

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1989-1990

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Steinmetz, Day, Ceci, Callow	2	<i>McNeil; Burke</i>
Day, Heffernan, Ceci, Callow	2	<i>Van Susteren; Mortier</i>
Abrahamson, Bablitch, Steinmetz, Heffernan	1	<i>Moats</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	1
Bablitch	1
Steinmetz	3
Day	4
Heffernan	3
Ceci	4
Callow	4

4-3 Majority Opinions Authored

	Opinions
Abrahamson	0
Bablitch	0
Steinmetz	2
Day	1
Heffernan	1
Ceci	0
Callow	1
<b>Total</b>	<b>5</b>

Decisions by Vote Split<sup>1</sup>

7-0 (or 6-0, 5-0)	6-1	5-2	4-3
52/71 (73%)	10/71 (14%)	4/71 (6%)	5/71 (7%)
<i>Olson v. Connerly</i>	<i>Wisconsin Educ. Ass'n Council v. State Elections Bd.</i>	<i>State v. Louis</i>	<i>State v. Moats</i>
<i>State v. Richardson</i>	<i>Just v. Land Reclamation, Ltd.</i>	<i>State v. Heyn</i>	<i>Van Susteren v. Department of Revenue</i>
<i>Vollmer v. Luety</i>	<i>Schulz v. Ystad</i>	<i>State ex rel. Morke v. Donnelly</i>	<i>State v. McNeil</i>
<i>Fletcher v. Eagle River Memorial Hosp., Inc.</i>	<i>State v. Murdock</i>	<i>State v. Walker</i>	<i>Mortier v. Casey</i>
<i>State v. Behnke</i>	<i>State v. DeSmidt</i>		<i>State v. Burke</i>
<i>Smith v. Atlantic Mut. Ins. Co.</i>	<i>State ex rel. Fiedler v. Wisconsin Senate</i>		
<i>State v. DeSantis</i>	<i>Drivers, Salesmen, etc. Local No. 695 v. Labor &amp; Industry Review Com.</i>		
<i>State ex rel. Journal/Sentinel, Inc. v. Pleva</i>	<i>State v. Seifert</i>		
<i>Humana Medical Corp. v. Peyer</i>	<i>Raby v. Moe</i>		
<i>Bank of Sun Prairie v. Esser</i>	<i>N.N. v. Moraine Mut. Ins. Co.</i>		
<i>Rineck v. Johnson</i>			
<i>Peissig v. Wisconsin Gas Co.</i>			
<i>Nelson v. Davidson</i>			
<i>State v. Pulizzano</i>			
<i>State v. Weide</i>			
<i>Anderson v. Onsager</i>			
<i>State v. Eichman</i>			
<i>In re Protective Placement of D.E.R.</i>			
<i>State v. Lemay</i>			
<i>GTE Sprint Communications Corp. v. Wisconsin Bell, Inc.</i>			
<i>Abitz v. Abitz</i>			
<i>State ex rel. Girouard v. Circuit Court</i>			
<i>State v. Anderson</i>			
<i>Ehlinger v. Sipes</i>			
<i>In Interest of C.A.K.</i>			
<i>In re Guardianship of F.E.H.</i>			
<i>Kemp v. Miller</i>			
<i>American Medical Transport, Inc. v. Curtis-Universal, Inc.</i>			
<i>State v. McQuay</i>			
<i>Kocinski v. Home Ins. Co.</i>			
<i>State v. Poellinger</i>			
<i>In Interest of A.L.W.</i>			

(continued on following page)

<sup>1</sup> 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>State ex rel. Collins v. American Family Mut. Ins. Co.</i>			
<i>Flood v. Lomira, Bd. of Review</i>			
<i>Mullen v. Coolong</i>			
<i>Eby v. Kozarek</i>			
<i>Marciniak v. Lundborg</i>			
<i>Order to Pay Attorneys Fees in State v. Newman</i>			
<i>Energy Complexes, Inc. v. Eau Claire County</i>			
<i>Schulz v. Nienhuis</i>			
<i>State v. Schultz</i>			
<i>State v. McManus</i>			
<i>State ex rel. N.R.Z. v. G.L.C.</i>			
<i>Gard v. State Elections Bd. (6-0)</i>			
<i>Scott v. First State Ins. Co. (6-0)</i>			
<i>In re Marriage of Soergel (6-0)</i>			
<i>Employers Ins. of Wausau v. Smith (6-0)</i>			
<i>In re Interest of M.P. (6-0)</i>			
<i>State v. Johnson (6-0)</i>			
<i>In Interest of W.P. (6-0)</i>			
<i>Colonial Bank v. Marine Bank, N.A. (6-0)</i>			
<i>Schmidt v. Employee Trust Funds Bd. (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, 1989, to August 31, 1990. The first chart includes all cases in which a justice voted (out of the total of 71 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	58	70	<b>83%</b>
Bablitch	62	68	<b>91%</b>
Steinmetz	65	69	<b>94%</b>
Day	67	70	<b>96%</b>
Heffernan	66	70	<b>94%</b>
Ceci	67	70	<b>96%</b>
Callow	69	70	<b>99%</b>

## Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	7	19	<b>37%</b>
Bablitch	13	19	<b>68%</b>
Steinmetz	15	19	<b>79%</b>
Day	16	19	<b>84%</b>
Heffernan	15	19	<b>79%</b>
Ceci	16	19	<b>84%</b>
Callow	18	19	<b>95%</b>

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	4-3
Abrahamson	9	0	0	0
Bablitch	9	2	0	0
Steinmetz	5	2	0	2
Day	7	1	1	1
Heffernan	9	1	0	1
Ceci	6	3	1	0
Callow	7	1	2	1

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

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	5	11
Bablitch	1	3
Steinmetz	2	2
Day	0	2
Heffernan	4	1
Ceci	1	2
Callow	1	0

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 71 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 Day voted together in 79% of the cases, while the figure for Justices Day and Ceci was 97%.

Agreement Between Pairs of Justices—All Cases

	Bablitch	Steinmetz	Day	Heffernan	Ceci	Callow
Abrahamson	57/67=85%	56/68=82%	55/70=79%	59/69=86%	54/69=78%	56/69=81%
	Bablitch	60/66=91%	58/67=87%	63/67=94%	58/67=87%	60/67=90%
		Steinmetz	61/68=90%	60/68=88%	63/68=93%	63/68=93%
			Day	62/69=90%	67/69=97%	67/69=97%
				Heffernan	62/69=90%	64/69=93%
					Ceci	67/69=97%
						Callow

Agreement Between Pairs of Justices—Non-Unanimous Cases

	Bablitch	Steinmetz	Day	Heffernan	Ceci	Callow
Abrahamson	9/19=47%	7/19=37%	4/19=21%	9/19=47%	4/19=21%	6/19=32%
	Bablitch	13/19=68%	10/19=53%	15/19=79%	10/19=53%	12/19=63%
		Steinmetz	12/19=63%	11/19=58%	14/19=74%	14/19=74%
			Day	12/19=63%	17/19=89%	17/19=89%
				Heffernan	12/19=63%	14/19=74%
					Ceci	17/19=89%
						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.<sup>2</sup>

	Number of Majority Opinions Authored in cases that included oral argument	Ave. No. of Days From Oral Argument to Opinion Filing
Abrahamson	9	78
Bablitch	11	82
Steinmetz	9	99
Day	9	86
Heffernan	10	103
Ceci	8	69
Callow	11	85

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<sup>2</sup> This table does not include four 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.

<b>Firms and Agencies</b>	<b>Number of Oral Arguments</b>
Axley Brynelson	2
Bell, Metzner, Gierhart & Moore, S.C.	2
Doar, Drill & Skow, S.C.	3
Foley & Lardner	3
Kasdorf, Lewis & Swietlik, S.C.	2
LaFollette & Sinykin	2
Quarles & Brady	2
Schrank & Schultz	2
State Attorney General's Office	37
State Public Defender's Office	9
William A. Pangman & Associates	2