

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1993-1994

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Abrahamson, Bablitch, Geske, Heffernan	2	<i>County of La Crosse; Richards</i>
Abrahamson, Bablitch, Day, Heffernan	1	<i>Grosse</i>
Wilcox, Steinmetz, Geske, Day	5	<i>City of Edgerton; Georgina G.; Lindas; Iglesias; Szarzynski</i>
Wilcox, Bablitch, Steinmetz, Day	1	<i>Johnston</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	3
Wilcox	6
Bablitch	4
Steinmetz	6
Geske	7
Day	7
Heffernan	3

4-3 Majority Opinions Authored

Justice	Opinions
Abrahamson	2
Wilcox	2
Bablitch	1
Steinmetz	1
Geske	2
Day	1
Heffernan	0
Total	9

Decisions by Vote Split¹

7-0 (or 6-0)	6-1	5-2 (or 4-2)	4-3
49/70 (70%)	6/70 (9%)	6/70 (9%)	9/70 (13%)
<i>A.B.C.G. Enterprises v. First Bank Southeast, N.A.</i>	<i>Estate of Wells by Jeske v. Mount Sinai Medical Ctr.</i>	<i>Billy Jo W. v. Metro (In re Billy Jo W.)</i>	<i>City of Edgerton v. General Cas. Co.</i>
<i>Armada Broadcasting v. Stirn</i>	<i>Irby v. Macht</i>	<i>Jindra v. Diederich Flooring</i>	<i>County of La Crosse v. Wisconsin Employment Relations Comm'n</i>
<i>Barnes v. Department of Natural Resources</i>	<i>State v. Messelt</i>	<i>King v. Village of Waunakee</i>	<i>Georgina G. v. Terry M. (In the Interest of Angel Lace M.)</i>
<i>Bowen v. Lumbermens Mut. Casualty Co.</i>	<i>State v. Thiel</i>	<i>Schultz v. Darlington Mut. Ins. Co.</i>	<i>Grosse v. Protective Life Ins. Co.</i>
<i>Brandner by Brandner v. Allstate Ins. Co.</i>	<i>State v. Walkowiak</i>	<i>State v. Escalona-Naranjo</i>	<i>Lindas v. Cady</i>
<i>Burkes v. Klauser</i>	<i>State v. West</i>	<i>Wisconsin Power & Light Co. v. Public Serv. Comm'n (4-2)</i>	<i>Richards v. Richards</i>
<i>Campenni v. Walrath</i>			<i>State v. Iglesias</i>
<i>Chang v. State Farm Mut. Auto. Ins. Co.</i>			<i>State v. Johnston</i>
<i>City of Franklin v. Crystal Ridge, Inc.</i>			<i>Szarzynski v. YMCA, Camp Minikani</i>
<i>Doneff v. City of Two Rivers Bd. of RevB34:B35iew</i>			
<i>Edward Kraemer & Sons v. Sauk County Bd. of Adjustment</i>			
<i>Erdman v. Jovoco, Inc.</i>			
<i>Figliuzzi v. Carcajou Shooting Club</i>			
<i>GTC Auto Parts v. Labor & Indus. Review Comm'n</i>			
<i>Interpreter in State v. Le</i>			
<i>Leist v. Labor & Indus. Review Comm'n</i>			
<i>Linville v. City of Janesville</i>			
<i>Lisa's Style Shop v. Hagen Ins. Agency</i>			
<i>Lukowski v. Dankert</i>			
<i>Millers Nat'l Ins. Co. v. City of Milwaukee</i>			
<i>Mitton v. Wisconsin Dep't of Transp.</i>			
<i>Public Intervenor v. Wisconsin Dep't of Natural Resources</i>			
<i>Sorge v. National Car Rental Sys.</i>			
(continued on following page)			

¹ Due to rounding, the percentages do not add up to 100. In two cases (*State v. Thiel* and *State v. Walkowiak*), Justice Abrahamson 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 in these two cases have been classified as dissents.

<i>Sprangers v. Greatway Ins. Co.</i>			
<i>State Dep't of Natural Resources v. City of Waukesha</i>			
<i>State ex rel. Cynthia M.S. v. Michael F.C.</i>			
<i>State ex rel. Dowe v. Circuit Court</i>			
<i>State ex rel. Flores v. State</i>			
<i>State ex rel. Parker v. Sullivan</i>			
<i>State ex rel. Shroble v. Prusener</i>			
<i>State v. Braun</i>			
<i>State v. Courtney E. (In the Interest of Courtney E.)</i>			
<i>State v. Heft</i>			
<i>State v. Kerr</i>			
<i>State v. Kurzawa</i>			
<i>State v. Oimen</i>			
<i>State v. P.G. Miron Constr. Co.</i>			
<i>State v. Peete</i>			
<i>State v. Rivera</i>			
<i>State v. Seymour</i>			
<i>State v. Stevens</i>			
<i>Stern v. Thompson & Coates</i>			
<i>Vivid, Inc. v. Fiedler</i>			
<i>Voge v. Anderson</i>			
<i>Wagner v. State Medical Examining Bd.</i>			
<i>Waste Management v. Kenosha County Bd. of Review</i>			
<i>Castaneda by Correll v. Pederson (6-0)</i>			
<i>Jelinek v. St. Paul Fire & Casualty Ins. Co. (6-0)</i>			
<i>Strong v. C.I.R., Inc. (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, 1993, to August 31, 1994. The first chart includes all cases in which a justice voted (out of the total of 70 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%
Wilcox	65	69	94%
Bablitch	63	69	91%
Steinmetz	65	70	93%
Geske	66	68	97%
Day	67	70	96%
Heffernan	60	70	86%

Non-Unanimous Decisions³

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	6	21	29%
Wilcox	16	20	80%
Bablitch	15	21	71%
Steinmetz	16	21	76%
Geske	19	21	90%
Day	18	21	86%
Heffernan	11	21	52%

² **Justice Wilcox** did not vote in *Wisconsin Power & Light Company v. Public Service Commission*. **Justice Bablitch** did not vote in *Strong v. C.I.R., Inc.* **Justice Geske** did not vote in *Castaneda by Correll v. Pederson* and *Jelinek v. St. Paul Fire & Casualty Insurance Company*.

³ Of the cases listed in the previous footnote, only *Wisconsin Power & Light Co. v. Public Service Commission* 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.

Opinion Author	7-0 (or 6-0)	6-1	5-2 (or 4-2)	4-3
Abrahamson	8	0	1	2
Wilcox	4	3	0	2
Bablitch	8	1	0	1
Steinmetz	9	0	1	1
Geske	6	1	1	2
Day	6	1	2	1
Heffernan	8	0	1	0

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

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	7	11
Wilcox	2	1
Bablitch	1	2
Steinmetz	2	3
Geske	1	1
Day	0	1
Heffernan	0	3

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.⁴

	Number of Majority Opinions Authored	Ave. No. of Days From Oral Argument to Opinion Filing
Abrahamson	11	102
Wilcox	9	91
Bablitch	10	99
Steinmetz	11	70
Geske	10	105
Day	10	111
Heffernan	8	94

⁴ This table does not include *Edward Kraemer & Sons v. Sauk County Board of Adjustment*, in which there was no oral argument. Justice Heffernan wrote the majority opinion.

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.⁵

Firms and Agencies	Number of Oral Arguments
Aiken & Scoptur, S.C.	2
Bell, Metzner, Gierhart & Moore, S.C.	2
Boardman, Suhr, Curry & Field	2
Brennan, Steil, Basting & MacDougall, S.C.	2
Dewane, Dewane, Kummer & Lambert	2
DeWitt Porter	2
Everson, Whitney, Everson & Brehm, S.C.	2
Foley & Lardner	2
Hinshaw & Culbertson	2
Kasdorf, Lewis & Swietlik, S.C.	3
Lawton & Cates, S.C.	3
Liebmann, Conway, Olejniczak & Jerry, S.C.	2
Riordan, Crivello, Carlson, Mentkowski & Steeves, S.C.	2
Shellow, Shellow & Glynn, S.C.	2
State Attorney General's Office	32
State Public Defender's Office	11

⁵ This table does not include *Edward Kraemer & Sons v. Sauk County Board of Adjustment*, in which there was no oral argument.