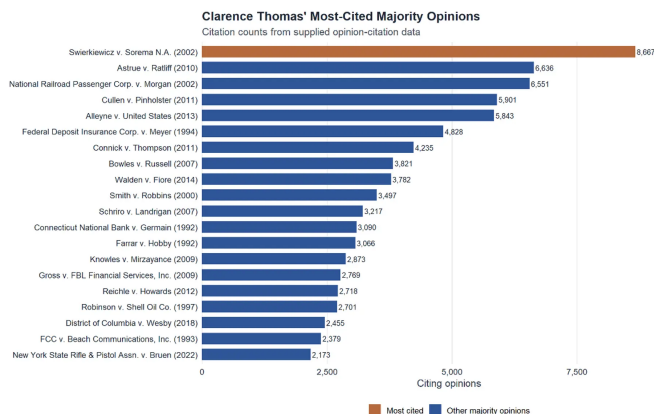
ahead of Justices Stephen J. Field, John Paul Stevens, John Marshall, Hugo Black, John Marshall Harlan I, Joseph Story, William Brennan, and James Wayne. The ranking is striking because it places Thomas not merely among long-serving modern justices, but in a historical group that spans nearly the entire life of the court, from early institutional figures like Marshall and Story to 20th-century constitutional giants like Douglas, Black, Brennan, and Stevens. And, as described below, his length of service has given Thomas an unusually long runway to move from an isolated voice on the court’s right flank to a justice whose originalist and text-centered approach now often shapes the court’s direction.

## 2. Age



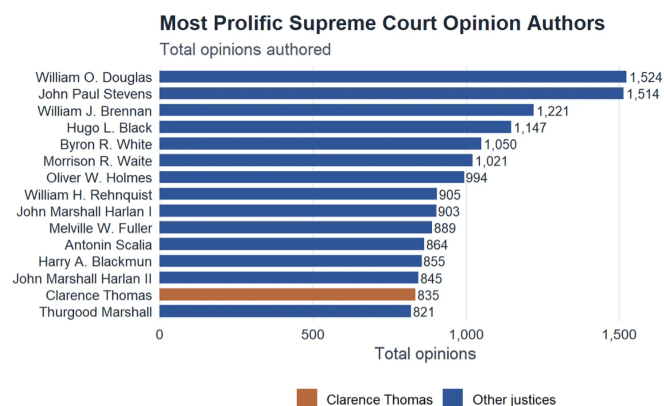
If Thomas were to leave the court at the end of this term, when he will be 78, he would be entering the lower end of the court’s oldest-departure range rather than its extreme upper tier. Six justices in this comparison left the court at age 78: Joseph P. Bradley, Earl Warren, Harlan I, Willis Van Devanter, William Cushing, and James McReynolds. Another 23 justices left at older ages, including Chief Justice William Rehnquist and Samuel Nelson at 80; Stephen Field and Joseph McKenna at 81; Anthony Kennedy, Louis Brandeis, and Gabriel Duvall at 82; Thurgood Marshall and Stephen Breyer at 83; William Brennan at 84; Hugo Black and Harry Blackmun at 85; Roger Taney and Ruth Bader Ginsburg at 87; and Oliver Wendell Holmes, Jr. and John Paul Stevens at 90. The comparison underscores a central feature of Thomas’ position: although he is already one of the longest-serving justices in history, he is not yet among the very oldest justices to serve, meaning that his tenure is historically extraordinary because of its early start and long duration, not simply because of age. Given that, if he chooses to stay on it, he may still have many years ahead of him on the court.

## 3. Most cited opinion



Thomas' most-cited majority opinions according to [CourtListener's](#) data show the breadth of his influence outside the headline constitutional cases most associated with him. His highest-cited majority opinion in this set is [Swierkiewicz v. Sorema N.A.](#), a 2002 civil-procedure and employment-discrimination pleading decision cited by 8,667 opinions, followed by [Astrue v. Ratliff](#), a 2010 case which concerned a suit against the government and the recovery of certain fees, with 6,636 citations, and [National Railroad Passenger Corp. v. Morgan](#), a 2002 employment discrimination case focused on certain procedural issues, with 6,551. The list is striking because many of the leading cases are not culture-war landmarks but workhorse precedents in civil procedure, employment law, habeas, jurisdiction, statutory interpretation, qualified immunity, and personal jurisdiction. More recent constitutional decisions are also beginning to appear, most notably 2022's [New York State Rifle & Pistol Association v. Bruen](#), which held that there was a constitutional right to carry a firearm, which already has 2,173 citing opinions. Together, the cases suggest that Thomas' majority-opinion legacy is not only ideological or theoretical; it is also deeply embedded in the day-to-day citation network of federal and state courts.

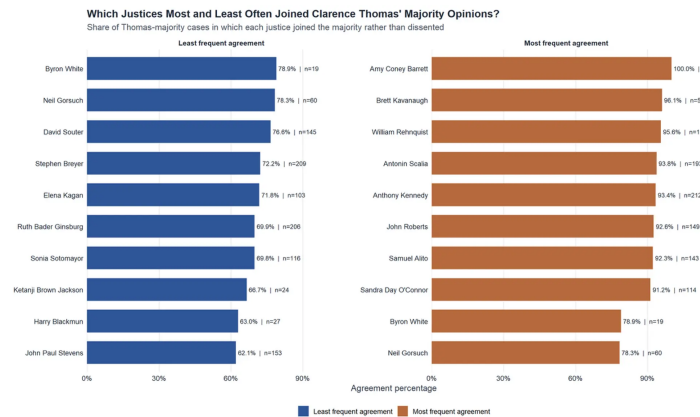
#### 4. Number of total opinions



Thomas' output also places him among the court's most prolific opinion writers. With 835 total opinions, including 10 so far this term, he ranks just below Blackmun, Scalia, Justice Melville Fuller, Justice John Marshall Harlan II, and Harlan I, and just ahead of Thurgood Marshall. The comparison is useful because it separates longevity from output: Thomas is already the second-longest-serving justice, but in total opinions he falls lower on the historical list than Douglas, Stevens, Brennan, Black, Justice

Byron White, and several others. That reflects both the modern court’s smaller merits docket and Thomas’ particular role as a justice who has often written separately – sometimes in concurrences or dissents that later became doctrinal markers – while authoring fewer total opinions than some earlier justices who served during higher-volume eras.

## 5. Joined most/most opposed



Thomas’ majority opinions have generally drawn their strongest support from the court’s conservative justices, but the pattern is not simply ideological. Justice Amy Coney Barrett has joined Thomas-written majorities in all of their shared cases in this dataset, although the sample is still relatively small at 24 cases. Justice Brett Kavanaugh follows at 96.1%, Rehnquist at 95.6%, Scalia at 93.8%, Kennedy at 93.4%, Chief Justice John Roberts at 92.6%, Justice Samuel Alito at 92.3%, and Justice Sandra Day O’Connor at 91.2%.

The least frequent joiners are mostly the court’s more liberal members during Thomas’ tenure: Stevens joined 62.1% of Thomas majorities, Blackmun 63.0%, Justice Ketanji Brown Jackson 66.7%, Justice Sonia Sotomayor 69.8%, Justice Ruth Bader Ginsburg 69.9%, Justice Elena Kagan 71.8%, and Breyer 72.2%. The notable outliers are Justices Neil Gorsuch and Byron White, who appear in both the bottom and top panels because the dataset has fewer than 20 non-Thomas justices and because each still joined roughly four-fifths of Thomas’ majorities, underscoring that even Thomas’ least frequent partners often agreed with the judgment when he was assigned the court’s opinion.

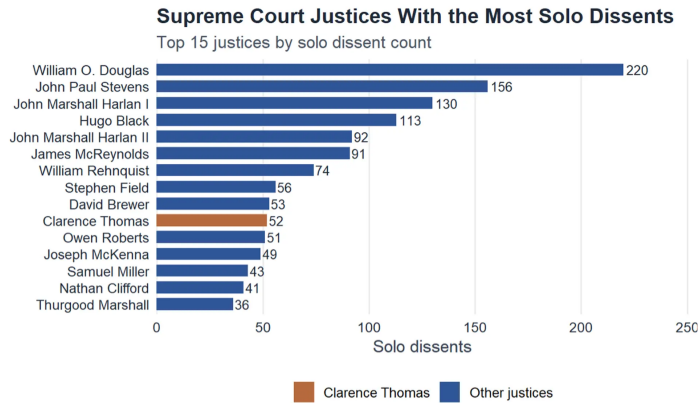
## 6. Oral argument engagement

Thomas’ [oral-argument silence](#) became one of the most distinctive features of his public identity on the court. After asking a question from the bench on Feb. 22, 2006, he went nearly 10 years without asking another substantive question during oral argument, breaking that silence on Feb. 29, 2016, in [Voisine v. United States](#), a Second Amendment-related case involving whether misdemeanor domestic-violence convictions could trigger a federal firearms ban. The moment [drew notice](#) precisely because it interrupted a decade-long pattern. Thomas had long defended his restraint as a matter of courtroom courtesy, arguing that the justices should let advocates present their arguments rather than constantly interrupting them.

Even after the 2016 exchange, he remained a relatively rare

participant at argument, with only limited exceptions – including a [brief joke in 2013](#) poking fun at Yale Law School – until the court’s telephonic arguments during the COVID-19 pandemic changed the format. Under Roberts’ turn-taking system, each justice received a distinct opportunity to question counsel, and [Thomas began speaking regularly](#); in the first four telephonic arguments, he participated in each one, after taking no speaking turns in the four most recent pre-pandemic arguments. The shift [did not](#) transform Thomas into one of the court’s most active questioners, but it showed that his silence correlated with, at least partly, the free-for-all structure of traditional oral argument that he had criticized.

## 7. Number of solo dissents

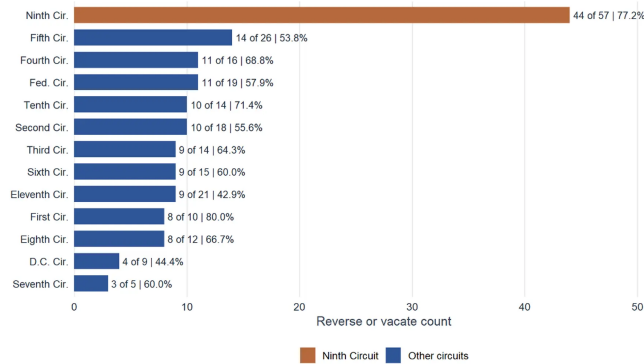


Thomas’ solo dissents are one of the clearest statistical markers of his independence on the court. With 52 solo dissents, he ranks 10th in the data provided here, placing him behind Douglas, Stevens, Harlan I, Black, Harlan II, McReynolds, Rehnquist, Field, and Justice David Brewer. The number is especially striking in the modern context: among the current justices, Sotomayor is the closest at 18 solo dissents, while Alito has 13, Gorsuch has eight, Jackson has three, and Roberts and Kavanaugh each have one. Thomas therefore has nearly three times as many solo dissents as Sotomayor and four times as many as Alito, even though he has served during an era in which the court has been, on balance, conservative throughout his tenure. That nuance matters: Thomas’ solo dissents are not simply the record of a conservative justice resisting a liberal court; they reflect a justice often willing to stand apart even from conservative colleagues when he believes precedent, constitutional text, or original meaning points further than the court is prepared to go.

## 8. Most reversed circuit

### Circuits Most Often Reversed or Vacated in Clarence Thomas Majority Opinions

Raw reversal/vacatur counts, with total reviewed decisions and reversal/vacatur rates

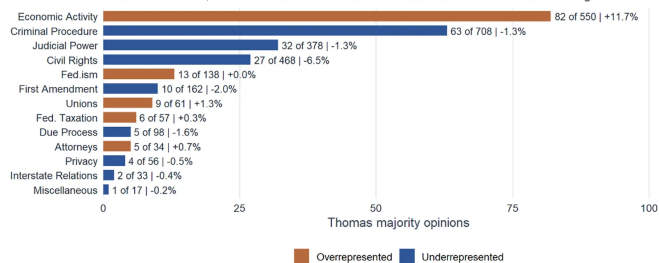


Thomas’ majority opinions have most often reversed or vacated decisions from the U.S. Court of Appeals for the 9th Circuit, by a wide margin. In the data provided here, Thomas wrote 57 decisions reviewing 9th Circuit rulings, and 44 of them reversed or vacated the lower court, a rate of 77.2%. The next-largest raw totals are much lower: 14 reversals or vacatures from the U.S. Court of Appeals for the 5th Circuit, 11 each from the U.S. Courts of Appeals for the 4th and Federal Circuits, and 10 each from the U.S. Courts of Appeals for the 2nd and 10th Circuits. Looking at percentages adds a slightly different perspective: the U.S. Courts of Appeals for the 1st Circuit had the highest reversal/vacatur rate at 80.0%, followed by the 9th Circuit at 77.2%, the 10th Circuit at 71.4%, and the 4th Circuit at 68.8%. Together, the numbers show both the 9th Circuit’s unusually large presence in Thomas’ reversal docket and the broader pattern that, when Thomas writes for the court, the lower-court decision under review is usually reversed or vacated across most circuits in this set.

### 9. Issue area written on most

#### Where Clarence Thomas Writes the Most Majority Opinions

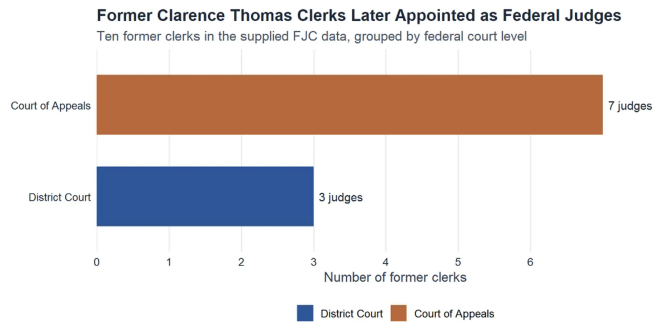
SCDB issue areas, with difference from the Court’s overall issue-area distribution during his tenure



Based on [Supreme Court Database](#) coding, Thomas’ majority-opinion assignments are concentrated most heavily in economic-activity cases. In the data provided here, he authored 82 majority opinions in that issue area, well ahead of criminal procedure with 63, judicial power with 32, and civil rights with 27. The comparison with the court’s full issue-area distribution during Thomas’ tenure sharpens the point: economic activity is also the area where Thomas is most overrepresented, with his share of majority authorships running about 11.7% points above the court’s overall share of cases in that category. By contrast, he is underrepresented in civil rights by about 6.5% points, First Amendment cases by about 2.0 points, due process by about 1.6 points, and criminal procedure and judicial power by about 1.3 points each. That pattern suggests that Thomas’ majority-opinion portfolio is not simply a mirror of the court’s docket; it leans

especially toward economic and regulatory disputes, while some of the areas most associated with high-salience constitutional conflict make up a smaller share of his majority-writing assignments.

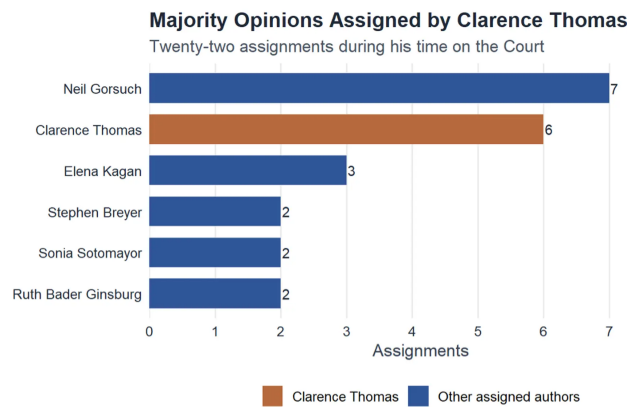
## 10. Former clerks who became federal judges



According to [data from the Federal Judicial Center](#), Thomas' influence also extends through the federal judiciary by way of his former clerks. In the data provided here, 10 former Thomas clerks later became federal judges: Allison Eid, James Ho, Gregory Katsas, Eric Miller, Kathryn Kimball Mizelle, Carl Nichols, Martha Pacold, Neomi Rao, Allison Rushing, and David Stras. Six were appointed to federal courts of appeals, while four were

group also reflects the broader conservative legal pipeline: several had prior clerkships with prominent conservative appellate judges, service in state solicitor general offices or the Justice Department, academic posts, or state supreme court experience before joining the federal bench.

## 11. Opinion assignments



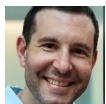
Thomas' role in assigning majority opinions is a quieter but important measure of institutional power. Opinion assignment usually belongs to the chief justice when the chief is in the majority; when the chief is in dissent, the assignment goes to the

most senior justice in the majority. That rule has limited Thomas' opportunities for much of his career. Before he became the most senior associate justice, he could assign only when Roberts was in dissent and every justice senior to Thomas was either also in dissent or no longer on the court. Even now, although Thomas is the most senior justice, he is often aligned with Roberts, which means the chief frequently retains the assignment power in the cases where Thomas is also in the majority.

Thomas has assigned 22 majority opinions. His first assignment came in the 2009-10 term in [Dolan v. United States](#), a statutory case concerning criminal restitution, where Breyer wrote for a majority joined by Thomas, Ginsburg, Alito, and Sotomayor, while Roberts dissented with Stevens, Scalia, and Kennedy. That lineup is a clean example of the assignment rule in operation: the chief was in dissent, and the justices senior to Thomas were also outside the majority, leaving Thomas as the senior justice in the majority. His most recent assignment came in the 2024 term in [EPA v. Calumet](#), a venue case concerning the Clean Air Act, where Gorsuch and Roberts dissented.

Across the assignments, Thomas has assigned seven opinions to Neil Gorsuch, six to himself, three to Elena Kagan, two each to Stephen Breyer, Ruth Bader Ginsburg, and Sonia Sotomayor. The pattern is revealing: Thomas has used assignment power not only for ideologically predictable conservative opinions, but also for cross-ideological majorities in which liberal justices such as Breyer, Ginsburg, Kagan, and Sotomayor wrote for the court. And he is relatively generous, keeping the opinion for himself in only six of these cases.

Taken together, the data points in this profile show a justice whose influence cannot be captured by any single measure. Thomas is historically long-serving, unusually willing to write alone; central to major doctrinal shifts, especially in his promotion of originalism; and increasingly positioned to shape opinion assignments when the chief justice is not in the majority. But the assignment data also points to a broader theme of his tenure: Thomas' power has often been indirect, accumulating over time through separate writings, clerk networks, coalition patterns, and the gradual movement of the court toward positions he advanced long before they commanded a majority.



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Recurring Columnist

Dr. Adam Feldman is the creator and author of the blog Empirical SCOTUS and the Substack Legalytics.

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