

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 2013-2014

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Crooks, Roggensack, Ziegler, Gableman	8	<i>Cummings; Kochanski; Rocha-Mayo; Wantland; Bokenyi; Brandenburg; Spaeth; Hunt</i>
Prosser, Roggensack, Ziegler, Gableman	3	<i>Pinno; Milwaukee Branch of NAACP; Data Key Partners</i>
Abrahamson, Bradley, Crooks, Prosser	2	<i>Blasing; Force</i>
Abrahamson, Bradley, Crooks, Gableman	1	<i>Brown</i>
Abrahamson, Crooks, Prosser, Gableman	1	<i>Legue</i>
Abrahamson, Bradley, Crooks, Roggensack	1	<i>Myrick</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	5
Bradley	4
Crooks	13
Prosser	6
Roggensack	12
Ziegler	11
Gableman	13

4-3 Majority Opinions Authored

Justice	Opinions
Abrahamson	3
Bradley	1
Crooks	2
Prosser	1
Roggensack	4
Ziegler	3
Gableman	2
Total	16

Decisions by Vote Split¹

7-0 (or 6-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
18/61 (30%)	5/61 (8%)	22/61 (36%)	16/61 (26%)
<i>Sausen v. Town of Black Creek Bd. of Review</i>	<i>State v. Subdiaz-Osorio</i>	<i>State v. Magett</i>	<i>State v. Pinno</i>
<i>Nowell v. City of Wausau</i>	<i>State v. O'Brien</i>	<i>State v. Anderson</i>	<i>State v. Spaeth (In re Commitment of Spaeth)</i>
<i>Appling v. Walker</i>	<i>Wilcox v. Estate of Hines</i>	<i>State ex rel. Greer v. Wiedenhoeft</i>	<i>State v. Hunt</i>
<i>State v. Williams</i>	<i>Betz v. Diamond Jim's Auto Sales (5-1)</i>	<i>State v. Lopez</i>	<i>Brandenburg v. Briarwood Forestry Servs., LLC</i>
<i>State v. Badzinski</i>	<i>State v. Jackson</i>	<i>Attorney's Title Guar. Fund, Inc. v. Town Bank</i>	<i>Milwaukee Branch of NAACP v. Walker</i>
<i>CED Props., LLC v. City of Oshkosh</i>		<i>State v. Robinson</i>	<i>Data Key Partners v. Permira Advisers LLC</i>
<i>Waranka v. Wadena Ins. Co.</i>		<i>State v. Jenkins</i>	<i>Kochanski v. Speedway SuperAmerica, LLC</i>
<i>State ex rel. Kyles v. Pollard</i>		<i>State v. Romero-Georgana</i>	<i>State v. Wantland</i>
<i>Casey v. Smith</i>		<i>Anthony Gagliano & Co. v. Openfirst, LLC</i>	<i>State v. Bokenyi</i>
<i>Belding v. Demoulin</i>		<i>State v. Nellesen</i>	<i>State v. Cummings</i>
<i>Milwaukee County v. Mary F.-R. (In re Mary F.-R.)</i>		<i>State v. Tate</i>	<i>State v. Rocha-Mayo</i>
<i>State v. Bentdahl (In re Bentdahl)</i>		<i>State v. Toliver</i>	<i>Legue v. City of Racine</i>
<i>State v. Matasek</i>		<i>Adams v. Northland Equip. Co.</i>	<i>Force v. Am. Family Mut. Ins. Co.</i>
<i>Phillips v. Parmelee (6-0)</i>		<i>League of Women Voters v. Walker</i>	<i>State v. Myrick</i>
<i>Bd. of Regents - UW Sys. v. Decker (6-0)</i>		<i>Partenfelder v. Rohde</i>	<i>Blasing v. Zurich Am. Ins. Co.</i>
<i>State v. Sarfraz (6-0)</i>		<i>Masri v. State Labor & Indus. Review Comm'n</i>	<i>State v. Brown</i>
<i>Jackson v. Wis. County Mut. Ins. Corp. (6-0)</i>		<i>State v. Purtell</i>	
<i>Dow Family, LLC v. PHH Mortg. Corp. (6-0)</i>		<i>County of Grant v. Vogt</i>	
		<i>Madison Teachers, Inc. v. Walker</i>	
		<i>State v. Nelson</i>	
		<i>Kimble v. Land Concepts, Inc. (4-2)</i>	
		<i>Associated Bank N.A. v. Collier (4-2)</i>	

¹ In three 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 Bradley in *State v. Cummings* have been classified as dissents, as have the votes of Justices Abrahamson, Bradley, and Prosser in *Brandenburg v. Briarwood Forestry Servs., LLC* and the vote of Justice Bradley in *Anthony Gagliano & Co. v. Openfirst, LLC*.

Frequency in the Majority

These charts display how frequently each justice voted in the majority in decisions filed during the period September 1, 2013, to August 31, 2014. The first chart includes all cases in which a justice voted (out of the total of 61 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	24	61	39%
Bradley	26	59	44%
Crooks	58	61	95%
Prosser	46	56	82%
Roggensack	56	60	93%
Ziegler	55	61	90%
Gableman	57	61	93%

Non-Unanimous Decisions³

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	6	43	14%
Bradley	10	43	23%
Crooks	40	43	93%
Prosser	31	41	76%
Roggensack	38	42	90%
Ziegler	37	43	86%
Gableman	39	43	91%

² **Justice Bradley** did not vote in *Dow Family, LLC v. PHH Mortg. Corporation* and *Bd. of Regents - UW Sys. v. Decker*. **Justice Prosser** did not vote in *Phillips v. Parmelee*; *Jackson v. Wis. County Mut. Ins. Corporation*; *State v. Sarfraz*; *Associated Bank N.A. v. Collier*; and *Kimble v. Land Concepts, Inc.* **Justice Roggensack** did not vote in *Betz v. Diamond Jim's Auto Sales*.

³ Among the decisions listed in the previous footnote, *Associated Bank N.A. v. Collier*; *Betz v. Diamond Jim's Auto Sales*; and *Kimble v. Land Concepts, Inc.* 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	3	0	1	3
Bradley	6	1	0	1
Crooks	6	0	0	2
Prosser	1	1	6	1
Roggensack	0	0	7	4
Ziegler	0	2	3	3
Gableman	2	1	5	2

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

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	6	27
Bradley	2	12
Crooks	4	2
Prosser	6	7
Roggensack	3	3
Ziegler	6	3
Gableman	0	1

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 61 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 Crooks and Gableman voted together in 89% of the cases, while the figure for Justices Abrahamson and Roggensack was 33%.

Agreement Between Pairs of Justices—All Cases

	Bradley	Crooks	Prosser	Roggensack	Ziegler	Gableman
Abrahamson	53/59= 90%	27/61= 44%	27/56= 48%	20/60= 33%	18/61= 30%	20/61= 33%
	Bradley	29/59= 49%	29/54= 54%	23/58= 40%	22/59= 37%	22/59= 37%
		Crooks	43/56= 77%	53/60= 88%	52/61= 85%	54/61= 89%
			Prosser	43/55= 78%	44/56= 79%	44/56= 79%
				Roggensack	58/60= 97%	56/60= 93%
					Ziegler	59/61= 97%
						Gableman

Agreement Between Pairs of Justices—Non-Unanimous Cases

	Bradley	Crooks	Prosser	Roggensack	Ziegler	Gableman
Abrahamson	37/43= 86%	9/43= 21%	12/41= 29%	2/42= 5%	0/43= 0%	2/43= 5%
	Bradley	13/43= 30%	16/41= 39%	7/42= 17%	6/43= 14%	6/43= 14%
		Crooks	28/41= 68%	35/42= 83%	34/43= 79%	36/43= 84%
			Prosser	28/40= 70%	29/41= 71%	29/41= 71%
				Roggensack	40/42= 95%	38/42= 90%
					Ziegler	41/43= 95%
						Gableman

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.

	Number of Majority Opinions Authored	Ave. No. of Days From Oral Argument to Opinion Filing
Abrahamson	7	145
Bradley	8	103
Crooks	8	128
Prosser	9	195
Roggensack	11	190
Ziegler	8	148
Gableman	10	201

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
Boardman & Clark LLP	3
Conway, Olejniczak & Jerry, S.C.	2
Cullen Weston Pines & Bach LLP	2
Frank J. Remington Center, University of Wisconsin Law School	3
Gimbel, Reilly, Guerin & Brown LLP	3
Godfrey & Kahn, S.C.	3
Herrling Clark Law Firm Ltd.	2
Kasdorf, Lewis & Swietlik, S.C.	2
Michael T. Morley	2
Piper & Schmidt	2
Quarles & Brady LLP	2
von Briesen & Roper, S.C.	2
State Attorney General's Office	37
State Public Defender's Office	15
Whyte Hirschboeck Dudek S.C.	2