

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1992-1993

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Wilcox, Steinmetz, Day, Ceci	10	<i>Bohling; Howard; Camacho; Marten Transport; SueAnn A.M.; CLL Associates; Cox; Grayson; County of Dane; Plymesser</i>
Wilcox, Day, Heffernan, Ceci	2	<i>Berna-Mork; Guck</i>
Abrahamson, Wilcox, Bablitch, Heffernan	1	<i>Olson</i>
Abrahamson, Bablitch, Heffernan, Ceci	1	<i>Rundle</i>
Abrahamson, Steinmetz, Day, Heffernan	1	<i>Stephanie R. N.</i>
Abrahamson, Day, Heffernan, Ceci	1	<i>Lestina</i>
Day, Heffernan, Ceci ¹	1	<i>Grotelueschen</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	4
Wilcox	13
Bablitch	2
Steinmetz	11
Day	15
Heffernan	7
Ceci	15

4-3 Majority Opinions Authored

	Opinions
Abrahamson	2
Wilcox	1
Bablitch	0
Steinmetz	7
Day	3
Heffernan	1
Ceci	3
Total	17

¹ *Grotelueschen v. American Family Mutual Insurance Company* was a 3-2 decision.

Decisions by Vote Split²

7-0 (or 5-0, 6-0)	6-1 (or 4-1)	5-2 (or 4-2)	4-3 (or 3-2)
53/87 (61%)	7/87 (8%)	10/87 (11%)	17/87 (20%)
<i>Michalik v. Michalik</i>	<i>Schulte v. Frazin</i>	<i>Casteel v. McCaughtry</i>	<i>State v. Bohling</i>
<i>Daniel-Nordin v. Nordin</i>	<i>Newhouse v. Citizens Sec. Mut. Ins. Co.</i>	<i>State v. Dixon</i>	<i>State v. Olson</i>
<i>Braatz v. Labor & Indus. Review Comm'n</i>	<i>State v. Koch</i>	<i>Nelson v. Rothering</i>	<i>State v. Rundle</i>
<i>State v. Richer</i>	<i>State ex rel. Iushewitz v. Milwaukee County Personnel Review Bd.</i>	<i>Syring v. Tucker</i>	<i>State v. Howard</i>
<i>Rolo v. Goers</i>	<i>In Interest of Isiah B.</i>	<i>State v. Pittman</i>	<i>State v. Camacho</i>
<i>State v. Patricia A. M.</i>	<i>State ex rel. Badke v. Village Bd. of Greendale (4-1)</i>	<i>Sampson Invs. v. Jondex Corp.</i>	<i>In re Paternity of Stephanie R. N.</i>
<i>State v. Barthels</i>	<i>Prentice v. Title Ins. Co. (4-1)</i>	<i>Byrne v. Bercker (5-2 per curiam)</i>	<i>Marten Transp. v. Department of Indus., Labor & Human Relations</i>
<i>Weber v. Weber</i>		<i>Duello v. Board of Regents of Univ. of Wis. Sys. (4-2)</i>	<i>In re SueAnn A.M.</i>
<i>Smart v. Dane County Bd. of Adjustments</i>		<i>State v. Guy (4-2)</i>	<i>CLL Assoc. Ltd. Partnership v. Arrowhead Pac. Corp.</i>
<i>State v. Echols</i>		<i>State v. Moss (4-2)</i>	<i>Lestina v. West Bend Mut. Ins. Co.</i>
<i>Harms v. Harms</i>			<i>Cox v. Williams</i>
<i>Hart v. Ament</i>			<i>State v. Grayson</i>
<i>State v. Mechtel</i>			<i>County of Dane v. Norman</i>
<i>State v. Thierfelder</i>			<i>Berna-Mork v. Jones</i>
<i>State ex rel. Boehm v. Department of Natural Resources</i>			<i>State v. Plymesser</i>
<i>Chevron Chem. Co. v. Deloitte & Touche</i>			<i>State v. Guck</i>
<i>Shorewood v. Steinberg</i>			<i>Grotelueschen v. American Family Mut. Ins. Co. (3-2)</i>
<i>In Interest of Jamie L.</i>			
<i>Hillegass v. Landwehr</i>			
<i>Lisney v. Labor & Industry Review Com.</i>			
<i>Kelley Co. v. Marquardt</i>			
<i>Delavan v. Delavan</i>			
<i>Maas v. Ziegler</i>			
<i>Schwochert v. American Family Mut. Ins. Co.</i>			
<i>Stoesser v. Shore Drive Partnership</i>			
<i>Bethausser v. Medical Protective Co.</i>			

(continued on following page)

² In few instances, a justice authored a separate opinion that 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.

<i>Michelle T. v. Crozier</i>			
<i>Bartus v. Department of Health & Social Servs., Div. of Corrections</i>			
<i>United Fire & Casualty Co. v. Kleppe</i>			
<i>William Wrigley Co. v. Wisconsin Dep't of Revenue</i>			
<i>Wisconsin Dep't of Transp. v. Wisconsin Personnel Comm'n</i>			
<i>In Interest of Michael R.B.</i>			
<i>GTE N. v. Public Serv. Comm'n</i>			
<i>Beacon Bowl v. Wisconsin Elec. Power Co.</i>			
<i>Miller Brewing Co. v. Labor & Industry Review Com.</i>			
<i>McNeese v. Pier</i>			
<i>Richland Sch. Dist. v. Dep't of Indus.</i>			
<i>State ex rel. Sielen v. Circuit Court for Milwaukee County</i>			
<i>Doe v. American Nat'l Red Cross</i>			
<i>Glassey v. Continental Ins. Co.</i>			
<i>State v. Evans</i>			
<i>Tatur v. Solsrud</i>			
<i>Marris v. Cedarburg</i>			
<i>Kim v. American Family Mut. Ins. Co.</i>			
<i>Metropolitan Holding Co. v. Board of Review of Milwaukee</i>			
<i>Clark v. Milwaukee County (7-0 per curiam)</i>			
<i>Hefty v. Hefty (6-0)</i>			
<i>State v. Speer (6-0)</i>			
<i>City of Hartford v. Kirley (6-0)</i>			
<i>Brookfield v. Milwaukee Metro. Sewerage Dist. (5-0)</i>			
<i>Decade's Monthly Income & Appreciation Fund v. Whyte & Hirschboeck, S.C. (5-0)</i>			
<i>West Bend Mut. Ins. Co. v. Playman (5-0)</i>			
<i>Greenberg v. Stewart Title Guar. Co. (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, 1992, to August 31, 1993. The first chart includes all cases in which a justice voted (out of the total of 87 cases specified above), while the second chart includes only cases decided by split votes.

All Cases³

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	61	86	71%
Wilcox	76	80	95%
Bablitch	70	86	81%
Steinmetz	68	77	88%
Day	85	87	98%
Heffernan	70	87	80%
Ceci	82	86	95%

Non-Unanimous Decisions⁴

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	8	33	24%
Wilcox	28	32	88%
Bablitch	18	34	53%
Steinmetz	20	29	69%
Day	32	34	94%
Heffernan	17	34	50%
Ceci	29	33	88%

³ **Justice Abrahamson** did not vote in *Duello v. Board of Regents of Univ. of Wis. Sys.* **Justice Wilcox** did not vote in *Greenberg v. Stewart Title Guar. Co.*; *West Bend Mut. Ins. Co. v. Playman*; *Decade's Monthly Income & Appreciation Fund v. Whyte & Hirschboeck, S.C.*; *State v. Speer*; *Brookfield v. Milwaukee Metro. Sewerage Dist.*; *State ex rel. Badke v. Village Bd. of Greendale*; and *Grotelueschen v. American Family Mut. Ins. Co.* **Justice Bablitch** did not vote in *Hefty v. Hefty*. **Justice Steinmetz** did not vote in *City of Hartford v. Kirley*; *Prentice v. Title Ins. Co.*; *State v. Guy*; *State v. Moss*; *West Bend Mut. Ins. Co. v. Playman*; *Decade's Monthly Income & Appreciation Fund v. Whyte & Hirschboeck, S.C.*; *Brookfield v. Milwaukee Metro. Sewerage Dist.*; *Greenberg v. Stewart Title Guar. Co.*; *State ex rel. Badke v. Village Bd. of Greendale*; and *Grotelueschen v. American Family Mut. Ins. Co.* **Justice Ceci** did not vote in *Prentice v. Title Ins. Co.*

⁴ Of the cases listed in the previous footnote, *Duello v. Board of Regents of Univ. of Wis. System*; *State ex rel. Badke v. Village Bd. of Greendale*; *Grotelueschen v. American Family Mut. Ins. Co.*; *Prentice v. Title Ins. Co.*; *State v. Guy*; and *State v. Moss* were non-unanimous decisions.

Opinions Authored⁵

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 (5-0, 6-0)	6-1 (4-1)	5-2 (4-2)	4-3 (3-2)
Abrahamson	9	0	1	2
Wilcox	9	2	1	1
Bablitch	8	1	2	0
Steinmetz	4	1	1	7
Day	6	2	1	3
Heffernan	9	0	1	1
Ceci	7	1	2	3

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

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	2	16
Wilcox	0	2
Bablitch	1	6
Steinmetz	1	6
Day	1	0
Heffernan	0	4
Ceci	2	1

⁵ *Per curiam* decisions (*Clark v. Milwaukee County* and *Byrne v. Bercker*) are not included.

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 87 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 Wilcox and Ceci voted together in 92% of the cases, while the figure for Justices Steinmetz and Heffernan was 69%.

Agreement Between Pairs of Justices—All Cases

	Wilcox	Bablitch	Steinmetz	Day	Heffernan	Ceci
Abrahamson	52/79=66%	70/85=82%	53/76=70%	59/86=69%	75/86=87%	60/85=71%
	Wilcox	64/79=81%	69/76=91%	76/80=95%	59/80=74%	73/79=92%
		Bablitch	58/76=76%	68/86=79%	75/86=87%	67/85=79%
			Steinmetz	70/77=91%	53/77=69%	66/77=86%
				Day	68/87=78%	82/86=95%
					Heffernan	67/86=78%
						Ceci

Agreement Between Pairs of Justices—Non-Unanimous Cases

	Wilcox	Bablitch	Steinmetz	Day	Heffernan	Ceci
Abrahamson	4/31=13%	18/33=55%	5/28=18%	6/33=18%	22/33=67%	7/32=22%
	Wilcox	17/32=53%	22/29=76%	28/32=88%	11/32=34%	25/31=81%
		Bablitch	11/29=38%	16/34=47%	23/34=68%	15/33=45%
			Steinmetz	22/29=76%	5/29=17%	18/29=62%
				Day	15/34=44%	29/33=88%
					Heffernan	14/33=42%
						Ceci

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.⁶

	Number of Majority Opinions Authored in cases that included oral argument	Ave. No. of Days From Oral Argument to Opinion Filing
Abrahamson	12	79
Wilcox	9	86
Bablitch	10	103
Steinmetz	12	77
Day	8	93
Heffernan	8	117
Ceci	10	90

⁶ This table does not include 17 cases 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
Axley Brynelson	3
Boardman, Suhr, Curry & Field	2
Cullen, Weston, Pines & Bach	2
Davis & Kuelthau, S.C.	2
Foley & Lardner	6
Frisch Dudek, Ltd.	2
Gibbs, Roper, Loots & Williams, S.C.	2
Law Offices of James J. Pauly	2
Michael, Best & Friedrich	2
Quarles & Brady	5
Shneidman, Myers, Dowling & Blumenfield	2
State Attorney General's Office	30
State Public Defender's Office	8
Tomlinson, Gillman & Ridders, S.C.	2
Weiss, Berzowski, Brady & Donahue	2