

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1998-1999

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Crooks, Steinmetz, Wilcox, Prosser	2	<i>Williams; Scheidell</i>
Bradley, Wilcox, Prosser, Steinmetz	1	<i>Peace</i>
Abrahamson, Bradley, Prosser, Bablitch	1	<i>Agnello</i>
Crooks, Steinmetz, Wilcox, Bablitch	2	<i>Milwaukee Teachers; Spears</i>
Abrahamson, Bradley, Steinmetz, Bablitch	1	<i>Kett</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	2
Bradley	3
Crooks	4
Steinmetz	6
Wilcox	5
Prosser	4
Bablitch	4

4-3 Majority Opinions Authored

Justice	Opinions
Abrahamson	1
Bradley	1
Crooks	1
Steinmetz	2
Wilcox	1
Prosser	1
Bablitch	0
Total	7

Decisions by Vote Split¹

7-0 (or 6-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
56/79 (71%)	7/79 (9%)	9/79 (11%)	7/79 (9%)
<i>Patients Compensation Fund v. Lutheran Hospital-LaCrosse</i>	<i>State v. Burns</i>	<i>Deutsches Land, Inc. v. City of Glendale</i>	<i>Peace v. Northwestern Nat'l Ins. Co.</i>
<i>Smith v. Katz</i>	<i>Burks v. St. Joseph's Hosp.</i>	<i>Dawn Alt v. Cline</i>	<i>State v. Williams</i>
<i>State v. Delgado</i>	<i>Community Credit Plan, Inc. v. Johnson</i>	<i>Kierstyn v. Racine Unified Sch. Dist.</i>	<i>State v. Agnello</i>
<i>State v. Velez</i>	<i>State v. Zarnke</i>	<i>State Farm Mut. Auto. Ins. Co. v. Ford Motor Co.</i>	<i>Milwaukee Teachers' Educ. Ass'n v. Milwaukee Bd. of Sch. Dirs.</i>
<i>Juneau County v. Courthouse Empls., Local 1312</i>	<i>State v. Kiernan</i>	<i>State v. Kivioja</i>	<i>State v. Spears</i>
<i>State v. O'Brien</i>	<i>Eberle v. Dane County Bd. of Adjustment</i>	<i>State v. Jones (In re Return of Prop.)</i>	<i>State v. Scheidell</i>
<i>State v. Gray</i>	<i>Sawyer v. Midelfort (5-1)</i>	<i>General Cas. Co. v. Ford Motor Co.</i>	<i>Kett v. Community Credit Plan, Inc.</i>
<i>Beard v. Lee Enterprises, Inc.</i>		<i>Jandrt v. Jerome Foods, Inc.</i>	
<i>Snopek v. Lakeland Med. Ctr.</i>		<i>Elections Bd. v. Wisconsin Mfrs. & Commerce (4-2)</i>	
<i>Schreiber v. Physicians Ins. Co.</i>			
<i>Antwaun A. v. Heritage Mut. Ins. Co.</i>			
<i>State v. Bodoh</i>			
<i>State v. Broomfield</i>			
<i>County of Kenosha v. C & S Mgmt.</i>			
<i>Hull v. State Farm Mut. Auto. Ins. Co.</i>			
<i>Prosser v. Leuck</i>			
<i>Paige K.B. and Kaitlin I.B. v. Steven G.B.</i>			
<i>State v. Armstrong</i>			
<i>State v. Mendoza</i>			
<i>King v. King</i>			
<i>American Family Mut. Ins. Co. v. Department of Revenue</i>			
<i>Johnson v. Blackburn</i>			
<i>State v. Dundon</i>			
<i>State v. Brandt</i>			
<i>Holman v. Family Health Plan</i>			
<i>Peters v. Menard, Inc.</i>			

(continued on following page)

¹ In two cases there were justices who 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 of Justices Prosser and Wilcox in *Deutsches Land, Inc. v. City of Glendale* have been classified as dissents, while the vote of Justice Prosser in *Elections Bd. v. Wisconsin Mfrs. & Commerce* has been classified as a concurrence.

<i>Reyes v. Greatway Ins. Co.</i>
<i>Ide v. Labor & Indus. Review Comm'n</i>
<i>City of Sun Prairie v. Davis</i>
<i>State v. Eesley</i>
<i>Drow v. Schwarz</i>
<i>Schwab v. Timmons</i>
<i>Brown v. Dibbell</i>
<i>State v. Love</i>
<i>State v. Secrist</i>
<i>State v. Krueger</i>
<i>State v. Faucher</i>
<i>State DOT v. Peterson</i>
<i>Wisconsin Elec. Power Co. v. Labor & Indus. Review Comm'n</i>
<i>State v. Horn</i>
<i>State v. Smythe (In re Smythe)</i>
<i>McDonough v. Department of Workforce Dev.</i>
<i>State ex rel. Hager v. Marten</i>
<i>State v. Erickson</i>
<i>Meyer v. School Dist.</i>
<i>Mann v. Bankruptcy Estate of Badger Lines, Inc. (In re Badger Lines)</i>
<i>State v. Reitter</i>
<i>Jose DeJesus Fuentes v. Wisconsin Court of Appeals, District IV</i>
<i>Arneson v. Jezwinski (6-0)</i>
<i>Sharp v. Case Corp.</i>
<i>Ness v. Digital Dial Communs., Inc. (6-0)</i>
<i>State v. Curiel (In re Curiel) (6-0)</i>
<i>State v. Kienitz (In re Kienitz) (6-0)</i>
<i>Wausau Tile, Inc. v. County Concrete Corp. (6-0)</i>
<i>State v. Sprosty (In re Sprosty) (6-0)</i>
<i>Riccitelli v. Broekhuizen (6-0)</i>

Frequency in the Majority

These charts display how frequently each justice voted in the majority in decisions filed during the period September 1, 1998, to August 31, 1999. The first chart includes all cases in which a justice voted (out of the total of 79 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	63	76	83%
Bradley	64	78	82%
Crooks	74	79	94%
Steinmetz	77	78	99%
Wilcox	73	77	95%
Prosser	71	76	93%
Bablitch	75	79	95%

Non-Unanimous Decisions³

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	9	22	41%
Bradley	9	23	39%
Crooks	18	23	78%
Steinmetz	22	23	96%
Wilcox	18	22	82%
Prosser	18	23	78%
Bablitch	19	23	83%

² **Justice Abrahamson** did not vote in *Sawyer v. Midelfort*; *Riccitelli v. Broekhuizen*; and *Arneson v. Jezwinski*. **Justice Bradley** did not vote in *Wausau Tile, Inc. v. County Concrete Corp.* **Justice Wilcox** did not vote in *Elections Bd. v. Wisconsin Mfrs. & Commerce*; and *Sharp v. Case Corp.* **Justice Prosser** did not vote in *State v. Curiel (In re Curiel)*; *State v. Kienitz (In re Kienitz)*; and *State v. Sprosty (In re Sprosty)*. **Justice Steinmetz** did not vote in *Ness v. Digital Dial Communs., Inc.*

³ Among the decisions listed in the previous footnote, *Sawyer v. Midelfort*; and *Elections Bd. v. Wisconsin Mfrs. & Commerce* 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.

Opinion Author	7-0 (or 6-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
Abrahamson	10	1	0	1
Bradley	7	1	2	1
Crooks	8	1	1	1
Steinmetz	5	3	2	2
Wilcox	9	0	1	1
Prosser	8	1	0	1
Bablitch	9	0	3	0

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

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	4	8
Bradley	7	7
Crooks	1	3
Steinmetz	0	0
Wilcox	3	2
Prosser	3	4
Bablitch	3	2

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 79 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 Abrahamson and Wilcox voted together in 78% of the cases, while the figure for Justices Steinmetz and Bablitch was 94%.

Agreement Between Pairs of Justices—All Cases

	Bradley	Crooks	Steinmetz	Wilcox	Prosser	Bablitch
Abrahamson	71/75= 95%	60/76= 79%	61/75= 81%	58/74= 78%	59/73= 81%	65/76= 86%
	Bradley	59/78= 76%	62/77= 81%	59/76= 78%	60/75= 80%	64/78= 82%
		Crooks	74/78= 95%	72/77= 94%	68/76= 89%	74/79= 94%
			Steinmetz	73/76= 96%	69/75= 92%	73/78= 94%
				Wilcox	69/74= 93%	69/77= 90%
					Prosser	67/76= 88%
						Bablitch

Agreement Between Pairs of Justices—Non-Unanimous Cases

	Bradley	Crooks	Steinmetz	Wilcox	Prosser	Bablitch
Abrahamson	18/22= 82%	6/22= 27%	8/22= 36%	5/21= 24%	8/22= 36%	11/22= 50%
	Bradley	4/23= 17%	8/23= 35%	5/22= 23%	8/23= 35%	9/23= 39%
		Crooks	19/23= 83%	17/22= 77%	15/23= 65%	18/23= 78%
			Steinmetz	20/23= 87%	17/23= 74%	18/23= 78%
				Wilcox	17/22= 77%	14/22= 64%
					Prosser	14/23= 61%
						Bablitch

Days Between Oral Argument and Opinion Filing⁴

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	97
Bradley	11	119
Crooks	11	99
Steinmetz	12	110
Wilcox	11	102
Prosser	10	134
Bablitch	11	119

⁴ This table does not include *General Casualty Company v. Ford Motor Company*, in which there was no oral argument.

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
Bass & Moglowsky, S.C.	2
Bye, Goff & Rohde, Ltd.	2
Crivello, Carlson, Mentkowski & Steeves, S.C.	2
Foley & Lardner LLP	3
Guelzow & Laufenberg, LTD	2
Habush, Habush, Davis & Rottier, S.C.	2
Harmon Law Office	2
Menn, Nelson, Sharratt, Teetaert & Beisenstein, Ltd.	3
Michael Best & Friedrich LLP	2
Perry, Lerner, Quindel & Saks, S.C.	2
Peterson, Johnson & Murray, S.C.	4
Schellinger & Doyle, S.C.	2
Schoone, Fortune, Leuck, Kelly & Pitts, S.C.	2
State Attorney General's Office	44
State Public Defender's Office	13