

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1990-1991

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Steinmetz, Day, Ceci, Callow	4	<i>Seibel; Voss; Smith; Rewolinski</i>
Abrahamson, Bablitch, Day, Heffernan	2	<i>Martin; Daniels</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	2
Bablitch	2
Steinmetz	4
Day	6
Heffernan	2
Ceci	4
Callow	4

4-3 Majority Opinions Authored

	Opinions
Abrahamson	1
Bablitch	0
Steinmetz	2
Day	0
Heffernan	1
Ceci	1
Callow	1
Total	6

Decisions by Vote Split¹

7-0 (or 6-0)	6-1 (or 5-1, 4-1)	5-2	4-3
56/83 (67%)	13/83 (16%)	8/83 (10%)	6/83 (7%)
<i>Hogan v. Musolf</i>	<i>State v. Weber</i>	<i>In re Interest of Z.J.H.</i>	<i>State v. Seibel</i>
<i>In Interest of K.D.J.</i>	<i>Benjamin Plumbing, Inc. v. Barnes</i>	<i>In Interest of R.W.S.</i>	<i>State v. Martin</i>
<i>State ex rel. Serocki v. Circuit Court for Clark County</i>	<i>Monson v. Madison Family Inst.</i>	<i>Koestler v. Pollard</i>	<i>Voss v. Middleton</i>
<i>State v. Milashoski</i>	<i>Schneller v. St. Mary's Hosp. Medical Center</i>	<i>State v. Webb</i>	<i>Smith v. County of Milwaukee</i>
<i>State v. Pasko</i>	<i>Nichols v. Nichols</i>	<i>Ford v. Kenosha County</i>	<i>State v. Daniels</i>
<i>In Interest of J.A.L.</i>	<i>State v. Whitrock</i>	<i>Milwaukee v. Wroten</i>	<i>State v. Rewolinski</i>
<i>State v. Higginbotham</i>	<i>Thompson v. State Farm Mut. Auto. Ins. Co.</i>	<i>Hennekens v. Hoerl</i>	
<i>Hommel v. Hommel</i>	<i>Loveridge v. Chartier</i>	<i>Keane v. Auto-Owners Ins. Co.</i>	
<i>Oakley v. Fireman's Fund of Wisconsin</i>	<i>State v. Noll</i>		
<i>Madison v. Baumann</i>	<i>Lightcap v. Steenberg Homes, Inc.</i>		
<i>Miller Brands-Milwaukee, Inc. v. Case</i>	<i>Ervin v. Kenosha</i>		
<i>State v. R.R.E.</i>	<i>State v. Lindh (5-1)</i>		
<i>In Interest of B.J.N.</i>	<i>Saenz v. Murphy (4-1)</i>		
<i>In re S.Y.</i>			
<i>Arndorfer v. Sauk County Bd. of Adjustment</i>			
<i>In re Guardianship of R.S.</i>			
<i>Johnson v. Allis Chalmers Corp.</i>			
<i>Maleki v. Fine-Lando Clinic Chartered, S.C.</i>			
<i>Mayfair Chrysler-Plymouth, Inc. v. Baldarotta</i>			
<i>State v. Rollfink</i>			
<i>State v. Newman</i>			
<i>Kolpin v. Pioneer Power & Light Co.</i>			
<i>Employers Health Ins. v. General Casualty Co.</i>			
<i>In re Paternity of C.A.S.</i>			
<i>In re Estate of Barthel</i>			
<i>State v. Canedy</i>			
<i>State v. Petrone</i>			
<i>Dobratz v. Thomson</i>			
<i>Milwaukee Rescue Mission v. Redevelopment Auth.</i>			
<i>Clark v. Erdmann</i>			

(continued on following page)

¹ 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>Jenson v. Employers Mut. Casualty Co.</i>			
<i>Lang v. Lang</i>			
<i>Department of Industry, Labor & Human Relations v. Labor & Industry Review Com.</i>			
<i>Nelson v. Nelson Hardware</i>			
<i>State v. Kuntz</i>			
<i>Wisconsin Dairies Coop. v. Citizens Bank & Trust</i>			
<i>Hauboldt v. Union Carbide Corp.</i>			
<i>State v. Miller</i>			
<i>Griebler v. Doughboy Recreational, Inc.</i>			
<i>State ex rel. Chiarkas v. Skow</i>			
<i>Wrigley v. Department of Revenue</i>			
<i>State v. Livingston</i>			
<i>Johnson v. Calado</i>			
<i>State v. Rachwal</i>			
<i>Burlington N. R. Co. v. Superior</i>			
<i>Gansch v. Nekoosa Papers, Inc.</i>			
<i>Cleaver v. Department of Revenue</i>			
<i>In Interest of D.W.B.</i>			
<i>State v. Myers</i>			
<i>State v. Waites</i>			
<i>Tobler v. Door County</i>			
<i>Milwaukee v. Greenberg (6-0)</i>			
<i>Northridge Co. v. W.R. Grace & Co. (6-0)</i>			
<i>Farm Credit Bank of Saint Paul v. Lord (6-0)</i>			
<i>In Interest of A.E.H. (6-0)</i>			
<i>Rolph v. EBI Cos. (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, 1990, to August 31, 1991. The first chart includes all cases in which a justice voted (out of the total of 83 cases specified above), while the second chart includes only cases decided by split votes.

All Cases

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	63	83	76%
Bablitch	72	79	91%
Steinmetz	76	82	93%
Day	83	83	100%
Heffernan	73	81	90%
Ceci	79	83	95%
Callow	80	82	98%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	7	27	26%
Bablitch	18	25	72%
Steinmetz	21	27	78%
Day	27	27	100%
Heffernan	18	26	69%
Ceci	23	27	85%
Callow	25	27	93%

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 (5-1, 4-1)	5-2	4-3
Abrahamson	10	0	0	1
Bablitch	10	2	0	0
Steinmetz	7	1	1	2
Day	8	2	2	0
Heffernan	8	1	1	1
Ceci	6	4	2	1
Callow	7	3	2	1

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

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	7	16
Bablitch	1	4
Steinmetz	1	4
Day	1	0
Heffernan	0	4
Ceci	3	1
Callow	1	2

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 83 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 Abrahamson and Ceci voted together in 71% of the cases, while the figure for Justices Day and Callow was 98%.

Agreement Between Pairs of Justices—All Cases

	Bablitch	Steinmetz	Day	Heffernan	Ceci	Callow
Abrahamson	66/79=84%	58/82=71%	63/83=76%	70/81=86%	59/83=71%	60/82=73%
	Bablitch	65/78=83%	72/79=91%	71/78=91%	68/79=86%	69/78=88%
		Steinmetz	76/82=93%	66/80=83%	78/82=95%	77/81=95%
			Day	73/81=90%	79/83=95%	80/82=98%
				Heffernan	69/81=85%	70/80=88%
					Ceci	80/82=98%
						Callow

Agreement Between Pairs of Justices—Non-Unanimous Cases

	Bablitch	Steinmetz	Day	Heffernan	Ceci	Callow
Abrahamson	12/25=48%	3/27=11%	7/27=26%	15/26=58%	3/27=11%	5/27=19%
	Bablitch	12/25=48%	18/25=72%	18/25=72%	14/25=56%	16/25=64%
		Steinmetz	21/27=78%	12/26=46%	23/27=85%	23/27=85%
			Day	18/26=69%	23/27=85%	25/27=93%
				Heffernan	14/26=54%	16/26=62%
					Ceci	25/27=93%
						Callow

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.²

	Number of Majority Opinions Authored in cases that included oral argument	Ave. No. of Days From Oral Argument to Opinion Filing
Abrahamson	9	74
Bablitch	9	99
Steinmetz	9	73
Day	10	108
Heffernan	8	105
Ceci	11	97
Callow	12	84

² This table does not include 15 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
Anderson, Shannon, O'Brien, Rice & Bertz	2
Boardman, Suhr, Curry & Field	2
Cook & Franke, S.C.	2
Kasdorf, Lewis & Swietlik, S.C.	2
Madison City Attorney's Office	2
Menn, Nelson, Sharratt, Teetaert & Beisenstein, Ltd.	2
Michael, Best & Friedrich	3
Milwaukee City Attorney's Office	2
O'Neil, Cannon & Hollman, S.C.	2
Shellow, Shellow & Glynn, S.C.	2
State Attorney General's Office	30
State Public Defender's Office	17