

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1999-2000

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Crooks, Sykes, Wilcox, Prosser	7	<i>Hughes; Oak Creek; Martwick; Davidson; Pallone; Hammer; Yahnke</i>
Abrahamson, Bradley, Sykes, Wilcox	1	<i>Willow Creek Ranch</i>
Crooks, Sykes, Wilcox, Bablitch	2	<i>Totsky; Ward</i>
Abrahamson, Bradley, Prosser, Bablitch	1	<i>Ellsworth</i>
Crooks, Wilcox, Prosser, Bablitch	1	<i>Huebner</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	2
Bradley	2
Crooks	10
Sykes	10
Wilcox	11
Prosser	9
Bablitch	4

4-3 Majority Opinions Authored

Justice	Opinions
Abrahamson	0
Bradley	1
Crooks	4
Sykes	2
Wilcox	2
Prosser	1
Bablitch	2
Total	12

Decisions by Vote Split¹

7-0 (or 6-0)	6-1	5-2 (or 4-2)	4-3
51 (61%)	2 (2%)	18 (22%)	12 (14%) ²
<i>Alberte v. Anew Health Care Servs.</i>	<i>Dixson v. Wisconsin Health Org. Ins. Corp.</i>	<i>Jankee v. Clark County</i>	<i>Totsky v. Riteway Bus Serv.</i>
<i>State v. Thomas</i>	<i>State v. McGill</i>	<i>Vogel v. Russo</i>	<i>State v. Hughes</i>
<i>Stelpflug v. Town Bd.</i>		<i>State v. Orta</i>	<i>State v. Ward</i>
<i>State v. Byrge</i>		<i>ABKA Ltd. P'ship v. Bd. of Review</i>	<i>State v. City of Oak Creek</i>
<i>State ex rel. J. H. Findorff & Son, Inc. v. Circuit Court</i>		<i>State v. Griffith</i>	<i>Willow Creek Ranch, L.L.C. v. Town of Shelby</i>
<i>Roth v. City of Glendale</i>		<i>State v. Oakley</i>	<i>State v. Martwick</i>
<i>County of Jefferson v. Renz</i>		<i>Seider v. O'Connell</i>	<i>State v. Davidson</i>
<i>Einhorn v. Culea</i>		<i>State v. Richter</i>	<i>Ellsworth v. Schelbrock</i>
<i>South Milwaukee Sav. Bank v. Barrett</i>		<i>Strasser v. Transtech Mobile Fleet Serv.</i>	<i>State v. Pallone</i>
<i>Antidel v. City of Oak Creek Police & Fire Comm'n</i>		<i>State v. Stevenson</i>	<i>State v. Huebner</i>
<i>Morden v. Continental AG</i>		<i>State v. Liebnitz</i>	<i>State v. Hammer</i>
<i>State ex rel. Anderson-El v. Cooke</i>		<i>State v. Dagnall</i>	<i>Yahnke v. Carson</i>
<i>German v. Wisconsin DOT</i>		<i>Aicher v. Wisconsin Patients Compensation Fund</i>	
<i>Gritzner v. Michael R.</i>		<i>Eau Claire County v. General Teamsters Union Local No. 662</i>	
<i>Sopha v. Owens-Corning Fiberglas Corp.</i>		<i>Pinter v. American Family Mut. Ins. Co.</i>	
<i>State v. Anthony D.B.</i>		<i>State ex rel. Cramer v. Wisconsin Court of Appeals (In re Prison Litig. Reform Act)</i>	
<i>Wis. Label Corp. v. Northbrook Prop. & Cas. Ins. Co.</i>		<i>Neiman v. American Nat'l Prop. & Cas. Co.</i>	
<i>Dieter v. Chrysler Corp.</i>		<i>State v. Johnson (4-2)</i>	
<i>State v. Magnuson</i>			
<i>Washington v. Washington</i>			
<i>Rumage v. Gullberg</i>			
<i>Strozinsky v. School Dist.</i>			
<i>State v. Kittilstad</i>			
<i>Aurora Med. Group v. Dep't of Workforce Dev.</i>			
<i>Mireles v. Labor & Indus. Review Comm'n</i>			
<i>Blazekovic v. City of Milwaukee</i>			

(continued on following page)

¹ In *State v. Orta*, Justices Abrahamson and Bradley 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, the votes by Justices Abrahamson and Bradley in *State v. Orta* have been classified as dissents.

² As a result of rounding, the percentages do not add up to 100.

<i>State v. Floyd</i>
<i>State v. Bollig</i>
<i>Brauneis v. State</i>
<i>Thorp v. Town of Lebanon</i>
<i>Czapinski v. St. Francis Hosp., Inc.</i>
<i>Theis v. Midwest Sec. Ins. Co.</i>
<i>Dowhower v. West Bend Mut. Ins. Co.</i>
<i>Waukesha County v. Steven H. (In re Brittany Ann H.)</i>
<i>State v. Sorenson</i>
<i>State v. Jensen</i>
<i>State v. Wingo</i>
<i>Teague v. Bad River Band</i>
<i>City of Madison v. Wisconsin Empl. Rels. Comm'n</i>
<i>Baldewein Co. v. Tri-Clover, Inc.</i>
<i>State v. Williams</i>
<i>State v. Weidner</i>
<i>State v. Margaret H. (In re Darryl T.-H.)</i>
<i>Hanlon v. Town of Milton</i>
<i>Mullenberg v. Kilgust Mechanical, Inc.</i>
<i>State v. Derango (6-0)</i>
<i>HMO-W Inc. v. SSM Health Care Sys. (6-0)</i>
<i>State v. Thiel (In re Thiel) (6-0)</i>
<i>State v. Church (7-0 per curiam)</i>
<i>Mitsubishi Heavy Industries America, Inc. v. Circuit Court for Milwaukee County (7-0 per curiam)</i>
<i>State v. Miller (In re Miller) (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, 1999, to August 31, 2000. The first chart includes all cases in which a justice voted (out of the total of 83 cases, specified above), while the second chart includes only cases decided by split votes.

All Cases³

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	61	83	73%
Bradley	65	83	78%
Crooks	76	83	92%
Sykes	79	82	96%
Wilcox	76	83	92%
Prosser	74	80	93%
Bablitch	71	82	87%

Non-Unanimous Decisions⁴

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	10	32	31%
Bradley	14	32	44%
Crooks	25	32	78%
Sykes	28	31	90%
Wilcox	25	32	78%
Prosser	26	32	81%
Bablitch	21	32	66%

³ **Justice Sykes** did not vote in *State v. Johnson*. **Justice Prosser** did not vote in *State v. Thiel (In re Thiel)*; *State v. Derango*; and *State v. Miller (In re Miller)*. **Justice Bablitch** did not vote in *HMO-W Inc. v. SSM Health Care Sys.*

⁴ Among the decisions listed in the previous footnote, *State v. Johnson* was a non-unanimous decision.

Opinions Authored

This chart indicates how many majority opinions a justice authored in cases decided by each of the four possible majority vote totals.⁵

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

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

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	8	13
Bradley	4	8
Crooks	0	2
Sykes	1	2
Wilcox	1	5
Prosser	3	3
Bablitch	1	1

⁵ This table does not include three unanimous *per curiam* decisions (*State v. Miller (In re Miller)*; *State v. Church*; and *Mitsubishi Heavy Industries America, Inc. v. Circuit Court for Milwaukee County*).

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 83 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 Sykes and Prosser voted together in 91% of the cases, while the figure for Justices Abrahamson and Wilcox was 65%.

Agreement Between Pairs of Justices—All Cases

	Bradley	Crooks	Sykes	Wilcox	Prosser	Bablitch
Abrahamson	79/83= 95%	54/83= 65%	60/82= 73%	54/83= 65%	56/80= 70%	67/82= 82%
	Bradley	58/83= 70%	63/82= 77%	58/83= 70%	60/80= 75%	67/82= 82%
		Crooks	74/82= 90%	79/83= 95%	69/80= 86%	68/82= 83%
			Sykes	74/82= 90%	72/79= 91%	68/81= 84%
				Wilcox	71/80= 89%	64/82= 78%
					Prosser	64/79= 81%
						Bablitch

Agreement Between Pairs of Justices—Non-Unanimous Cases

	Bradley	Crooks	Sykes	Wilcox	Prosser	Bablitch
Abrahamson	28/32= 88%	3/32= 9%	9/31= 29%	3/32= 9%	8/32= 25%	17/32= 53%
	Bradley	7/32= 22%	12/31= 39%	7/32= 22%	12/32= 38%	17/32= 53%
		Crooks	23/31= 74%	28/32= 88%	21/32= 66%	18/32= 56%
			Sykes	23/31= 74%	24/31= 77%	18/31= 58%
				Wilcox	23/32= 72%	14/32= 44%
					Prosser	17/32= 53%
						Bablitch

Days Between Oral Argument and Opinion Filing⁶

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	10	89
Bradley	12	106
Crooks	13 ⁷	111
Sykes	11	125
Wilcox	11	97
Prosser	12	159
Bablitch	12	128

⁶ This table does not include the three unanimous *per curiam* decisions: *State v. Miller (In re Miller)*; *State v. Church*; and *Mitsubishi Heavy Industries America, Inc. v. Circuit Court for Milwaukee County*.

⁷ As explained above, this table includes *Vincent v. Voight*, in which Justice Crooks wrote the “majority” decision.

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
Anderegg & Mutschler, LLP	2
Crivello, Carlson, Mentkowski & Steeves, S.C.	2
Foley & Lardner LLP	3
Frank Remington Center	2
Godfrey & Kahn, S.C.	2
Hinshaw & Culbertson	3
Kasdorf, Lewis & Swietlik, S.C.	3
Michael Best & Friedrich LLP	2
Milwaukee County Corporation Counsel	2
Mohr & Anderson, S.C.	2
Petrie & Stocking S.C.	2
Previant, Goldberg, Uelmen, Gratz, Miller & Brueggeman, S.C.	3
Quarles & Brady LLP	3
Reinhart Boerner Van Deuren S.C.	2
Shneidman, Myers, Dowling, Blumenfield, Ehlke, Hawks & Domer	2
Simpson & Deardorff, S.C.	2
Stafford, Rosenbaum, Rieser & Hansen	2
State Attorney General's Office	42
State Public Defender's Office	17
Steven J. Watson Law Office	2
Thomas, Kelly, Habermehl & Mays, S.C.	2
Warshafsky, Rotter, Tarnoff, Reinhardt & Bloch, S.C.	2
Whyte Hirschboeck Dudek, S.C.	2