

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 2000-2001

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Crooks, Sykes, Wilcox, Prosser	10	<i>Williams; Hajicek; Canon; Matejka; Batteries Plus; Taylor; Trawitzki; Johnson; Kaminski; Lightbourn</i>
Abrahamson, Bradley, Sykes, Prosser	1	<i>Landis</i>
Abrahamson, Bradley, Sykes, Bablitch	2	<i>Hanson; Vandenberg</i>
Crooks, Sykes, Wilcox, Bablitch	1	<i>Eason</i>
Abrahamson, Bradley, Prosser, Bablitch	4	<i>Heritage Mutual; Meyer; Lambrecht; Kopke</i>
Crooks, Wilcox, Prosser, Bablitch	2	<i>Huck; Oakley</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	7
Bradley	7
Crooks	13
Sykes	14
Wilcox	13
Prosser	17
Bablitch	9

4-3 Majority Opinions Authored

Justice	Opinions
Abrahamson	3
Bradley	2
Crooks	5
Sykes	2
Wilcox	2
Prosser	4
Bablitch	2
Total	20

Decisions by Vote Split¹

7-0 (or 6-0)	6-1	5-2 (or 4-2)	4-3
48 (53%)	2 (2%)	21 (23%)	20 (22%)
<i>State v. Hahn</i>	<i>Oliveira v. City of Milwaukee</i>	<i>State v. Outagamie County Bd. of Adjustment</i>	<i>State v. Williams</i>
<i>Johnson v. Rogers Mem'l Hosp., Inc.</i>	<i>State v. Douglas D.</i>	<i>Green v. Smith & Nephew AHP, Inc.</i>	<i>State v. Eason</i>
<i>Milwaukee Dist. Council 48 v. Milwaukee County</i>		<i>Musa v. Jefferson County Bank</i>	<i>State v. Hajicek</i>
<i>Robinson v. City of W. Allis</i>		<i>Brunson v. Ward</i>	<i>State v. Canon</i>
<i>Smith v. General Cas. Ins. Co.</i>		<i>Baierl v. McTaggart</i>	<i>Heritage Mut. Ins. Co. v. Larsen</i>
<i>State v. Prihoda</i>		<i>State v. Black</i>	<i>State v. Matejka</i>
<i>Barry v. Emplrs. Mut. Cas. Co.</i>		<i>Minn. Fire & Cas. Ins. Co. v. Paper Recycling</i>	<i>Meyer v. Meyer</i>
<i>Gaugert v. Duve</i>		<i>Koffman v. Leichtfuss</i>	<i>Lambrecht v. Kaczmarczyk</i>
<i>State v. Rutzinski</i>		<i>Martindale v. Ripp</i>	<i>State v. Huck (State v. Franklin)</i>
<i>Shirk v. Bowling, Inc.</i>		<i>Urban v. Grasser</i>	<i>Batteries Plus, LLC v. Mohr</i>
<i>Lewis v. Physicians Ins. Co.</i>		<i>Nat'l Operating, L.P. v. Mut. Life Ins. Co.</i>	<i>Taylor v. Greatway Ins. Co.</i>
<i>Connor v. Connor</i>		<i>State v. Hansen</i>	<i>State v. Trawitzki</i>
<i>State ex rel. Mentek v. Schwarz</i>		<i>Danbeck v. Am. Family Mut. Ins. Co.</i>	<i>State v. Johnson</i>
<i>Van Boxtel v. Van Boxtel</i>		<i>Wis. Conf. Bd. of Trustees v. Culver</i>	<i>State ex rel. Kaminski v. Schwarz</i>
<i>Matthies v. Positive Safety Mfg. Co.</i>		<i>State v. Henderson</i>	<i>State v. Hanson</i>
<i>Crawford v. Care Concepts</i>		<i>State v. Lindell</i>	<i>Kopke v. A. Hartrodt S.R.L.</i>
<i>Salveson v. Douglas County</i>		<i>State v. Kelsey C.R. (In the Interest of Kelsey C.R.)</i>	<i>Vandenberg v. Cont'l Ins. Co.</i>
<i>Neff v. Pierzina</i>		<i>Reid v. Benz</i>	<i>Wis. Prof'l Police Ass'n v. Lightbourn</i>
<i>State v. Piddington</i>		<i>State ex rel. Hensley v. Endicott</i>	<i>State v. Oakley</i>
<i>Waters v. Pertzborn</i>		<i>Nankin v. Shorewood (4-2)</i>	<i>Landis v. Physicians Ins. Co. of Wis., Inc.</i>
<i>State v. Dismuke</i>		<i>Responsible Use of Rural & Agric. Land v. PSC</i>	
<i>State v. Moffett</i>			
<i>Paul v. Skemp</i>			
<i>State v. Perkins</i>			
<i>State v. Peters</i>			
<i>A.S. v. A.S.</i>			

(continued on following page)

¹ In *Wis. Prof'l Police Ass'n v. Lightbourn*, Justice Bablitch concurred in part and dissented in part. For this table, and those prepared for other years, each such vote has been 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, Justice Bablitch's vote in *Wis. Prof'l Police Ass'n v. Lightbourn* has been classified as a dissent.

<i>In Re the Return of Property in State v. Glass</i>
<i>Jensen v. Wis. Patients Comp. Fund</i>
<i>State v. T.J. Int'l, Inc.</i>
<i>R.W. Docks & Slips v. State</i>
<i>Nommensen v. Am. Cont'l Ins. Co.</i>
<i>State v. Perez</i>
<i>Rabideau v. City of Racine</i>
<i>State ex rel. Seibert v. Macht</i>
<i>Meier v. Champ's Sport Bar & Grill, Inc.</i>
<i>Theuer v. Labor & Industry Review Commission</i>
<i>County of Dunn v. Goldie H. (In re Goldie H.)</i>
<i>Evelyn C.R. v. Tykila S. (in Re Jaylyn S.)</i>
<i>Mackenzie v. Miller Brewing Co. (6-0)</i>
<i>Fuchsgruber v. Custom Accessories, Inc. (6-0)</i>
<i>Magyar v. Wis. Health Care Liab. Ins. Plan (6-0)</i>
<i>Filppula-McArthur v. Halloin (6-0)</i>
<i>LaRock v. Wisconsin Dep't of Revenue (6-0)</i>
<i>Farm Credit Servs. of N. Cent. Wis., ACA v. Wysocki (6-0)</i>
<i>Danner v. Auto-Owners Ins. (6-0)</i>
<i>State v. Kelley (6-0)</i>
<i>Powell v. Cooper (7-0 per curiam)</i>
<i>State v. Schulpius (In re Schulpius) (6-0 per curiam)</i>

Frequency in the Majority

These charts display how frequently each justice voted in the majority in decisions filed during the period September 1, 2000, to August 31, 2001. The first chart includes all cases in which a justice voted (out of the total of 91 cases, specified above), while the second chart includes only cases decided by split votes.

All Cases²

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	66	91	73%
Bradley	68	89	76%
Crooks	78	90	87%
Sykes	79	89	89%
Wilcox	75	89	84%
Prosser	80	88	91%
Bablitch	76	90	84%

Non-Unanimous Decisions³

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	18	43	42%
Bradley	22	43	51%
Crooks	31	43	72%
Sykes	32	42	76%
Wilcox	28	42	67%
Prosser	35	43	81%
Bablitch	29	43	67%

² **Justice Bradley** did not vote in *State v. Kelley* and *Danner v. Auto-Owners Ins.* **Justice Crooks** did not vote in *Mackenzie v. Miller Brewing Co.* **Justice Sykes** did not vote in *Magyar v. Wis. Health Care Liab. Ins. Plan* and *Nankin v. Shorewood*. **Justice Wilcox** did not vote in *Filppula-McArthur v. Halloin* and *Responsible Use of Rural & Agric. Land v. PSC*. **Justice Prosser** did not vote in *LaRock v. Wisconsin Dep't of Revenue* and *Fuchsgruber v. Custom Accessories, Inc.* **Justice Bablitch** did not vote in *Farm Credit Servs. of N. Cent. Wis., ACA v. Wysocki*.

³ Among the decisions listed in the previous footnote, *Nankin v. Shorewood* and *Responsible Use of Rural & Agric. Land v. PSC* were non-unanimous decisions.

Opinions Authored

This chart indicates how many majority opinions a justice authored in cases decided by each of the four possible majority vote totals.⁴

Opinion Author	7-0 (or 6-0)	6-1	5-2 (or 4-2)	4-3
Abrahamson	8	1	0	3
Bradley	5	0	5	2
Crooks	4	0	4	5
Sykes	7	0	4	2
Wilcox	7	1	3	2
Prosser	6	0	3	4
Bablitch	9	0	2	2

The chart below shows how many concurring and dissenting opinions each justice authored.

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	17	14
Bradley	5	8
Crooks	8	9
Sykes	2	7
Wilcox	6	5
Prosser	3	3
Bablitch	2	5

⁴ This table does not include two unanimous *per curiam* decisions (*State v. Schulpius* and *Powell v. Cooper*).

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 91 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 Wilcox voted together in 61% of the cases, while the figure for Justices Crooks and Sykes was 88%.

Agreement Between Pairs of Justices—All Cases

	Bradley	Crooks	Sykes	Wilcox	Prosser	Bablitch
Abrahamson	85/89= 96%	53/90= 59%	58/89= 65%	53/89= 60%	57/88= 65%	77/90= 86%
	Bradley	55/88= 63%	60/87= 69%	53/87= 61%	59/86= 69%	73/88= 83%
		Crooks	77/88= 88%	84/88= 95%	71/87= 82%	65/89= 73%
			Sykes	74/87= 85%	72/86= 84%	64/88= 73%
				Wilcox	70/86= 81%	62/88= 70%
					Prosser	65/87= 75%
						Bablitch

Agreement Between Pairs of Justices—Non-Unanimous Cases

	Bradley	Crooks	Sykes	Wilcox	Prosser	Bablitch
Abrahamson	39/43= 91%	6/43= 14%	11/42= 26%	6/42= 14%	12/43= 28%	30/43= 70%
	Bradley	10/43= 23%	15/42= 36%	8/42= 19%	16/43= 37%	28/43= 65%
		Crooks	31/42= 74%	38/42= 90%	27/43= 63%	19/43= 44%
			Sykes	28/41= 68%	28/42= 67%	18/42= 43%
				Wilcox	26/42= 62%	16/42= 38%
					Prosser	21/43= 49%
						Bablitch

Days Between Oral Argument and Opinion Filing⁵

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.

	Number of Majority Opinions Authored	Ave. No. of Days From Oral Argument to Opinion Filing
Abrahamson	12	78
Bradley	12	97
Crooks	13	111
Sykes	13	143
Wilcox	13	113
Prosser	13	161
Bablitch	13	134

⁵ This table does not include *State v. Schulpius* and *Powell v. Cooper*, which were *per curiam* decisions.

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.

Firms and Agencies	Number of Oral Arguments
Axley Brynelson, LLP	2
Bye, Goff & Rohde, Ltd.	2
Crivello, Carlson, Mentkowski & Steeves, S.C.	2
Crooks, Low, Connell & Rottier, S.C.	2
Foley & Lardner LLP	2
Gutglass, Erickson & Bonville, S.C.	2
John E. Joyce	2
Kay & Kay Law Firm	2
Kelley, Weber, Pietz & Slater, S.C.	2
Law Offices of Alan D. Eisenberg	2
Liebmann, Conway, Olejniczak & Jerry, S.C.	2
Michael Best & Friedrich LLP	5
Milwaukee City Attorney's Office	3
Murphy & Desmond, S.C.	2
Peterson, Johnson & Murray, S.C.	4
Petrie & Stocking S.C.	3
Quarles & Brady LLP	4
Reinhart Boerner Van Deuren S.C.	3
Stafford Rosenbaum LLP	3
State Attorney General's Office	42
State Public Defender's Office	14
von Briesen, Purtell & Roper	2