

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1985-1986

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Steinmetz, Day, Ceci, Callow	4	<i>Fry; Weber; Cissell; Fish</i>
Bablitch, Day, Heffernan, Callow	1	<i>Milwaukee Brewers</i>
Abrahamson, Day, Heffernan, Callow	1	<i>Long</i>
Bablitch, Day, Ceci, Callow	1	<i>Betchkal</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	1
Bablitch	2
Steinmetz	4
Day	7
Heffernan	2
Ceci	5
Callow	7

4-3 Majority Opinions Authored

	Opinions
Abrahamson	1
Bablitch	1
Steinmetz	2
Day	2
Heffernan	0
Ceci	1
Callow	0
<b>Total</b>	<b>7</b>

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

<b>7-0 (or 6-0)</b>	<b>6-1</b>	<b>5-2</b>	<b>4-3</b>
<b>47/71 (66%)</b>	<b>12/71 (17%)</b>	<b>5/71 (7%)</b>	<b>7/71 (10%)</b>
<i>State v. Shegrud</i>	<i>State v. Jackson</i>	<i>State v. Griffin</i>	<i>State v. Fry</i>
<i>State v. Carter</i>	<i>Federated Rural Electric Ins. Co. v. Kessler</i>	<i>Mowry v. Badger State Mut. Casualty Co.</i>	<i>Weber v. Cedarburg</i>
<i>State ex rel. Zdanczewicz v. Snyder</i>	<i>Kruse v. Horlamus Industries, Inc.</i>	<i>State v. Williquette</i>	<i>Long v. Long</i>
<i>State v. Smith</i>	<i>Milwaukee Brewers Baseball Club v. Wisconsin Dep't of Health &amp; Social Services</i>	<i>State v. Fishnick</i>	<i>Milwaukee Brewers Baseball Club v. Wisconsin Dep't of Health &amp; Social Services</i>
<i>State ex rel. Brookside Poultry Farms, Inc. v. Jefferson County Bd. of Adjustment</i>	<i>Wandry v. Bull's Eye Credit Union</i>	<i>In re Amendment of Rules of Civil &amp; Criminal Procedure: Sections 971.07 &amp; 971.08, Stats. (5-2, per curiam)</i>	<i>State v. Cissell</i>
<i>State v. Bangert</i>	<i>Burlington Northern, Inc. v. Superior</i>		<i>Betchkal v. Willis</i>
<i>Fleming v. Threshermen's Mut. Ins. Co.</i>	<i>State v. Turley</i>		<i>Fish v. Amsted Industries, Inc.</i>
<i>Schumacher v. Schumacher</i>	<i>State v. Davis</i>		
<i>Forsythe v. Family Court Comm'r</i>	<i>In Interest of J.V.R.</i>		
<i>Button v. Button</i>	<i>State v. Tappa</i>		
<i>Levy v. Levy</i>	<i>Merrill Lynch, Pierce, Fenner &amp; Smith, Inc. v. Boeck</i>		
<i>Borello v. U.S. Oil Co.</i>	<i>Lewis v. Coursolle Broadcasting</i>		
<i>Phillips Petroleum Co. v. Bucyrus-Erie Co.</i>			
<i>Kotika v. PPG Industries, Inc.</i>			
<i>State v. Brady</i>			
<i>Delvaux v. Langenberg</i>			
<i>Wierman v. Wierman</i>			
<i>In Interest of E.C.</i>			
<i>State v. Zelenka</i>			
<i>Oostburg State Bank v. United Sav. &amp; Loan Asso.</i>			
<i>State v. Waalen</i>			
<i>State v. McCrossen</i>			
<i>State v. Danforth</i>			
<i>Geneva v. Tills</i>			
<i>State v. Disch</i>			
<i>North Side Bank v. Gentile</i>			
<i>State v. Heffran</i>			
<i>Crest Chevrolet-Oldsmobile-Cadillac, Inc. v. Willemsen</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>Vogt v. Schroeder</i>			
<i>Bingenheimer v. Wisconsin Dep't of Health &amp; Social Services</i>			
<i>Clarmar Realty Co. v. Redevelopment Authority of Milwaukee</i>			
<i>Harmann v. Hadley</i>			
<i>Waukesha v. Salbashian</i>			
<i>State v. Worgull</i>			
<i>State v. Nordness</i>			
<i>State v. Saternus</i>			
<i>State v. Minniecheske</i>			
<i>Steinke v. Steinke</i>			
<i>Robert Hansen Trucking, Inc. v. Labor &amp; Industry Review Com., Dep't of Industry, Labor &amp; Human Relations</i>			
<i>Koenings v. Joseph Schlitz Brewing Co.</i>			
<i>State, Dep't of Industry, Labor &amp; Human Relations v. Coatings, Inc.</i>			
<i>Milwaukee Metropolitan Sewerage Dist. v. Wisconsin Dep't of Natural Resources</i>			
<i>Waste Management of Wisconsin, Inc. v. State Dep't of Natural Resources</i>			
<i>Waste Management of Wisconsin, Inc. v. State Dep't of Natural Resources (7-0, per curiam)</i>			
<i>State v. Bauer (7-0, per curiam)</i>			
<i>In re Paternity of B.W.S. (6-0)</i>			
<i>Kramer v. Horton (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, 1985, to August 31, 1986. 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	57	70	<b>81%</b>
Bablitch	64	71	<b>90%</b>
Steinmetz	65	71	<b>92%</b>
Day	70	70	<b>100%</b>
Heffernan	62	71	<b>87%</b>
Ceci	63	71	<b>89%</b>
Callow	71	71	<b>100%</b>

## Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	11	24	<b>46%</b>
Bablitch	17	24	<b>71%</b>
Steinmetz	18	24	<b>75%</b>
Day	24	24	<b>100%</b>
Heffernan	15	24	<b>63%</b>
Ceci	16	24	<b>67%</b>
Callow	24	24	<b>100%</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. The three *per curiam* decisions are excluded.

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

The chart below shows how many concurring and dissenting opinions each justice authored. *In re Amendment of Rules of Civil & Criminal Procedure* (a *per curiam* decision in which Justice Abrahamson authored a dissent) is included.

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	6	9
Bablitch	2	4
Steinmetz	4	5
Day	0	0
Heffernan	1	4
Ceci	4	7
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 Ceci voted together in 73% of the cases, while the figure for Justices Day and Callow was 100%.

Agreement Between Pairs of Justices—All Cases

	<b>Bablitch</b>	<b>Steinmetz</b>	<b>Day</b>	<b>Heffernan</b>	<b>Ceci</b>	<b>Callow</b>
<b>Abrahamson</b>	62/70= <b>89%</b>	55/70= <b>79%</b>	56/69= <b>81%</b>	64/70= <b>91%</b>	51/70= <b>73%</b>	57/70= <b>81%</b>
	<b>Bablitch</b>	60/71= <b>85%</b>	63/70= <b>90%</b>	63/71= <b>89%</b>	58/71= <b>82%</b>	64/71= <b>90%</b>
		<b>Steinmetz</b>	64/70= <b>91%</b>	58/71= <b>82%</b>	61/71= <b>86%</b>	65/71= <b>92%</b>
			<b>Day</b>	61/70= <b>87%</b>	62/70= <b>89%</b>	70/70= <b>100%</b>
				<b>Heffernan</b>	54/71= <b>76%</b>	62/71= <b>87%</b>
					<b>Ceci</b>	63/71= <b>89%</b>
						<b>Callow</b>

Agreement Between Pairs of Justices—Non-Unanimous Cases

	<b>Bablitch</b>	<b>Steinmetz</b>	<b>Day</b>	<b>Heffernan</b>	<b>Ceci</b>	<b>Callow</b>
<b>Abrahamson</b>	16/24= <b>67%</b>	9/24= <b>38%</b>	11/24= <b>46%</b>	18/24= <b>75%</b>	5/24= <b>21%</b>	11/24= <b>46%</b>
	<b>Bablitch</b>	13/24= <b>54%</b>	17/24= <b>71%</b>	16/24= <b>67%</b>	11/24= <b>46%</b>	17/24= <b>71%</b>
		<b>Steinmetz</b>	18/24= <b>75%</b>	11/24= <b>46%</b>	14/24= <b>58%</b>	18/24= <b>75%</b>
			<b>Day</b>	15/24= <b>63%</b>	16/24= <b>67%</b>	24/24= <b>100%</b>
				<b>Heffernan</b>	7/24= <b>29%</b>	15/24= <b>63%</b>
					<b>Ceci</b>	16/24= <b>67%</b>
						<b>Callow</b>

Days Between Oral Argument and Opinion Filing

This table shows the average number of days between oral argument and the filing of majority (or lead) 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	8	63
Bablitch	11	85
Steinmetz	9	51
Day	10	65
Heffernan	8	104
Ceci	11	62
Callow	11	69

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<sup>2</sup> This table does not include three cases that lacked 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.<sup>3</sup>

Firms and Agencies	Number of Oral Arguments
Foley & Lardner	3
Frisch, Dudek and Slattery, Ltd.	2
Gibbs, Roper, Loots & Williams	2
Greenwald, Maier & Hudec, P.C.	2
Kasdorf, Lewis & Swietlik, S.C.	2
Lawton & Cates	2
Milwaukee City Attorney's Office	2
Stafford, Rosenbaum, Rieser & Hansen	2
State Attorney General's Office	33
State Public Defender's Office	16
Terwilliger, Wakeen, Piehler, Conway & Klingberg, S.C.	2

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<sup>3</sup> I am including *Local 257 of Hotel & Restaurant Employees & Bartenders International Union v. Wilson Street East Dinner Playhouse, Inc.* in this table. It resulted in a 3-3 *per curiam* decision and does not figure in any other table and is not part of the 71-case count.