

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 2006-2007

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Abrahamson, Bradley, Butler, Crooks	10	<i>Meyers; Szleszinski; DaimlerChrysler; Acuity; Howell; Lackershire; Schweda; Kocken; Trinity; Bobby G.</i>
Bradley, Butler, Crooks, Wilcox	1	<i>Indus. Roofing Servs.</i>
Crooks, Wilcox, Prosser, Roggensack	4	<i>State Farm; Marotz; Oneida; DeHart</i>
Butler, Wilcox, Prosser, Roggensack	2	<i>Tietsworth; Lornson</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	10
Bradley	11
Butler	13
Crooks	15
Wilcox	7
Prosser	6
Roggensack	6

4-3 Majority Opinions Authored

Justice	Opinions
Abrahamson	5
Bradley	3
Butler	2
Crooks	1
Wilcox	2
Prosser	2
Roggensack	2
<b>Total</b>	<b>17</b>

Decisions by Vote Split<sup>1</sup>

<b>7-0 (or 6-0)</b>	<b>6-1 (or 5-1, 4-1)</b>	<b>5-2 (or 4-2)</b>	<b>4-3</b>
<b>26 (39%)</b>	<b>10 (15%)</b>	<b>14 (21%)</b>	<b>17 (25%)</b>
<i>Wickenhauser v. Lehtinen</i>	<i>State v. Mayo</i>	<i>City of Janesville v. CC Midwest, Inc.</i>	<i>Indus. Roofing Servs. v. Marquardt</i>
<i>State v. Muckerheide</i>	<i>State v. Jensen</i>	<i>State ex rel. Pharm v. Bartow</i>	<i>State Farm Mut. Auto. Ins. Co. v. Bailey</i>
<i>State v. Jenkins</i>	<i>Aslakson v. Gallagher Bassett Servs.</i>	<i>Wis. Dep't of Revenue v. River City Refuse Removal, Inc.</i>	<i>Meyers v. Bayer AG</i>
<i>McNeil v. Hansen</i>	<i>Shannon E. T. v. Alicia M. V.M.</i>	<i>State v. Gary Johnson</i>	<i>Tietsworth v. Harley-Davidson, Inc.</i>
<i>State v. Brown</i>	<i>Frisch v. Henrichs</i>	<i>State v. Bannister</i>	<i>Estate of Szleszinski v. Labor &amp; Indus. Review Comm'n</i>
<i>State v. Parent</i>	<i>State v. House</i>	<i>Kolupar v. Wilde Pontiac Cadillac, Inc.</i>	<i>DaimlerChrysler v. Labor &amp; Indus. Review Comm'n</i>
<i>Kristi L.M. v. Dennis E.M.</i>	<i>State v. Post</i>	<i>Milwaukee Reg'l Med. Ctr., Inc. v. City of Wauwatosa</i>	<i>Acuity Mut. Ins. Co. v. Olivas</i>
<i>HSBC Realty Credit Corp. v. City of Glendale</i>	<i>State ex rel. Buswell v. Tomah Area Sch. Dist.</i>	<i>State ex rel. Thomas v. Schwarz</i>	<i>State v. Howell</i>
<i>State v. Marcus Johnson</i>	<i>Estate of Rille v. Physicians Ins. Co. (5-1)</i>	<i>State v. Bruski</i>	<i>State v. Lackershire</i>
<i>Avery v. Diedrich</i>	<i>Rouse v. Theda Clark Med. Ctr. (4-1)</i>	<i>FAS, LLC v. Town of Bass Lake</i>	<i>State v. Schweda</i>
<i>Wambolt v. West Bend Mut. Ins. Co.</i>		<i>John Doe I v. Archdiocese of Milwaukee</i>	<i>Marotz v. Hallman</i>
<i>State v. Nelis</i>		<i>Leitinger v. DBart, Inc.</i>	<i>Lornson v. Siddiqui</i>
<i>Pool v. City of Sheboygan</i>		<i>County of Milwaukee v. Williams</i>	<i>Oneida County Dep't of Soc. Servs. v. Nicole W.</i>
<i>K&amp;S Tool &amp; Die Corp. v. Perfection Mach. Sales, Inc.</i>		<i>Stoughton Trailers, Inc. v. Labor &amp; Indus. Review Comm'n (4-2)</i>	<i>Kocken v. Wis. Council 40</i>
<i>Tyler v. RiverBank</i>			<i>Trinity Petroleum, Inc. v. Scott Oil Co.</i>
<i>State v. Grady</i>			<i>DeHart v. Wis. Mut. Ins. Co.</i>
<i>Russ v. Russ</i>			<i>State v. Bobby G.</i>
<i>State v. Shirley E.</i>			
<i>City of Milwaukee v. Washington</i>			
<i>Zellner v. Cedarburg Sch. Dist.</i>			

*(continued on following page)*

<sup>1</sup> In eight cases there were justices who concurred in part and dissented in part (*Jensen* [Butler]; *Milwaukee Reg'l Med. Ctr.* [Butler, Abrahamson]; *Schweda* [Prosser, Wilcox, Roggensack]; *John Doe* [Abrahamson, Bradley]; *Lornson* [Crooks, Abrahamson, Bradley]; *Post* [Abrahamson]; *Trinity Petroleum* [Roggensack, Wilcox, Prosser]; *Buswell* [Butler]). For this table, and those that follow, each of these votes was categorized as either a dissent or a concurrence according to the following guidelines. If a justice's opinion dissented from the result on one or more issues, it was classified as a dissent. If the opinion concurred with the result on all issues but disputed the majority's reasoning on one or more issues, it was classified as a concurrence. Accordingly, the votes in the eight cases listed above have been classified as dissents. In one or two instances the dividing line between a dissent and a concurrence was rather thin, and views might reasonably differ as to the opinion's proper classification. However, such ambiguous opinions amount to a minuscule fraction of the hundreds of votes cast, and thus they have a negligible effect on the tables presented here.

<i>State v. Townsend</i> (7-0 per curiam)
<i>State v. Kasmarek</i> (7-0 per curiam)
<i>State v. Lord</i> (7-0 per curiam)
<i>Brew City Redevelopment Group, LLC v. Ferchill Group</i> (6-0)
<i>State ex rel. Castaneda v. Welch</i> (6-0)
<i>Kasten v. Doral Dental USA, LLC</i> (6-0)

Frequency in the Majority

These charts display how frequently each justice voted in the majority in decisions filed during the period September 1, 2006, to August 31, 2007. The first chart includes all cases in which a justice voted, while the second chart includes only cases decided by split votes.

All Cases<sup>2</sup>

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	47	67	70%
Bradley	54	66	82%
Butler	57	67	85%
Crooks	64	66	97%
Wilcox	51	65	78%
Prosser	49	67	73%
Roggensack	51	64	80%

Non-Unanimous Decisions<sup>3</sup>

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	21	41	51%
Bradley	28	40	70%
Butler	31	41	76%
Crooks	39	41	95%
Wilcox	26	40	65%
Prosser	23	41	56%
Roggensack	26	39	67%

<sup>2</sup> Justice Bradley did not vote in *Rouse v. Theda Clark Med. Ctr.* Justice Crooks did not vote in *Kasten v. Doral Dental USA, LLC*. Justice Wilcox did not vote in *Estate of Rille v. Physicians Ins. Co. and Brew City Redevelopment Group, LLC v. Ferchill Group*. Justice Roggensack did not vote in *Rouse v. Theda Clark Med. Ctr.*; *State ex rel. Castaneda v. Welch*; and *Stoughton Trailers, Inc. v. Labor & Indus. Review Comm'n*.

<sup>3</sup> *Rouse v. Theda Clark Med. Ctr.*; *Estate of Rille v. Physicians Ins. Co.*; and *Stoughton Trailers, Inc. v. Labor & Indus. Review Comm'n* were non-unanimous decisions.

Opinions Authored<sup>4</sup>

This chart indicates how many majority opinions a justice authored in cases decided by each of the four possible majority vote totals.

Opinion Author	7-0 (or 6-0)	6-1 (or 5-1, 4-1)	5-2 (or 4-2)	4-3
Abrahamson	1	2	1	5
Bradley	2	3	1	3
Butler	4	0	3	2
Crooks	5	2	1	1
Wilcox	4	2	3	2
Prosser	4	1	1	2
Roggensack	3	0	4	2

The chart below shows how many concurring and dissenting opinions each justice authored.<sup>5</sup>

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	8	13
Bradley	2	4
Butler	7	5
Crooks	1	1
Wilcox	1	5
Prosser	2	10
Roggensack	1	6

<sup>4</sup> Three unanimous *per curiam* decisions (*State v. Kasmarek*; *State v. Townsend*; and *State v. Lord*) are not included in the tables on this page.

<sup>5</sup> In eight cases there were justices who concurred in part and dissented in part (*Jensen* [Butler]; *Milwaukee Reg'l Med. Ctr.* [Butler]; *Schweda* [Prosser]; *John Doe* [Abrahamson]; *Lornson* [Crooks]; *Post* [Abrahamson]; *Trinity Petroleum* [Roggensack]; *Buswell* [Butler]). The justices named here are those who wrote opinions, as opposed to joining opinions written by other justices. According to the guidelines outlined above, all of these opinions have been categorized as dissents.

Agreement Among Pairs of Justices

The following tables show the percentage of cases in which every possible pair of justices found themselves on the same side in a decision—either both in the majority or both dissenting. The first table covers all cases; the second table narrows its focus to cases in which decisions were not unanimous. When reading the first table, for instance, one finds that Justices Bradley and Prosser voted together in 55% of the cases, while the figure for Justices Wilcox and Roggensack was 94%.

Agreement Between Pairs of Justices—All Cases

	<b>Bradley</b>	<b>Butler</b>	<b>Crooks</b>	<b>Wilcox</b>	<b>Prosser</b>	<b>Roggensack</b>
<b>Abrahamson</b>	59/66= <b>89%</b>	49/67= <b>73%</b>	48/66= <b>73%</b>	31/65= <b>48%</b>	31/67= <b>46%</b>	34/64= <b>53%</b>
	<b>Bradley</b>	52/66= <b>79%</b>	55/65= <b>85%</b>	38/64= <b>59%</b>	36/66= <b>55%</b>	39/64= <b>61%</b>
		<b>Butler</b>	54/66= <b>82%</b>	41/65= <b>63%</b>	43/67= <b>64%</b>	41/64= <b>64%</b>
			<b>Crooks</b>	48/64= <b>75%</b>	46/66= <b>70%</b>	48/63= <b>76%</b>
				<b>Wilcox</b>	58/65= <b>89%</b>	58/62= <b>94%</b>
					<b>Prosser</b>	58/64= <b>91%</b>
						<b>Roggensack</b>

Agreement Between Pairs of Justices—Non-Unanimous Cases

	<b>Bradley</b>	<b>Butler</b>	<b>Crooks</b>	<b>Wilcox</b>	<b>Prosser</b>	<b>Roggensack</b>
<b>Abrahamson</b>	33/40= <b>83%</b>	23/41= <b>56%</b>	23/41= <b>56%</b>	6/40= <b>15%</b>	5/41= <b>12%</b>	9/39= <b>23%</b>
	<b>Bradley</b>	26/40= <b>65%</b>	30/40= <b>75%</b>	13/39= <b>33%</b>	10/40= <b>25%</b>	14/39= <b>36%</b>
		<b>Butler</b>	29/41= <b>71%</b>	16/40= <b>40%</b>	17/41= <b>41%</b>	16/39= <b>41%</b>
			<b>Crooks</b>	24/40= <b>60%</b>	21/41= <b>51%</b>	24/39= <b>62%</b>
				<b>Wilcox</b>	33/40= <b>83%</b>	34/38= <b>89%</b>
					<b>Prosser</b>	33/39= <b>85%</b>
						<b>Roggensack</b>

Days Between Oral Argument and Opinion Filing

This table shows the average number of days between oral argument and the filing of majority opinions authored by each of the justices. Given that a variety of factors could influence the length of time between oral argument and the filing of an opinion in a particular case—including the time taken by other justices to write concurring or dissenting opinions—averages for individual justices should be compared over an extended period.

	<b>Number of Majority Opinions Authored</b>	<b>Ave. No. of Days From Oral Argument to Opinion Filing</b>
Abrahamson	9	115
Bradley	9	133
Butler	9	161
Crooks	9	101
Wilcox	11	171
Prosser	8	207
Roggensack	9	153

Number of Oral Arguments Presented

The following table displays firms and agencies that participated in at least two oral arguments during the twelve months under consideration in 2006-2007.

<b>Firms and Agencies</b>	<b>Number of Oral Arguments</b>
Arndt, Buswell & Thorn, S.C.	2
Bakke Norman SC	2
Cannon & Dunphy, S.C.	2
Cook & Franke S.C.	2
Foley & Lardner LLP	2
Legal Action of Wisconsin, Inc.	2
Michael Best & Friedrich LLP	5
Milwaukee City Attorney's Office	2
Milwaukee County Corporation Counsel's Office	2
Milwaukee District Attorney's Office	2
Quarles & Brady LLP	2
Reinhart Boerner Van Deuren s.c.	2
State Attorney General's Office	26
State Public Defender's Office	13
University of Wisconsin Law School	3
Whyte Hirschboeck Dudek S.C.	2