

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1977-1978

Four-to-Three Decisions

Eight justices appear in two of these tables, as Justice William Callow replaced Justice Robert Hansen on January 3, 1978.

4-3 Alignments

Justices	Total	Case Names
Abrahamson, Day, Heffernan, Beilfuss	4	<i>Chart v. General Motors; Cords v. Anderson; Huggett v. State; Virgil v. State</i>
Beilfuss, C. Hansen, Hanley, R. Hansen	1	<i>State ex rel. Strykowski v. Wilkie</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	4
Day	4
Heffernan	4
Callow	0
Beilfuss	5
C. Hansen	1
Hanley	1
R. Hansen	1

4-3 Majority Opinions Authored

	Opinions
Abrahamson	1
Day	2
Heffernan	1
Callow	0
Beilfuss	0
C. Hansen	1
Hanley	0
R. Hansen	0
Total	5

Decisions by Vote Split¹

7-0 (or 6-0)	6-1 (or 4-1)	5-2	4-3
228/247 (92%)	8/247 (3%)	6/247 (2%)	5/247 (2%)
<i>Fonder v. AAA Mobile Homes, Inc.</i>	<i>Jones v. Sears Roebuck & Co.</i>	<i>State v. Mendoza</i>	<i>Chart v. General Motors Corp.</i>
<i>Allstate Ins. Co. v. Metropolitan Sewerage Com.</i>	<i>Moses v. Board of Veteran Affairs</i>	<i>Gross v. Midwest Speedways, Inc.</i>	<i>Cords v. Anderson</i>
<i>Schmitt v. Osborne</i>	<i>State ex rel. Kleczka v. Conta</i>	<i>O'Connell v. Board of Educ.</i>	<i>State ex rel. Strykowski v. Wilkie</i>
<i>Plywood Oshkosh, Inc. v. Van's Realty & Constr., Inc.</i>	<i>Leach v. State</i>	<i>McClelland v. State</i>	<i>Huggett v. State</i>
<i>Howard v. Elm Grove</i>	<i>Peasley v. State</i>	<i>In re Estate of Blumreich</i>	<i>Virgil v. State</i>
<i>Rotter v. Rotter</i>	<i>Moore v. State</i>	<i>Robinson v. Kolstad</i>	
<i>Dugenske v. Dugenske</i>	<i>Department of Health & Social Services v. State Personnel Board</i>		
<i>Bahr v. Galonski</i>	<i>St. Norbert College Foundation, Inc. v. McCormick (4-1)</i>		
<i>Wisconsin Dep't of Revenue v. Milwaukee Refining Corp.</i>			
<i>State ex rel. Dalton v. Mundy</i>			
<i>State ex rel. Porter v. Wolke</i>			
<i>Ollinger v. Grall</i>			
<i>State ex rel. Sieloff v. Golz AND State v. Brown AND State ex rel. Bear v. Krueger</i>			
<i>Converters Equipment Corp. v. Condes Corp.</i>			
<i>Nelson v. Travelers Ins. Co.</i>			
<i>In re Estate of Haese</i>			
<i>Wagner v. Wagner</i>			
<i>State v. Avery</i>			
<i>Coleman v. Merrill Lynch, Pierce, Fenner & Smith, Inc.</i>			
<i>Wittke v. State AND State v. Smith</i>			
<i>Nolden v. Mutual Ben. Life Ins. Co.</i>			
<i>Fouse v. Persons</i>			
<i>State v. Engler</i>			
<i>Sussmann v. Gleisner</i>			
<i>Milwaukee County v. Department of Industry, Labor & Human Relations Com.</i>			
<i>Abramowski v. Wm. Kilps Sons Realty, Inc.</i>			
<i>State v. Jenkins</i>			
<i>Marotz v. Marotz</i>			

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¹ As the result of rounding, the percentages do not add up to one hundred. 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. Gebarski v. Circuit Court for Milwaukee County</i>			
<i>Lifer v. Raymond</i>			
<i>Chicago & North Western Transp. Co. v. Pedersen</i>			
<i>Werner v. A. L. Grootemaat & Sons, Inc.</i>			
<i>Kohler Co. v. Department of Industry, Labor & Human Relations</i>			
<i>Krainz v. Strle</i>			
<i>In re Estate of Bundy</i>			
<i>Pavlik v. Kinsey</i>			
<i>In re Estate of Huber</i>			
<i>Ehlers v. Colonial Penn Ins. Co.</i>			
<i>Tanck v. Dane County Regional Planning Com.</i>			
<i>Unified School Dist. v. Wisconsin Employment Relations Com.</i>			
<i>State ex rel. Opelt v. Crisp</i>			
<i>Gehr v. Sheboygan</i>			
<i>In re Estate of Kamesar</i>			
<i>Fitzgerald v. State AND McCarty v. State</i>			
<i>Lecus v. American Mut. Ins. Co.</i>			
<i>In re Z.</i>			
<i>Bruckner v. Prairie Federal Sav. & Loan Asso.</i>			
<i>Jacobson v. Avestruz</i>			
<i>Maryland Casualty Co. v. Pennsylvania Nat'l Mut. Casualty Ins. Co.</i>			
<i>Payne v. Milwaukee Sanitarium Foundation, Inc.</i>			
<i>State ex rel. Tiner v. Milwaukee County</i>			
<i>Reidinger v. Optometry Examining Board</i>			
<i>Armes v. Kenosha County</i>			
<i>Howard v. Duersten</i>			
<i>Production Credit Asso. v. Equity Coop Livestock Sales Asso.</i>			
<i>Wieczorek v. Franklin</i>			
<i>Perrenoud v. Perrenoud</i>			
<i>State ex rel. Hauser v. Carballo AND State ex rel. Brown v. Mathews AND State ex rel. Drummer v. Gagnon</i>			
<i>Webster v. Klug & Smith</i>			
<i>National Exchange Bank v. Mann</i>			
<i>State ex rel. Flowers v. Department of Health & Social Services</i>			
<i>State v. Starke</i>			

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<i>Rupp v. O'Connor</i>			
<i>Cruz v. Department of Industry, Labor & Human Relations</i>			
<i>State v. Mullis</i>			
<i>Hall Chevrolet Co. v. Wisconsin Dep't of Revenue</i>			
<i>Carefree Homes, Inc. v. Production Credit Asso.</i>			
<i>Koele v. Radue</i>			
<i>McKenzie v. Warmka</i>			
<i>Leighton v. Leighton</i>			
<i>Schulz v. St. Mary's Hospital</i>			
<i>State ex rel. M. v. Catalano</i>			
<i>Ruditys v. Wing</i>			
<i>State v. Berby</i>			
<i>In re Estate of Taylor</i>			
<i>Wisconsin's Environmental Decade, Inc. v. Public Service Com.</i>			
<i>Bischoff v. Appleton</i>			
<i>State v. Waste Management of Wisconsin, Inc.</i>			
<i>Kornitz v. Commonwealth Land Title Ins. Co.</i>			
<i>Maier Constr., Inc. v. Ryan</i>			
<i>Henkel v. Phillips</i>			
<i>Wachal v. Ketterhagen Motor Sales, Inc.</i>			
<i>State v. King</i>			
<i>West v. West</i>			
<i>Insurance Co. of North America v. Universal Mortg. Corp.</i>			
<i>Ford v. First American Nat'l Bank</i>			
<i>Hagerty v. Bruce</i>			
<i>Woodland Realty, Inc. v. Winzenried</i>			
<i>Rock River Lumber Corp. v. Universal Mortg. Corp.</i>			
<i>Gorski v. Gorski</i>			
<i>State Comm'rs of Board of Public Lands v. Thiel</i>			
<i>Sauerwein v. Department of Industry, Labor & Human Relations</i>			
<i>Collins v. Gee</i>			
<i>Kohlenberg v. American Plumbing Supply Co.</i>			
<i>State ex rel. Bell v. County Court for Columbia County</i>			
<i>Haugen v. Haugen</i>			
<i>State ex rel. Lynch v. County Court, Branch III</i>			
<i>McFarland v. Dunn</i>			
<i>Universal Foundry Co. v. Wisconsin Dep't of Industry, Labor & Human Relations</i>			

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<i>Richco Structures v. Parkside Village, Inc.</i>			
<i>Karow v. Milwaukee County Civil Service Com.</i>			
<i>State ex rel. Ft. Howard Paper Co. v. State Lake Dist. Board of Review</i>			
<i>Bur v. Schwarten</i>			
<i>Philipp v. Minnesota Mut. Life Ins. Co.</i>			
<i>Mercado v. Mitchell</i>			
<i>May v. Skelley Oil Co.</i>			
<i>Arsand v. Franklin</i>			
<i>Edlin v. Soderstrom</i>			
<i>Midtown Church of Christ, Inc. v. Racine</i>			
<i>In re Grant</i>			
<i>Glendale Professional Policemen's Asso. v. Glendale</i>			
<i>In re Ruediger</i>			
<i>U.I.P. Corp. v. Lawyers Title Ins. Corp.</i>			
<i>E. F. Brewer Co. v. Department of Industry, Labor & Human Relations</i>			
<i>State v. Charbarneau</i>			
<i>Wilson v. State</i>			
<i>In re Smith</i>			
<i>Schultz v. State</i>			
<i>In re Estate of Popp</i>			
<i>Gries v. First Wisconsin Nat'l Bank</i>			
<i>Mercurdo v. County of Milwaukee</i>			
<i>Rennick v. Fruehauf Corp.</i>			
<i>Arteaga v. Literski</i>			
<i>Thompson v. State</i>			
<i>State v. Ramirez</i>			
<i>Nolte v. Michels Pipeline Constr., Inc.</i>			
<i>Stewart v. State</i>			
<i>Williams v. State</i>			
<i>McMillian v. State</i>			
<i>Simos v. State</i>			
<i>In re Estate of Evans</i>			
<i>Browne v. Milwaukee Bd. of Sch. Dirs.</i>			
<i>Attoe v. Rural Mut. Ins. Co.</i>			
<i>State ex rel. Clarke v. Carballo</i>			
<i>Wiebke v. Richardson & Sons, Inc.</i>			
<i>Whitaker v. State</i>			
<i>Klug & Smith Co. v. Sommer</i>			
<i>State v. Benoit</i>			
<i>Balistreri v. State</i>			
<i>Murray v. Holiday Rambler, Inc.</i>			

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<i>Riedy v. Sperry</i>			
<i>Shibilski v. St. Joseph's Hospital, Inc.</i>			
<i>Lofton v. State</i>			
<i>Simpson v. State</i>			
<i>Nabbefeld v. State</i>			
<i>Douglas v. Johnson</i>			
<i>Voith v. Buser</i>			
<i>Ruchti v. Monroe</i>			
<i>Hatcher v. State</i>			
<i>Milwaukee Federation of Teachers v. Wisconsin Employment Relations Com.</i>			
<i>Zelenka v. State</i>			
<i>Murray v. State</i>			
<i>Randolph v. State</i>			
<i>State v. Verhasselt</i>			
<i>Puttkammer v. Minth</i>			
<i>State v. Woehrer</i>			
<i>Joint School Dist. v. State Appeal Board</i>			
<i>Peot v. Ferraro</i>			
<i>Kuhlman, Inc. v. G. Heileman Brewing Co.</i>			
<i>Herbst v. Wuenmenberg</i>			
<i>Topp v. Continental Ins. Co.</i>			
<i>Moser Paper Co. v. North Shore Publishing Co.</i>			
<i>Janesville v. Garthwaite</i>			
<i>Locicero v. Interpace Corp.</i>			
<i>In re Bardwell</i>			
<i>Rixmann v. Somerset Public Schools</i>			
<i>Luterbach v. Mochon, Schutte, Hackworthy, Juerisson, Inc.</i>			
<i>State v. Medrano</i>			
<i>Niagara of Wisconsin Paper Corp. v. Wisconsin Dep't of Natural Resources AND Fort Howard Paper Company v. Department of Natural Resources</i>			
<i>State v. Tronca</i>			
<i>Cieslewicz v. Mutual Service Casualty Ins. Co.</i>			
<i>RTE Corp. v. Coatings, Inc.</i>			
<i>Bloomer v. Bloomer</i>			
<i>Cargill, Inc. v. Gaard</i>			
<i>Bence v. Milwaukee</i>			
<i>State v. Hungerford</i>			
<i>Krueger v. State</i>			
<i>Schimmel v. State</i>			
<i>State v. Oliver</i>			
<i>Mitchell v. State</i>			
<i>Janesville Data Center, Inc. v. Wisconsin Dep't of Revenue</i>			

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<i>Candee v. Egan</i>			
<i>State v. Williamson</i>			
<i>Will v. State</i>			
<i>State ex rel. Waldeck v. Goedken</i>			
<i>First Nat'l Bank v. Hansen</i>			
<i>State ex rel. Herget v. Circuit Court for Waukesha County</i>			
<i>Merco Distributing Corp. v. Commercial Police Alarm Co.</i>			
<i>Waste Management, Inc. v. Wisconsin Solid Waste Recycling Authority</i>			
<i>State v. Kolisnitschenko</i>			
<i>Laasch v. State</i>			
<i>State ex rel. Huser v. Rasmussen</i>			
<i>Champlin v. State</i>			
<i>Tucker v. State</i>			
<i>In re Estate of Frautschy</i>			
<i>Denny v. Mertz</i>			
<i>Superior v. Department of Industry, Labor & Human Relations</i>			
<i>Gary Van Zeeland Talent, Inc. v. Sandas</i>			
<i>State v. Orethun</i>			
<i>Wisconsin's Environmental Decade, Inc. v. Public Service Com.</i>			
<i>In re Estate of Lade (per curiam)</i>			
<i>Royal-Globe Ins. Co. v. State Dep't of Industry, Labor & Human Relations (per curiam)</i>			
<i>State ex rel. Ahlgrimm v. State Elections Board (per curiam)</i>			
<i>State ex rel. Terry v. Percy (per curiam)</i>			
<i>State ex rel. Department of Health & Social Services v. Circuit Court for Second Judicial Circuit, Branch Nineteen (per curiam)</i>			
<i>Voight v. Aetna Casualty & Surety Co. (6-0)</i>			
<i>Westby v. Madison Newspapers, Inc. (6-0)</i>			
<i>Snider v. Northern States Power Co. (6-0)</i>			
<i>First Nat'l Leasing Corp. v. Madison (6-0)</i>			
<i>Pappas v. Jack O. A. Nelsen Agency, Inc. (6-0)</i>			
<i>In re Estate of Haase (6-0)</i>			
<i>Fleury v. Wentorf (6-0)</i>			
<i>Anderson v. Anderson (6-0)</i>			
<i>Holy Trinity Community School, Inc. v. Kahl (6-0)</i>			

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<i>Zapuchlak v. Hucal</i> (6-0)			
<i>Heritage Bank of Milwaukee v. Packerland Packing Co.</i> (6-0)			
<i>State v. Devitt</i> (6-0)			
<i>Layton School of Art & Design v. Wisconsin Employment Relations Com.</i> (6-0)			
<i>Milwaukee & Suburban Transport Corp. v. Milwaukee County</i> (6-0)			
<i>Chicago, M., S. P. & P. R. Co. v. Chicago & North Western Transp. Co.</i> (6-0)			
<i>State ex rel. First Nat'l Bank v. M & I Peoples Bank</i> (6-0)			
<i>Bablitch & Bablitch v. Lincoln County</i> (6-0)			
<i>Goebel v. First Federal Sav. & Loan Asso.</i> (6-0)			
<i>Simon Bros. Co. v. Miller Brewing Co.</i> (6-0)			
<i>State v. Washington</i> (6-0)			
<i>Van Ermen v. State, Dep't of Health & Social Services</i> (6-0)			
<i>Midwestern Gas Transmission Co. v. Wisconsin Dep't of Revenue</i> (6-0)			
<i>Dalton v. Meister</i> (6-0)			

Frequency in the Majority

These tables display how frequently each justice voted in the majority in decisions filed during the 1977-78 term. The first table includes all cases in which a justice voted (out of the total of 247 cases specified above), while the second table includes only cases decided by split votes. Justice William Callow replaced Justice Robert Hansen on January 3, 1978. Both are omitted from the tables.

All Cases

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	230	241	95.4%
Day	238	243	97.9%
Heffernan	244	245	99.6%
Beilfuss	244	245	99.6%
C. Hansen	240	247	97.2%
Hanley	242	246	98.4%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	8	19	42%
Day	14	19	74%
Heffernan	17	18	94%
Beilfuss	17	18	94%
C. Hansen	12	19	63%
Hanley	15	19	79%

Opinions Authored

The first table indicates how many majority/lead opinions a justice authored in cases decided by each of the four possible majority vote totals.² The second table shows how many concurrences and dissents each justice wrote. Eight justices appear in the tables, as Justice William Callow replaced Justice Robert Hansen on January 3, 1978.

Opinion Author	7-0 (or 6-0)	6-1 (or 4-1)	5-2	4-3
Abrahamson	31	0	0	1
Day	32	1	1	2
Heffernan	32	1	1	1
Callow	19	0	0	0
Beilfuss	30	0	0	0
C. Hansen	38	2	2	1
Hanley	31	3	1	0
R. Hansen	10	1	1	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	7	9
Day	0	4
Heffernan	0	0
Callow	0	1
Beilfuss	1	0
C. Hansen	1	6
Hanley	0	0
R. Hansen	0	1

² Cases with *per curiam* decisions do not figure in the first table (majority/lead opinions), and, because these five decisions do not include concurrences or dissents, they are not included in the second table either.

Agreement Among Pairs of Justices

The following tables show the percentage of decisions in which every possible pair of justices found themselves on the same side—either both in the majority or both dissenting. The first table covers all 247 decisions; the second table narrows its focus to decisions that were not unanimous. When reading the *second* table, for instance, one finds that Justices Abrahamson and Day voted together in 58% of the decisions, while the figure for Justices Heffernan and Hanley was 72%.

Justice William Callow replaced Justice Robert Hansen on January 3, 1978. Both are omitted from the tables.

Agreement Between Pairs of Justices—All Decisions

	Day	Heffernan	Beilfuss	C. Hansen	Hanley
Abrahamson	229/237=97%	230/239=96%	230/239=96%	223/241=93%	225/240=94%
	Day	237/241=98%	235/241=98%	231/243=95%	233/242=96%
		Heffernan	242/244=99%	237/245=97%	239/244=98%
			Beilfuss	237/245=97%	239/244=98%
				C. Hansen	243/246=99%
					Hanley

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Day	Heffernan	Beilfuss	C. Hansen	Hanley
Abrahamson	11/19=58%	9/18=50%	9/18=50%	1/19=5%	4/19=21%
	Day	14/18=78%	12/18=67%	7/19=37%	10/19=53%
		Heffernan	16/18=89%	10/18=56%	13/18=72%
			Beilfuss	10/18=56%	13/18=72%
				C. Hansen	16/19=84%
					Hanley

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. The table does not include *per curiam* decisions and cases that were submitted on briefs (126 cases altogether). Eight justices appear in the table, as Justice William Callow replaced Justice Robert Hansen on January 3, 1978.

	Number of Majority/Lead Opinions Authored in Cases that Included Oral Argument	Ave. No. of Days From Oral Argument to Opinion Filing
Abrahamson	16	71 days
Day	19	70 days
Heffernan	18	62 days
Callow	9	71 days
Beilfuss	17	54 days
C. Hansen	21	56 days
Hanley	15	40 days
R. Hansen	6	51 days

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
Arnold, Murray & O'Neill	2
Axley, Brynson, Herrick & Gehl	3
Borgelt, Powell, Peterson & Frauen	4
Charne, Glassner, Tehan, Clancy & Taitelman	2
Davis, Kuelthau, Vergeront, Stover & Leichtfuss	2
Foley & Capwell	2
Friebert & Finerty	3
Fulton, Menn & Nehs	2
Goldberg, Previant & Uelmen	2
Habush, Gillick, Habush, Davis & Murphy	3
Kathleen M. Falk	2
Kersten & McKinnon	2
Lawton & Cates	5
Milwaukee County District Attorney's Office	2
Panos, Samster & Domnitz	2
Perry & First	2
Public Service Commission	2
Quarles & Brady	8
Riordan, Crivello, Sullivan & Carlson	2
Shellow & Shellow	2
State Attorney General's Office	62
State Public Defender's Office	23
Terwilliger, Wakeen, Piehler, Conway & Klingberg	2
Voss, Nesson, Koberstein, Erbach & Voss	2
Wightman, Thurow & Sauthoff	2