

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1988-1989

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Steinmetz, Day, Ceci, Callow	2	<i>Oak Creek; Kukor</i>
Abrahamson, Bablitch, Day, Heffernan	2	<i>International Association of Machinists; Jones</i>
Abrahamson, Bablitch, Heffernan, Callow	1	<i>Romero</i>
Bablitch, Day, Ceci, Callow	1	<i>American TV</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	3
Bablitch	4
Steinmetz	2
Day	5
Heffernan	3
Ceci	3
Callow	4

4-3 Majority Opinions Authored

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

Decisions by Vote Split¹

7-0 (or 6-0, 5-0)	6-1 (or 5-1)	5-2	4-3
66/83 (80%)	2/83 (2%)	9/83 (11%)	6/83 (7%)
<i>Shannon v. Shannon</i>	<i>Richards v. Young</i>	<i>Gerhardt v. Estate of Moore</i>	<i>International Asso. of Machinists & Aerospace Workers, IAM Local 437 v. United States Can Co.</i>
<i>In Interest of G.H.</i>	<i>State v. Johnson (5-1)</i>	<i>State v. Migliorino</i>	<i>Oak Creek v. King</i>
<i>State v. Thomas</i>		<i>Felder v. Casey</i>	<i>Kukor v. Grover</i>
<i>Lindas v. Cady</i>		<i>State v. Wilson</i>	<i>State v. American TV & Appliance, Inc.</i>
<i>State v. Unnamed Defendant</i>		<i>Milwaukee v. Nelson</i>	<i>State v. Jones</i>
<i>Agnew v. American Family Mut. Ins. Co.</i>		<i>State v. Smith</i>	<i>State v. Romero</i>
<i>Sheely v. Department of Health & Social Services</i>		<i>Kaun v. Industrial Fire & Casualty Ins. Co.</i>	
<i>Clearfield v. Cushman</i>		<i>Wood v. American Family Mut. Ins. Co.</i>	
<i>State v. Jose Martinez</i>		<i>Rice v. Oshkosh</i>	
<i>State v. John Martinez</i>			
<i>Franz v. Brennan</i>			
<i>White v. Leeder</i>			
<i>State v. Harris</i>			
<i>Smith v. Milwaukee County</i>			
<i>Zinda v. Louisiana Pacific Corp.</i>			
<i>State v. Crowell</i>			
<i>State v. Dwyer</i>			
<i>Klinger v. Oneida County</i>			
<i>Waste Management of Wisconsin, Inc. v. Department of Natural Resources</i>			
<i>Pulsfus Poultry Farms, Inc. v. Leeds</i>			
<i>State v. Kramar</i>			
<i>State v. Hanson</i>			
<i>West Bend Co. v. Labor & Industry Review Com.</i>			
<i>State ex rel. Stedman v. Rohner</i>			
<i>State v. Oberlander</i>			
<i>Dziewa v. Vossler</i>			
<i>Esser Distributing Co. v. Steidl</i>			
<i>Arena v. Lincoln Lutheran of Racine, Inc.</i>			
<i>State v. Sher</i>			
<i>Meracle v. Children's Service Soc.</i>			
<i>State v. Gove</i>			
<i>State v. Owens</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>Wright v. Coleman</i>			
<i>Sunnyslope Grading, Inc. v. Miller, Bradford & Risberg, Inc.</i>			
<i>State ex rel. Parrish v. Circuit Court for Kenosha County</i>			
<i>State v. Resio</i>			
<i>Imark Indus. v. Arthur Young & Co.</i>			
<i>Tenpas v. Department of Natural Resources</i>			
<i>State v. Montgomery</i>			
<i>Spitler v. Dean</i>			
<i>State v. Dziuba</i>			
<i>Anchor Sav. & Loan Asso. v. Coyle</i>			
<i>Funk v. Wollin Silo & Equipment, Inc.</i>			
<i>In re Marriage of Krebs</i>			
<i>Univest Corp. v. General Split Corp.</i>			
<i>Schultz v. Production Stamping Corp.</i>			
<i>State v. Franklin</i>			
<i>Minuteman, Inc. v. Alexander</i>			
<i>State v. Jackson</i>			
<i>Local Union No. 487, IAFF-CIO v. Eau Claire</i>			
<i>State v. Friday</i>			
<i>Douglas v. Dewey</i>			
<i>State v. Moffett</i>			
<i>John E. Gregory & Son, Inc. v. A. Guenther & Sons Co.</i>			
<i>Ziegler Co. v. Rexnord, Inc.</i>			
<i>State v. Jensen</i>			
<i>American Federation of State, etc. Local 1901 v. Brown County</i>			
<i>Martin v. Milwaukee Mut. Ins. Co.</i>			
<i>State v. Big John</i>			
<i>State v. Kazee</i>			
<i>State v. Lomax</i>			
<i>State v. Robinson</i>			
<i>Mausing v. Mausing</i>			
<i>Fox v. Bock (6-0)</i>			
<i>Staples v. Young (6-0)</i>			
<i>McAleavy v. McAleavy (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, 1988, to August 31, 1989. 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	74	82	90%
Bablitch	76	80	95%
Steinmetz	76	83	92%
Day	82	83	99%
Heffernan	76	82	93%
Ceci	77	83	93%
Callow	77	83	93%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	9	17	53%
Bablitch	12	16	75%
Steinmetz	10	17	59%
Day	16	17	94%
Heffernan	11	17	65%
Ceci	11	17	65%
Callow	11	17	65%

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 (or 5-1)	5-2	4-3
Abrahamson	10	0	1	1
Bablitch	9	0	1	0
Steinmetz	10	1	0	0
Day	9	1	3	0
Heffernan	10	0	1	1
Ceci	9	0	3	2
Callow	9	0	0	2

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

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

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 83% of the cases, while the figure for Justices Steinmetz and Day was 93%.

Agreement Between Pairs of Justices—All Cases

	Bablitch	Steinmetz	Day	Heffernan	Ceci	Callow
Abrahamson	75/79=95%	69/82=84%	73/82=89%	77/81=95%	68/82=83%	68/82=83%
	Bablitch	69/80=86%	75/80=94%	75/80=94%	70/80=88%	70/80=88%
		Steinmetz	77/83=93%	71/82=87%	78/83=94%	78/83=94%
			Day	75/82=91%	78/83=94%	76/83=92%
				Heffernan	70/82=85%	70/82=85%
					Ceci	79/83=95%
						Callow

Agreement Between Pairs of Justices—Non-Unanimous Cases

	Bablitch	Steinmetz	Day	Heffernan	Ceci	Callow
Abrahamson	12/16=75%	4/17=24%	8/17=47%	13/17=76%	3/17=18%	3/17=18%
	Bablitch	5/16=31%	11/16=69%	11/16=69%	6/16=38%	6/16=38%
		Steinmetz	11/17=65%	6/17=35%	12/17=71%	12/17=71%
			Day	10/17=59%	12/17=71%	10/17=59%
				Heffernan	5/17=29%	5/17=29%
					Ceci	13/17=76%
						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	12	77
Bablitch	10	87
Steinmetz	9	52
Day	13	111
Heffernan	10	121
Ceci	12	87
Callow	11	54

² This table does not include six cases in which no oral argument took place.

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
Cook & Franke, S.C.	2
DeWitt, Porter, Huggett, Schumacher & Morgan, S.C.	3
Foley & Lardner	6
Lawton & Cates, S.C.	2
Milwaukee City Attorney's Office	2
Quarles & Brady	2
State Attorney General's Office	34
State Public Defender's Office	18
Thompson & Coates, Ltd.	2