

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1994-1995

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Abrahamson, Bablitch, Geske, Heffernan	2	<i>Holtzman v. Knott (In re H.S.H-K); State v. Kiper</i>
Abrahamson, Bablitch, Day, Heffernan	1	<i>Matthiesen v. Continental Casualty Co.</i>
Wilcox, Steinmetz, Geske, Day	3	<i>Citizens' Utility Board v. Klauser; County of Adams v. Romeo; State v. Betterley</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	3
Wilcox	3
Bablitch	3
Steinmetz	3
Geske	5
Day	4
Heffernan	3

4-3 Majority Opinions Authored

Justice	Opinions
Abrahamson	1
Wilcox	1
Bablitch	0
Steinmetz	1
Geske	1
Day	2
Heffernan	0
Total	6

Decisions by Vote Split¹

7-0 (or 6-0)	6-1	5-2 (or 4-2)	4-3
58/73 (79%)	4/73 (5%)	5/73 (7%)	6/73 (8%)
<i>Agnes T. v. Milwaukee County (In re Agnes T.)</i>	<i>Barillari v. City of Milwaukee</i>	<i>Henes v. Morrissey</i>	<i>Citizens' Utility Board v. Klauser</i>
<i>Armor All Products v. Amoco Oil Co.</i>	<i>Kuhn v. Allstate Ins. Co.</i>	<i>Marten Transport Ltd. v. Hartford Specialty</i>	<i>County of Adams v. Romeo</i>
<i>Bindrim v. B. & J. Ins. Agency</i>	<i>Odd S.-G. v. Carolyn S.-G. (In re Kyle S.-G.)</i>	<i>State v. Black</i>	<i>Holtzman v. Knott (In re H.S.H-K)</i>
<i>Bittner by Bittner v. American Honda Motor Co.</i>	<i>State v. Davids</i>	<i>State v. Jones</i>	<i>Matthiesen v. Continental Casualty Co.</i>
<i>Brown County Sheriff's Dep't v. Brown County Sheriff's Dep't Non-Supervisory Employees Ass'n</i>		<i>Pritzlaff v. Archdiocese of Milwaukee (4-2)</i>	<i>State v. Betterley</i>
<i>Carlson & Erickson Builders v. Lampert Yards</i>			<i>State v. Kiper</i>
<i>City of Milwaukee v. Kilgore</i>			
<i>Clark v. Milwaukee County</i>			
<i>Doering v. WEA Ins. Group</i>			
<i>Employers Insurance of Wausau v. Robin A.</i>			
<i>Gorton v. American Cyanamid Co.</i>			
<i>Grall v. Bugher</i>			
<i>Grohmann v. Grohman</i>			
<i>Heitkemper v. Wirsing</i>			
<i>IBM Credit Corp. v. Village of Allouez</i>			
<i>In re Finding of Contempt in State v. Kruse</i>			
<i>Johnson v. ABC Ins. Co.</i>			
<i>Kafka v. Pope</i>			
<i>Larson v. City of Tomah</i>			
<i>Leverence v. PFS Corporation</i>			
<i>Lewis v. Sullivan</i>			
<i>Madison Landfills v. Libby Landfill Negotiating Comm.</i>			
<i>Martin by Sceptur v. Richards</i>			
<i>Meiers v. Wang</i>			
<i>Nieuwendorp v. American Family Ins. Co.</i>			
<i>Northern States Power Co. v. Bugher</i>			
<i>(continued on following page)</i>			

¹ Due to rounding, the percentages do not add up to 100. In two cases there were justices who concurred in part and dissented in part. For this and other tables, 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 Abrahamson, Bablitch, and Heffernan in *County of Adams v. Romeo* have been classified as dissents, as have the votes of Justices Wilcox, Steinmetz, and Day in *Holtzman v. Knott (In re H.S.H-K)*.

<i>Payment of Witness Fees v. Brenizer</i>			
<i>Peplinski v. Fobe's Roofing</i>			
<i>Reginald D. v. State (In the Interest of Reginald D.)</i>			
<i>Schaefer v. American Family Mut. Ins. Co.</i>			
<i>Schauer v. Deneveu Homeowners Ass'n</i>			
<i>Sievert v. American Family Mut. Ins. Co.</i>			
<i>State ex rel. Levine v. Board of Review</i>			
<i>State ex rel. Mace v. Circuit Court</i>			
<i>State v. Ahrling</i>			
<i>State v. Aimee M. (In the Interest of Lauran F.)</i>			
<i>State v. Avila</i>			
<i>State v. Debra A. E.</i>			
<i>State v. Eison</i>			
<i>State v. Garcia</i>			
<i>State v. Gerard</i>			
<i>State v. Grinder</i>			
<i>State v. Marks</i>			
<i>State v. O'Dell</i>			
<i>State v. Randall</i>			
<i>State v. Smith</i>			
<i>State v. Thiel</i>			
<i>State v. Wolverton</i>			
<i>Swatek v. County of Dane</i>			
<i>Village of Oregon v. Bryant</i>			
<i>Virgil D. v. Rock County (In re Virgil D.)</i>			
<i>Wagner Mobil v. City of Madison</i>			
<i>Wyss v. Albee</i>			
<i>State ex rel. Friedrich v. Circuit Court (per curiam)</i>			
<i>Bauernfeind v. Zell (6-0)</i>			
<i>Debaker v. Shah (6-0)</i>			
<i>State v. Williquette (6-0)</i>			
<i>State v. Wills (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, 1994, to August 31, 1995. The first chart includes all cases in which a justice voted (out of the total of 73 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	61	71	86%
Wilcox	69	73	95%
Bablitch	68	72	94%
Steinmetz	69	73	95%
Geske	71	72	99%
Day	70	72	97%
Heffernan	66	73	90%

Non-Unanimous Decisions³

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	5	15	33%
Wilcox	11	15	73%
Bablitch	11	15	73%
Steinmetz	11	15	73%
Geske	13	14	93%
Day	13	15	87%
Heffernan	8	15	53%

² **Justice Abrahamson** did not vote in *State v. Wills* and *Bauernfeind v. Zell*. **Justice Bablitch** did not vote in *State v. Williquette*. **Justice Geske** did not vote in *Pritzlaff v. Archdiocese of Milwaukee*. **Justice Day** did not vote in *Debaker v. Shah*.

³ Of the cases listed in the previous footnote, only *Pritzlaff v. Archdiocese of Milwaukee* was not unanimous.

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	7	1	0	1
Wilcox	11	0	0	1
Bablitch	7	1	2	0
Steinmetz	8	0	0	1
Geske	8	2	1	1
Day	7	0	2	2
Heffernan	9	0	0	0

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

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	6	9
Wilcox	2	1
Bablitch	1	2
Steinmetz	1	4
Geske	1	1
Day	0	1
Heffernan	0	2

⁴ These charts do not include *State ex rel. Friedrich v. Circuit Court*, a per curiam decision.

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.⁵

	Number of Majority Opinions Authored	Ave. No. of Days From Oral Argument to Opinion Filing
Abrahamson	8	105
Wilcox	12	86
Bablitch	9	112
Steinmetz	9	66
Geske	12	103
Day	11	87
Heffernan	9	96

⁵ This table does not include *State ex rel. Friedrich v. Circuit Court* (a *per curiam* decision). Nor does it include *Odd S.-G. v. Carolyn S.-G. (In re Kyle S.-G.)* and *Lewis v. Sullivan*, which were submitted on briefs.

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.⁶

Firms and Agencies	Number of Oral Arguments
Balisle & Roberson, S.C.	2
Cannon & Dunphy, S.C.	2
Godfrey & Kahn, S.C.	2
Kasdorf, Lewis & Swietlik, S.C.	2
LaFollette & Sinykin	2
Legal Aid Society of Milwaukee	2
Madison City Attorney's Office	2
Michael, Best & Friedrich	2
Milwaukee City Attorney's Office	2
Milwaukee County Corporation Counsel	2
Quarles & Brady	4
Ross & Stevens, S.C.	2
Stafford, Rosenbaum, Rieser & Hansen	3
State Attorney General's Office	30
State Public Defender's Office	10
William J. Chandek	2

⁶ This table includes three *per curiam* cases (*State v. Ameritech Corporation*; *State v. Young*; and *State ex rel. Friedrich v. Circuit Court*), but it omits *Odd S.-G. v. Carolyn S.-G. (In re Kyle S.-G.)* and *Lewis v. Sullivan*, which were submitted on briefs.