

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1997-1998

Four-to-Three Decisions

4-3 (or 3-2) Alignments

Justices	Total	Case Names
Bradley, Crooks, Bablitch ¹	1	<i>Miller</i>
Crooks, Wilcox, Bablitch, Steinmetz	4	<i>Anderson; City of Racine; Barland; Hezzie R.</i>
Abrahamson, Bradley, Bablitch, Geske	3	<i>McMorris; Kieffer; Sullivan</i>
Crooks, Wilcox, Steinmetz, Geske	1	<i>Phillips</i>
Crooks, Wilcox, Bablitch, Geske	1	<i>Vultaggio</i>
Bradley, Crooks, Wilcox, Steinmetz	1	<i>Huntington</i>
Bradley, Crooks, Wilcox, Bablitch	1	<i>Gaertner</i>

4-3 (or 3-2) Membership in the Majority

Justice	Votes
Abrahamson	3
Bradley	6
Crooks	9
Wilcox	8
Bablitch	10
Steinmetz	6
Geske	5

4-3 (or 3-2) Majority Opinions Authored

Justice	Opinions
Abrahamson	2
Bradley	1
Crooks	1
Wilcox	3
Bablitch	3
Steinmetz	1
Geske	1
Total	12

¹ The vote in *Miller v. Wal-Mart Stores, Inc.* was 3-2, as Justices Abrahamson and Geske did not participate.

Decisions by Vote Split

7-0 (or 6-0, 5-0)	6-1	5-2 (or 4-2)	4-3 (or 3-2)
50 (69%)	2 (3%)	8 (11%)	12 (17%)
<i>Abraham v. General Cas. Co.</i>	<i>Threshermens Mut. Ins. Co. v. Page</i>	<i>Tomczak v. Bailey</i>	<i>State v. McMorris</i>
<i>Lincoln Sav. Bank, S.A. v. Wisconsin Dep't of Revenue</i>	<i>Motola v. Labor & Indus. Review Comm'n</i>	<i>Tatge v. Chambers & Owen, Inc.</i>	<i>State v. Phillips</i>
<i>Hermann v. Town of Delavan</i>		<i>State v. Konrath</i>	<i>State v. Kieffer</i>
<i>Hartman v. Winnebago County</i>		<i>Weimer v. Country Mut. Ins. Co.</i>	<i>State v. Anderson</i>
<i>Hausman v. St. Croix Care Ctr.</i>		<i>Lounge Mgmt. v. Town of Trenton</i>	<i>Vultaggio v. Yasko</i>
<i>McEvoy v. Group Health Coop.</i>		<i>State v. Ferron</i>	<i>City of Racine v. Waste Facility Siting Bd.</i>
<i>State v. Hobson</i>		<i>Nierengarten v. Lutheran Social Servs. (4-2)</i>	<i>Barland v. Eau Claire County</i>
<i>Milas v. Labor Ass'n</i>		<i>Jackson v. Benson (4-2)</i>	<i>State v. Huntington</i>
<i>State v. Kenosha County Board of Adjustment</i>			<i>State v. Sullivan</i>
<i>State v. Dodson</i>			<i>Gaertner v. Holcka</i>
<i>State v. Szulczewski</i>			<i>State v. Hezzie R. (in Re Hezzie R.)</i>
<i>State v. Eugenio</i>			<i>Miller v. Wal-Mart Stores, Inc. (3-2)</i>
<i>State v. Van Camp</i>			
<i>State v. Jackson</i>			
<i>GMAC Mortg. Corp. v. Givold</i>			
<i>Vivid, Inc. v. Fiedler</i>			
<i>State v. Alexander</i>			
<i>Smith v. Katz</i>			
<i>State v. Sample</i>			
<i>State v. Meyer</i>			
<i>State ex rel. Reimann v. Circuit Court</i>			
<i>State ex rel. Warren v. Schwarz</i>			
<i>Morris v. Juneau County</i>			
<i>Borneman v. Corwyn Transp.</i>			
<i>Roberta Jo W. v. Leroy W. (In re Roberta Jo W.)</i>			
<i>State v. Busch</i>			
<i>State v. Lechner</i>			
<i>Hemberger v. Bützer</i>			
<i>Sallie T. v. Milwaukee County HHS (In the Interest of Nadia S.)</i>			
<i>State v. Corey J.G. (In the Interest of Corey J.G.)</i>			
<i>J.L. Phillips & Assocs. v. E & H Plastic Corp.</i>			
<i>Flynn v. Department of Admin.</i>			

(continued on following page)

<i>Anderson v. Circuit Court for Milwaukee County</i>
<i>Sullivan v. Waukesha County (In re Sullivan)</i>
<i>Forest County v. Goode</i>
<i>State v. Cardenas-Hernandez</i>
<i>CBS, Inc. v. Labor & Indus. Review Comm'n</i>
<i>Apex Elecs. Corp. v. Gee</i>
<i>Ranes v. American Family Mut. Ins. Co.</i>
<i>State v. Hansford</i>
<i>State v. Vassos</i>
<i>Clark v. American Family Mut. Ins. Co.</i>
<i>State v. Janssen</i>
<i>Daanen & Janssen, Inc. v. Cedarapids, Inc.</i>
<i>Marinette County v. Tammy C. (In re Anthony C.)</i>
<i>Gillen v. City of Neenah (7-0 per curiam)</i>
<i>Noah's Ark Family Park v. Bd. of Review (6-0)</i>
<i>Paige K.B. by Peterson v. Molepske (6-0)</i>
<i>Gorton v. Hostak, Henzl & Bichler, S.C. (6-0)</i>
<i>Doyle v. Engelke (5-0)</i>

Frequency in the Majority

These charts display how frequently each justice voted in the majority in decisions filed during the period September 1, 1997, to August 31, 1998. The first chart includes all cases in which a justice voted (out of the total of 72 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	55	70	79%
Bradley	58	70	83%
Crooks	69	72	96%
Wilcox	66	71	93%
Bablitch	67	71	94%
Steinmetz	65	72	90%
Geske	62	69	90%

Non-Unanimous Decisions³

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	6	21	29%
Bradley	9	21	43%
Crooks	19	22	86%
Wilcox	17	22	77%
Bablitch	18	22	82%
Steinmetz	15	22	68%
Geske	13	20	65%

² **Justice Abrahamson** did not vote in *Doyle v. Engelke*; and *Miller v. Wal-Mart Stores, Inc.* **Justice Bradley** did not vote in *Paige K.B. by Peterson v. Molepske*; and *Jackson v. Benson*. **Justice Wilcox** did not vote in *Gorton v. Hostak, Henzl & Bichler, S.C.* **Justice Bablitch** did not vote in *Noah's Ark Family Park v. Bd. of Review*. **Justice Geske** did not vote in *Doyle v. Engelke*; *Miller v. Wal-Mart Stores, Inc.*; and *Nierengarten v. Lutheran Social Services*.

³ Among the decisions listed in the previous footnote, *Miller v. Wal-Mart Stores, Inc.*; *Jackson v. Benson*; *Miller v. Wal-Mart Stores, Inc.*; and *Nierengarten v. Lutheran Social Services* 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, 5-0)	6-1	5-2 (or 4-2)	4-3 (or 3-2)
Abrahamson	8	0	0	2
Bradley	7	0	1	1
Crooks	7	0	3	1
Wilcox	4	0	3	4 ⁴
Bablitch	8	0	0	3
Steinmetz	8	0	1	1
Geske	7	2	0	1

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

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	6	8
Bradley	7	5
Crooks	3	2
Wilcox	0	1
Bablitch	4	2
Steinmetz	2	2
Geske	3	6

⁴ For this table only, I have categorized *State v. Chrysler Outboard Corporation* as a 4-3 decision—simply to be able to include Justice Wilcox’s “majority” opinion in the table. Justices Crooks, Wilcox, and Steinmetz supported all portions of the “majority” opinion, while the other four justices dissented with regard to one portion or another.

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	10	77
Bradley	9	104
Crooks	11	72
Wilcox	11	134
Bablitch	11	102
Steinmetz	10	72
Geske	10	103

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	2
Bell, Metzner, Gierhart & Moore, S.C.	2
Denny & Yanisch	2
DeWitt Ross & Stevens, S.C.	2
Doar, Drill & Skow, S.C.	2
Foley & Lardner LLP	2
Godfrey & Kahn, S.C.	2
Hostak, Henzl & Bichler, S.C.	3
Kalal & Associates	2
Kravit, Gass & Weber, S.C.	2
LaFollette & Sinykin	2
Law Offices of Barry S. Cohen, S.C.	2
Otjen, Van Ert, Stangle, Lieb & Weir, S.C.	2
Rodli, Beskar, Boles & Krueger, S.C.	2
Schmidt & Rupke, S.C.	2
Shellow, Shellow & Glynn, S.C.	2
Shneidman, Myers, Dowling, Blumenfield, Ehlke, Hawks & Domer	2
State Attorney General's Office	37
State Public Defender's Office	9
University of Wisconsin Law School	2