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Finding Judicial Constellations: A Relational Thematic Content Analysis of *Stare Decisis* During the Roberts Court

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FINDING JUDICIAL CONSTELLATIONS: A RELATIONAL THEMATIC CONTENT ANALYSIS OF *STARE DECISIS* DURING THE ROBERTS COURT

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Abstract: The Supreme Court’s recent overturning of the long-standing precedent *Roe v. Wade* has cast uncertainty over the future of *stare decisis* application and interpretation. As the Court continues to shift ideologically, understanding the thematic frameworks in cases that fail to abide by the doctrine could prove valuable in consolidating an approach to the Roberts Court’s interpretation of *stare decisis*. This paper explores a set of cases, the relationships between them, and the underlying themes in opinion rationale in order to unearth the intentions and potential implications of the Roberts Court’s *stare decisis* application.

Introduction

On June 24th, 2022, the Supreme Court of the United States handed down its decision in the case *Dobbs v. Jackson Women’s Health Organization (2022)*, reversing its nearly fifty-year-old precedent in *Roe v. Wade (1973)* and subsequently overturning the federal right to an abortion.² While outrage and controversy diffused across the nation, the interest in a singular two-word term among citizens and scholars alike spiked: *stare decisis*. Translated literally from Latin as “to stand by things decided,” *stare decisis* is the legal and judicial doctrine that encourages, if not constrains, courts to abide by their previous decisions.³ Thus, it enshrines precedent and creates a steady hand in the judicial sphere. The Supreme Court in *Dobbs* elected to break with the doctrine of *stare decisis* in overruling *Roe*.

With many recent decisions from the Court overturning past precedents, a shifting understanding of a modern interpretation of *stare decisis* has arisen. Despite the notion that precedent is ideally binding, decisions like *Dobbs* have suggested that precedent is less binding than previously thought. This problem has negatively affected the ability of judges, lawyers, and

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² Sherman, Mark, “Supreme Court Overturns *Roe v. Wade*; States Can Ban Abortion.” *AP News*. June 24, 2022. <https://apnews.com/article/abortion-supreme-court-decision-854f60302f21c2c35129e58cf8d8a7b0>.

³ “Understanding *Stare Decisis*.” *American Bar*. December 16, 2022. <https://rb.gy/ofh7q4>.

scholars to understand, interpret, and apply *stare decisis* because of the recent shifting justifications for overturning precedent. Indeed, *stare decisis*' newest applications have shown "alarming effects ... on legal stability, doctrinal consistency, and judicial legitimacy."⁴ At the public level, decisions like *Dobbs* have led to 53% of Americans having "little or no trust in the Supreme Court to operate in the best interests of the American people."⁵ This has led scholars to stress the importance of restoring a consolidated understanding of the doctrine in order to "reestablish the public's faith."⁶ To rectify this, many scholars have sought to create comprehensive guides to Supreme Court *stare decisis*.⁷ However, in many cases, these guides fall short in analyzing the rationale of the cases in question.

Thus, in order to address this exceedingly relevant research issue, further investigation into the doctrine's relationship with the Court is necessary. The key to understanding the Court's interpretation of *stare decisis* lies in the rationale of their opinions that deal with breaking or overturning the doctrine. It is there that the Court reveals its justification or adds understanding to the doctrine. In sidestepping *stare decisis*, the Court typically outlines — in a summary known as a syllabus — the primary component or case supporting their justification. Still, this conversation is not new; in fact, the Court has weighed in on *stare decisis* dozens of times since Chief Justice John Roberts assumed his position and began the Roberts Court. Indeed, each overturned case revitalizes the scholarly conversation surrounding the doctrine in some way.

In investigating individual cases over a set time period where *stare decisis* was not followed and looking at the primary reasons in its rationale, one can evaluate the changing foundation for the doctrine and, in turn, provide insight into the legal sphere and the American public as a whole.

Literature Review

The existing literature surrounding this research primarily weaves findings from four major works; collectively, they analyze the Supreme Court's interpretation and application of

⁴ Gerhardt, Michael J., "The Role of Precedent in Constitutional Decisionmaking and Theory." *George Washington Law Review*. (1991). 83. <https://scholarship.law.wm.edu/facpubs/980/>.

⁵ "Over Half of Americans Disapprove of Supreme Court as Trust Plummets." *Annenberg Public Policy Center* October 10, 2022. <https://www.asc.upenn.edu/news-events/news/over-half-americans-disapprove-supreme-court-trust-plummets>.

⁶ Tilghman, James, "Restoring Stare Decisis in the Wake of *Janus v. AFSCME, Council 31*" *New York Law School Law Review*, 64(2), (2019), 136.

⁷ Murrill, Brandon, "The Supreme Court's Overruling of Constitutional Precedent." *Congressional Research Service*. September 24, 2018. <https://crsreports.congress.gov/product/pdf/R/R45319>.

stare decisis from a thorough spectrum of approaches. Despite their individual contributions to the scholarly canon, they fail to connect to each other in a manner that creates a cohesive picture. Nestled between the extent of their research, there exists an ever-present academic gap. Through detailing each, this literature review will unravel the complex connections between them and bring to light the components that have yet to dovetail and give way to my research.

Professor Michael Gerhardt's famous publication on precedent's influence on decision-making provides an exceedingly comprehensive view of the topic. He identifies "two kinds of structural functions" that "maintain government operations and relationships" and "inform the choices ... of other branches."⁸ Along with historical purposes, these functions provide for the role of precedent on the Supreme Court. Although precedent is often used to "immunize prior decisions from overruling," ultimately, it is not an unbreakable tenet of the Court.⁹ Throughout his research, he looks not only at "what the Court already has decided expressly" but also why *stare decisis* was applied.¹⁰ Using a wide range of cases, he expounds on the doctrine's ability to provide a scope for approaching familiar cases. In short, through analyzing dozens of important cases, he finds that the role of *stare decisis* is to provide stability in the application of the law. Although they clearly establish the role of precedent, Gerhardt's findings do not explicitly detail the broader reasons that are considered by the Court when determining when and how to apply precedent.

Looking at monumental decisions such as *Planned Parenthood v. Casey*, Randy Kozel established these very reasons when exploring the details of judicial doctrine in *stare decisis*. Publishing his work in the *Washington and Lee Law Review*, he conducted his research by analyzing and summarizing findings from keystone cases on *stare decisis*. His findings worked "to isolate the various components of the Supreme Court's *stare decisis* jurisprudence and to study their individual and collective functions."¹¹ Despite discovering precedent to be collectively "indeterminate," Kozel succeeded in unearthing a number of primary factors in the rationale of applying *stare decisis*: soundness, workability, and reliance.¹² In other words, the

⁸ Gerhardt, "The Role of Precedent in Constitutional Decisionmaking and Theory," 86.

⁹ *Id.* at 77.

¹⁰ Gerhardt, "The Role of Precedent in Constitutional Decisionmaking and Theory," 77.

¹¹ Kozel, Randy, "Stare Decisis as Judicial Doctrine," *Washington & Lee Law Review*, 67(2) (2010), 414.

¹² *Id.* at 465.

Court may maintain or overrule a precedent because of the quality of its reasoning, its ability to be shaped, and whether its absence would be detrimental to legal doctrine.

Combining the research of both Gerhardt and Kozel, Segal and Spaeth looked at the roles and factors of *stare decisis* to determine the doctrine's influence on the votes of individual justices in 346 landmark cases. They found that individual justices (with the exceptions of Justices Powell and Stewart) were not influenced by the roles and factors of precedents they disagree with ideologically.¹³ Most notably, Segal and Spaeth brought the use of content analysis as a research method for analyzing Court precedents into the scholarly conversation. Their substantial use of past cases represents a quantitative analysis. In line with previous research, their extraction of ideas about Gerhardt's roles and Kozel's factors from the philosophies of individual justices is a strong qualitative addition to the research. Segal and Spaeth, however, did not explore the influence of *stare decisis* on the Court as a whole, specifically, the rationale found in the final opinions of the Court.

Fowler and his colleagues used a full Court content analysis in their research that determined "case centrality" or a "complete network of 26,681 majority opinions written by the U.S. Supreme Court" to "identify the most legally relevant precedents."¹⁴ Their findings, as published in the peer-reviewed journal *Political Analysis*, demonstrated a systematic approach to evaluating which cases were cited the most by other cases.¹⁵ Furthermore, their research marks the first time case mapping was used to find connections between cases. Despite its groundwork in content analysis research of the Supreme Court, the publication does not apply case mapping to *stare decisis* and, specifically, its rationale to draw connections. Moreover, Fowler and his colleagues' work concludes at the beginning of the ascension of Chief Justice Roberts in 2005.

In total, these four publications combine and share key research findings on the judicial application and interpretation of *stare decisis*. Yet, they leave a considerable gap in the existing literature. While Gerhardt and Kozel give foundation to the doctrine by determining the role and rationale, they do not explore its application to reversals in Court rationale. Similarly, while Segal and Spaeth explore its application to rationale, they fail to do so at a Court-wide scale,

¹³ Segal, J.A. and Spaeth, H.J., "The Influence of Stare Decisis on the Votes of United States Supreme Court Justices," *American Journal of Political Science*, 40(4), (1996) 971–1003. <https://doi.org/10.2307/2111738>.

¹⁴ Fowler et al., "Network Analysis and the Law: Measuring the Legal Importance of Precedents at the U.S. Supreme Court." *Political Analysis*, 15(3), (2007) 325. <http://www.jstor.org/stable/25791897325>.

¹⁵ *Id.* at 324–346.

leaving valuable research out of the conversation. Furthermore, while research exists mapping these doctrinal relationships on the Court, no mapping exists for the rationale of *stare decisis* specifically. Throughout all of this, the four publications fail to apply their various findings to the Roberts Court. Though inherently intertwined, the four works leave a gap in what primary reasons of opinion rationale using *stare decisis* have revealed about the Roberts Court's analysis of precedent as a whole. Research is needed that can bring an understanding of the role and rationale behind not abiding by *stare decisis* for the Court as a whole by mapping changes across a modern time span.

Any resulting research would not only bridge key ideas from the aforementioned four publications but also provide a new framework for understanding the shift and direction of the Supreme Court's application of *stare decisis*. This would be consequential to judges, scholars, lawyers, and the public seeking to understand the doctrine.

Thus, this study seeks to address and close that gap with research regarding the following research question: What have the primary rationales in the opinions of cases that overturned precedent revealed about changes to the Supreme Court's application of *stare decisis* during the Roberts Court? For the purposes of this research, "primary rationale" refers to the main reason the Court did not apply *stare decisis* in all cases that overturned other cases. Additionally, the Roberts Court refers to the timespan since Chief Justice Roberts led the Court: September 29th, 2005, to the present day. It must be noted that the key assumption was made that primary rationales could be identified in all cases that overturned others.

Prior to conducting the research and in line with my research question, I hypothesized that the primary rationales of many overturning cases would demonstrate a chronological progression of more willingness to rely on the principles of *stare decisis*. This would indicate a fundamental shift in the Court's outlook toward the future.

Methodology

My research utilized a relational thematic content analysis research method. To standardize and establish what is specifically meant by a relational thematic content analysis for the purposes of this study, a concrete definition has been provided and explicated. This definition represents the paradigm on which I based my methodology.

Generally speaking, content analysis is “any technique for making inferences by systematically and objectively identifying special characteristics of messages.”¹⁶ Researchers ‘code’ a set of media using regimented guidelines and then extrapolate qualitative conclusions based on the quantifiable data set produced. Researchers may code for “words, themes, or concepts” among other qualitative aspects; when researchers specifically code and search for themes in a given set of media, the research method is known as a *thematic* content analysis.¹⁷

Moreover, this research employs a subset of the method known as relational content analysis. This method adds a component that “involves exploring the relationships between concepts. Individual concepts are viewed as having no inherent meaning and rather the meaning is a product of the relationships among concepts.”¹⁸ In order to accomplish this, cognitive mapping is typically used. Cognitive mapping can be defined as any “graphic map that represents the relationships between concepts” in order to “create a model of the overall meaning of the text.”¹⁹

In aggregate, these definitions provide the framework for what a relational thematic content analysis establishes for my methodological path. The rationale behind my decision to use this method stems from three primary reasons, each supporting a different component of what the method entails.

First, I chose a content analysis method because using a large dataset of media (Supreme Court opinions) would provide the greatest selection of insight into the Supreme Court’s changing use of *stare decisis*. Since the Court writes its opinions over time, these insights can be extrapolated chronologically and applied to see change over time.

Second, a thematic approach was taken because it offered the most comprehensive and rational way to extract the broader concepts, something words or paragraphs alone would be insufficient to achieve. These themes could additionally be coded such that the primary rationale behind the reversal of a precedent could conveniently be categorized as the theme itself.

Third, because Supreme Court opinions are intrinsically related to other opinions, the relations between cases were considered. The only way to accomplish this was to incorporate the

¹⁶ Holsti, O. R. “Content Analysis for the Social Sciences and Humanities.” *Addison-Wesley Pub.* 1969. 3.

¹⁷ “Content Analysis.” *Columbia Mailman School of Public Health.* 2019. <https://www.asc.upenn.edu/news-events/news/over-half-americans-disapprove-supreme-court-trust-plummets>.

¹⁸ *Id.*

¹⁹ *Id.*

relational aspect of content analysis. In order to visualize this component, the aforementioned process of cognitive mapping was produced to demonstrate relationships.

Overall, this methodological design aligns incredibly well with my research question because it produces a useful quantitative data set of themes based on complex qualitative Court opinions. When mapped, this data set can be interpreted, and conclusions regarding the themes in the primary rationale of opinions can be made to determine changes in the interpretation of *stare decisis*. This is crucial because both substantive data and defensible inferential analysis could be interlaced.

Furthermore, concepts from both Segal and Spaeth's research and Fowler and his colleagues' research served as very broad guidelines. This research also deals with large quantities of case data, similar to Segal and Spaeth's work; likewise, case mapping is performed similarly to Fowler's work. Although no explicit methodology is copied, replicated, or simulated from either's research, it should still be acknowledged that these ideas were inspirational to my research.

Given all this, I followed three distinct steps, each with its own substeps, to gather my research data: selection, coding, and organization.

First, I had to choose how to select the media set I would perform the thematic analysis on. While some researchers may select a group of 100 songs or 30 news articles, I selected all of the cases that overturned other Supreme Court cases from September 29th, 2005, to the present. I did this because these cases would give the most insight into *stare decisis*. I was able to select these cases out of over a thousand based on explicit lists from two reputable sources.^{20, 21} Cases appearing on both sources were kept. Cases on one but not the other were scanned for an explicit mention of overturning a precedent in the opinion or a legal scholastic appraisal indicating that a *de facto* overturning occurred. If either of these conditions were met, the case was kept in the set. This ensured high accuracy. Future research could easily apply this using the same data lists over any timespan of interest.

Second, the primary rationales had to be read for each case and categorized into an extrapolatory theme. I identified the main case, principle, or reason behind the justification. Take, for example, *Knick v. Township of Scott (2019)*, a case that overturned a precedent from the

²⁰ Murrill, "The Supreme Court's Overruling of Constitutional Precedent," 27–50.

²¹ "Table of Supreme Court Decisions Overruled by Subsequent Decisions." *Constitution Annotated*. (n.d.). <https://constitution.congress.gov/resources/decisions-overruled/>.

1980s. The Court’s opinion primarily cites one individual case to defend *stare decisis*’ absence: *Janus v. AFSCME* (2018). While clearly, expository case information about *stare decisis* is present in the opinion, the main reason for their decision explicitly states the use of factors from *Janus*, as pictured below.

We have identified several factors to consider in deciding whether to overrule a past decision, including “the quality of [its] reasoning, the workability of the rule it established, its consistency with other related decisions, . . . and reliance on the decision.” *Janus v. State, County, and Municipal Employees*, 585 U. S. ___, ___–___ (2018) (slip op., at 34–35). All of these factors counsel in favor of overruling *Williamson County*.

(*Knick v. Township of Scott*, 2019, slip op. at 20).²²

This process was repeated for each case with varying rationales resulting from each. The primary rationale for all cases was identified — for the sake of replicability — by either one of two indicators: an explicit explanation or the presence of the explicit reason in the syllabus. A hypothetical example of this would be an objective citation of four separate cases that establish why *stare decisis* did not counsel the decision. Alternatively, a hypothetical general description of the principle based on decades of precedent in the syllabus would also constitute the primary rationale. This approach was used because it offered the least subjective approach to extracting rationales. Common threads for the nature of the primary rationale were conglomerated into groups that represented overarching themes. These themes were meticulously defined to ensure future researchers could replicate them.

The organization of these rationales was the crucial final step in my research. Once the qualitative data was collected, it was tabled, graphed on time, and cognitively mapped. This visualization was critical in determining the relationship between cases and projecting these results to a broader scale.

Limitations

In my methodology, there exist inherent limitations that should be considered and acknowledged. The preeminent limitation present was the human bias in converting extremely

²² “*Knick v. Township of Scott*, No. 17-647,” *United States Supreme Court*. June 21, 2019. https://www.supremecourt.gov/opinions/18pdf/17-647_m648.pdf.

sophisticated and complex legal rationales into subjective themes. It is thus plausible that because of the more qualitative nature of thematic content analyses, my own evaluation and judgment skewed the data. Although my themes for primary rationale are defined quite explicitly, it is still possible that human error in misinterpretation or misattribution of rationale gently influenced the results. Consequently, I may have misassigned cases. Since I do not possess formal educational training in law, my evaluation of the rationale and justification may not encompass the same effectuated assessment that a scholar or attorney would. It is also possible that the two lists of overturned cases have differing definitions that leave valuable case data omitted. Accordingly, the conclusions this research finds should be contextualized within these limitations.

Findings

After completion of the selection of cases steps, exactly twenty cases from the Roberts Court that overturned precedent were identified. These cases were all doubly appearing or scholastically verified from the two lists. Table 1 gives them in reverse chronological order. Years that did not have any cases overturning precedent have been skipped over for the convenience of the reader.

Furthermore, after application of the thematic categorization to the selected case opinions above, five main themes for reasons the Court chose to break with *stare decisis* emerged: (1) Direct Citation, (2) Eclectic, (3) Principle, (4) De Facto, and (5) Other. In Table 2, each primary rationale theme has been clearly defined and categorized by the frequency of appearance.

These themes and their frequency were subsequently plotted over time in each year of the Roberts Court. Doing so gave chronological perspective and aided in unearthing insights and inferences about the Court. The graph in Figure 1 demonstrates this.

Finally, a cognitive map or ‘constellation’ that demonstrates the relational connections between cases, especially those of the Direct Citation theme, was produced as seen in Figure 2. The colors for each box indicate which primary rationale theme that case used and match the colors in the legend of Figure 1. The arrows indicate the case that each case cited as its direct citation for that theme. Time progresses right to left within the horizontal lane for each year.

Table 1, Table 2, Figure 1, and Figure 2 are produced below.

Table 1: Case Set

Year of Roberts Court	Case(s) Overturning Precedent
2022	<i>Dobbs v. Jackson Women’s Health Organization</i> <i>Kennedy v. Bremerton School District</i>
2021	<i>Edwards v. Vannoy</i>
2020	<i>Ramos v. Louisiana</i>
2019	<i>Franchise Tax Board of California v. Hyatt</i> <i>Herrera v. Wyoming</i> <i>Knick v. Township of Scott</i> <i>Rucho v. Common Cause</i>
2018	<i>Janus v. American Federation of State, County, and Municipal Employees, Council 31 (AFSCME)</i> <i>South Dakota v. Wayfair</i> <i>Trump v. Hawaii</i>
2016	<i>Hurst v. Florida</i>
2015	<i>Johnson v. United States</i> <i>Obergefell v. Hodges</i>
2013	<i>Alleyne v. United States</i>

2010	<i>Citizens United v. Federal Election Commission</i>
2009	<i>Montejo v. Louisiana</i> <i>Pearson v. Callahan</i>
2007	<i>Bowles v. Russell</i> <i>Leegin Creative Leather Products Inc. v. PSKS Inc.</i>

Table 2: Definitions and Thematic Frequency

Primary Rationale Theme	Definition of Theme	Number of Cases Exhibiting Primary Rationale Theme
Direct Citation	The primary rationale for not abiding by <i>stare decisis</i> relies chiefly on one singular past decision during the Roberts Court that is directly cited. If a brief supplementary case is attached to the rationale, it does not detract from the main direct citation. Expository details about the nature of <i>stare decisis</i> neither detract from the primary role of the direct citation nor change the theme.	8
Eclectic	The primary rationale for not abiding by <i>stare decisis</i> relies chiefly on an	4

	<p>eclectic selection of cases that each provide different and relatively equal justification for the rationale. Expository details about the nature of <i>stare decisis</i> neither detract from the cases nor change the theme.</p>	
Principle	<p>The primary rationale for not abiding by <i>stare decisis</i> relies on decades or centuries old concepts regarding the broader nature or principles that govern <i>stare decisis</i>. In order to meet this theme, the Court may not fulfill the “Direct Citation” or “Eclectic” themes first. Expository details about the nature of <i>stare decisis</i> do not affect this primary theme.</p>	3
De Facto	<p>The primary rationale for not abiding by <i>stare decisis</i> is not expressly stated or addressed. Rather, the decision to overrule a past precedent is done <i>de facto</i> by the nature of the opinion.</p>	3
Other	<p>The primary rationale for not abiding by <i>stare decisis</i> is addressed but not by typical citation or principle. The Court cites other authorities or special circumstances. In order to meet this theme, the Court may not fulfill the “Direct Citation,” “Eclectic,” or “Principle” themes first. Expository</p>	2

	<p>details about the nature of <i>stare decisis</i> do not affect this primary theme.</p>	
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Figure 1: Graph

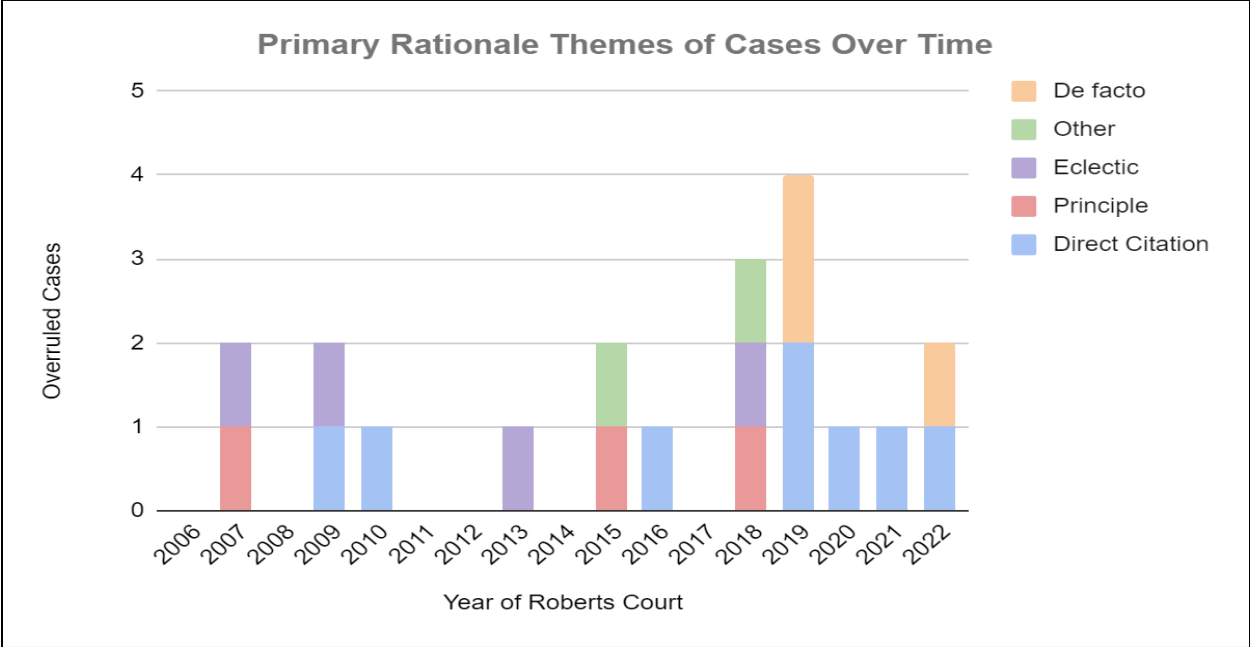
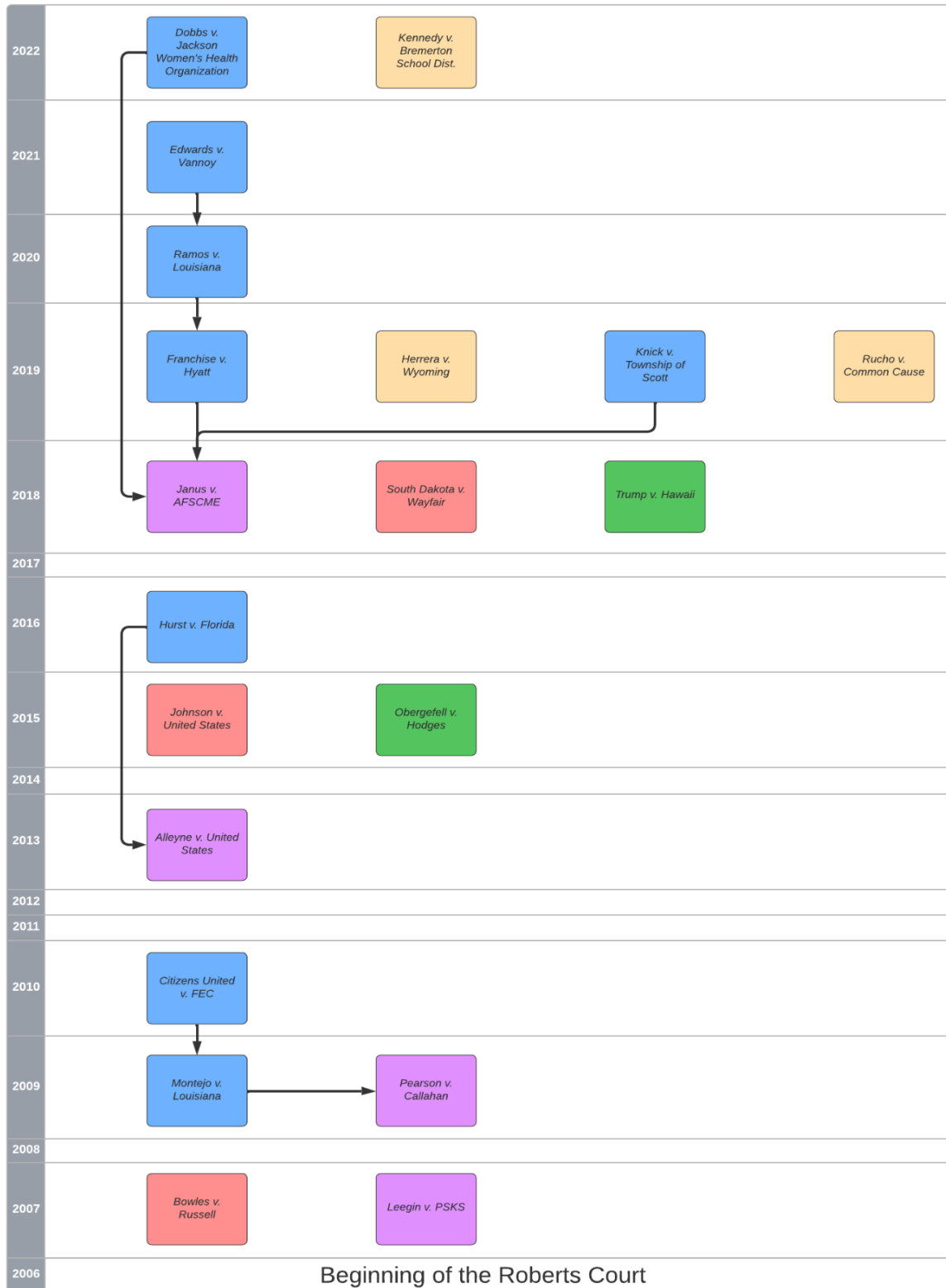


Figure 2: Cognitive Map

Chronological Cognitive Map of Primary Rationale Themes



Discussion

From the findings, two novel understandings emerge about changes to the Court's application of *stare decisis* during the Roberts Court. A thorough interpretation of the primary rationales provides substantiation for these understandings. Since I performed a relational thematic content analysis, the relationships between themes and cases formed the basis for these new understandings.

First, in applying *stare decisis* the Court has demonstrated a new willingness to consolidate Eclectic primary rationale authorities on *stare decisis* into a single case which can be directly cited thereafter using the Direct Citation rationale theme. A fifth of cases utilized an Eclectic primary rationale, illustrating the Court's willingness to cite various cases and combine them to formulate a justification. However, the high number of Eclectic rationales is masked by these cases' relationships with other cases. Three explicit progressions of cases and their relationships to each other in the cognitive map provide evidentiary support for this study's first new understanding.

Between 2009 and 2010, the Court overturned three cases. The rationale relationship between them demonstrates the consolidation of Eclectic rationale into a stream of Direct Citation rationale. The Court first overruled a precedent from eight years prior in deciding *Pearson v. Callahan* (2009), a case that used an Eclectic rationale as indicated by the cognitive map. In doing so, the Court created a consolidated approach to *stare decisis* that not only collected their past decisions but also could be cited individually as a cohesive authority. The Court later that term decided *Montejo v. Louisiana* (2009) and, using the primary rationale of Direct Citation, cited *Pearson* and its consolidated authority on *stare decisis*. This then created a stream of citations with *Citizens United v. FEC* (2010) citing *Montejo* and thus indirectly citing *Pearson* and all of its individual Eclectic citations as shown in Figure 2.

The Court repeated this process with *Alleyne v. United States* (2013) and *Hurst v. Florida* (2016). Because *Alleyne* was justified using an Eclectic primary rationale, it was able to create a consolidated rule that combined doctrine from multiple past cases. When combined, they produced a rule that could be applied moving forward. In *Hurst*, the Court took advantage of this convenient consolidation and used it to justify their overruling of precedent.

However, the most notable example of this Eclectic-to-Direct-Citation pipeline is *Janus v. AFSCME* (2018) and the five subsequent cases that directly cite it as their primary rationale.

Decided in 2018, *Janus* utilized several different cases to justify overturning a past case. It produced a consolidated rule that gave the Court an easy rationale to apply in the future whenever it sought to break with *stare decisis*. As indicated by Figure 2, five cases, either directly or through a stream of citations, all cite *Janus* as the primary rationale in justifying their overruling of precedent: *Knick v. Township of Scott* (2019), *Franchise v. Hyatt* (2019), *Ramos v. Louisiana* (2020), *Edwards v. Vannoy* (2021), and *Dobbs v. Jackson Women’s Health Organization* (2022).

Collectively, these three separate instances of consolidating and directly citing Eclectic opinions provide sufficient evidence that these thematic relationships are present. Looking primarily at the cognitive map, the intrinsic relationship between these two themes delivers a clear new understanding that could only be unearthed through my methodology.

More specifically, a second new understanding could also be made. Namely, the case *Janus v. AFSCME* (2018) seems to be a powerful genesis and main authority for rationale that breaks with *stare decisis* in the Court’s recent history. Looking at Figure 1 and Figure 2, it is clear that *Janus* was the last time the Court applied any rationale other than Direct Citation or De Facto. This is because it consolidated all other typically isolated rationales into a rule that has been convenient to apply for future cases. In *Janus*, the Court collected different cases to identify the quality of reasoning, workability, consistency, new developments, and reliance as the five factors in sidestepping *stare decisis*.²³ This is significant because it demarcates a substantial shift away from justifying opinions with Eclectic and Principle primary rationale themes. This also makes logical sense because these varying ideas and principles have already been consolidated into a Direct Citation case. The cognitive map indicates a clear stream of cases that have all either directly or indirectly relied on *Janus*’ consolidated rationale, something not seen anywhere else in the Roberts Court. The density of Direct Citation themes in Table 2, when plotted chronologically in Figure 1, shows how *Janus* has ignited a greater prevalence of reliance on the case. *Janus* signifies this by being the midway point between the shift from Eclectic and Principle themes to a Direct Citation theme. Therefore, it can be inferred that *Janus* is a large reason behind Direct Citation being the most prevalent theme in Table 2. The increased

²³ *Janus v. American Federation of State, County, and Municipal Employees, Council 31, No. 16-1466*,” *United States Supreme Court*. June 27, 2018. 34-35 at https://www.supremecourt.gov/opinions/17pdf/16-1466_2b3j.pdf

application of Direct Citation themed cases suggests a willingness to apply the five-factor consolidated rule in *Janus* and overturn more cases that systematically check the rule's requirements.

Although the findings of my research dealt with more than just an analysis of the Principle theme, my hypothesis was still soundly rejected based on these two new conclusions. Quite the opposite has been demonstrated to have occurred in the Court's application of *stare decisis*. Clearly, there has been less emphasis on the Principle primary rationale theme following *Janus*.

With four new justices in just over five years, the Court is continuously changing its approach to doctrines. Luckily, the scholarly conversation around *stare decisis* continues to grow, and my research furthers the conversation with earlier research. It substantiates the idea that *Janus* is a key case that has the potential for reshaping doctrine, as put forth by research from Michael Gentithes.²⁴ Also, my research expands on many of the capabilities of content analyses in legal research that Hall and Wright put forth by using a thematic approach.²⁵ Finally, it adapts scholarly work from Fowler and his colleagues by applying case mapping to a different yet specific aspect of the law. My research's interconnectedness to other legal research helps to improve our understanding of the Court.

Conclusion

Ultimately, this research was successful in identifying two new conclusions that fulfill the research question: What have the primary rationales in the opinions of cases that overturned precedent revealed about changes to the Supreme Court's application of *stare decisis* during the Roberts Court? Namely, the Court has both a new receptiveness to consolidating Eclectic primary rationale authorities on *stare decisis* into a single citable Direction Citation theme case and a newfound reliance on *Janus v. AFSCME (2018)* for justifying modern overturning of precedent. This research underscores the importance of using creative but operationally effective and well-defined methodology to understand changes to the Court's interpretation of *stare decisis* and successfully fill the intended gap.

²⁴ Gentithes, Michael, "Janus-Faced Judging: How the Supreme Court Is Radically Weakening Stare Decisis," *William & Mary Law Review*, 62(1) (2020).

²⁵ Hall, M. A., and Wright, R. F., "Systematic Content Analysis of Judicial Opinions." *California Law Review*, 96(1), (2008) 63–122. <http://www.jstor.org/stable/20439171>.

This research has multiple key implications for the community of practice in the legal field. In a scholarly sense, these findings add more analysis to *Janus v. AFSCME (2018)*, a case that has primarily been analyzed through a labor law perspective. By understanding that *Janus* has effects in other fields, such as *stare decisis*, this research improves upon our understanding of both the case and the doctrine. Additionally, this research expands on the abilities of case mapping and thematic content analyses by producing interpretable results. Legal research is not typically approached using content analyses, let alone a thematic one. The success of this research hence affects the legal field by potentially expanding our tools for analyzing cases. This research additionally has implications for appellate lawyers and those practicing law. For lawyers arguing before the Court, this research could provide insight into which arguments to propose when asking the Court to overturn precedent. For example, a lawyer might reasonably see more success arguing for the application of *Janus* factors than general *stare decisis* principles. They might use this research to look at the direction of the Court and which arguments are seen more favorably. Thereby, my research allows more insight for lawyers seeking to tailor their arguments surrounding *stare decisis*. My research has targeted implications because it is crucial that appellate lawyers are able to recognize the Court's preferred interpretation of rationale application regarding a doctrine as important as *stare decisis*.

Apart from the limitations to the methodology discussed earlier, there were additional limitations to interpreting the results. The analysis failed to produce results that could comment on relationships between the cases studied and the overturned case itself. By reading the opinions of both, additional data could have enhanced the conclusions made. With more time for extensive cognitive mapping, further relationships could have been included. Furthermore, because the sample size of cases was twenty, there was not enough data to formulate statistically significant conclusions about a quantifiable change to the Court. This was a large limitation that restricted my research to making qualitative conclusions only.

Accordingly, it would be beneficial for future researchers to potentially expand the selection of cases to cover the Rehnquist and even the Burger Court. This larger data set would allow for trend lines and statistical interpretation that would enrich the qualitative conclusions made in this research study. Alternatively, this research could inspire future research in applying my methodology of relational thematic content analysis to other doctrines of the Court, such as the Miller test or Chevron test. It is reasonably plausible that thematic content analyses could

have the potential to reveal changes to key doctrines that have experienced great uncertainty on the Court. This research similarly suggests future investigation of the origins of *stare decisis* using my methodology.

While the law is often depicted blindfolded, it is nonetheless important to take a deep look into the specific directions of its interpretation, especially in regard to *stare decisis*. In the end, this research follows the hope of all Supreme Court researchers — that out of a web of cases, a constellation of truth may be found.