

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 2018-2019

Four-to-Three Decisions

4-3 (and 3-2) Alignments

Justices	Total	Case Names
Roggensack, Ziegler, R.G. Bradley, Kelly	4	<i>Fugere; Portage County; Waukesha County; League of Women Voters</i>
Abrahamson, Roggensack, Ziegler, Kelly	1	<i>Steadfast Insurance</i>
Abrahamson, A.W. Bradley, R.G. Bradley, Dallet	1	<i>Wayerski</i>
A.W. Bradley, Roggensack, Ziegler, Dallet	1	<i>Marx</i>
Ziegler, R.G. Bradley, Kelly, Dallet	1	<i>Tikalsky</i>
Abrahamson, Roggensack, Ziegler, Dallet	1	<i>Paynter</i>
Abrahamson, A.W. Bradley, Roggensack, Ziegler	1	<i>Pinter</i>
Roggensack, R.G. Bradley, Dallet (3-2)	1	<i>Rural Mutual Insurance</i>

Membership in the Majority

Justice	Votes
Abrahamson	4
A.W. Bradley	3
Roggensack	9
Ziegler	9
R.G. Bradley	7
Kelly	6
Dallet	5

Majority Opinions Authored

Justice	Opinions
Abrahamson	1
A.W. Bradley	1
Roggensack	2
Ziegler	1
R.G. Bradley	2
Kelly	2
Dallet	2
<b>Total</b>	<b>11</b>

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

<b>7-0 (or 6-0, 5-0)</b>	<b>6-1 (or 5-1, 4-1)</b>	<b>5-2 (or 4-2)</b>	<b>4-3 (or 3-2)</b>
<b>27/55 (49%)</b>	<b>7/55 (13%)</b>	<b>10/55 (18%)</b>	<b>11/55 (20%)</b>
<i>SECURA Insurance v. Lyme St. Croix Forest Company, LLC</i>	<i>State v. Faith N. Reed</i>	<i>State v. Zachary S. Friedlander</i>	<i>Steadfast Insurance Company v. Greenwich Insurance Company</i>
<i>State v. Johnny K. Pinder</i>	<i>Philip Myers v. Wisconsin Department of Natural Resources</i>	<i>Milwaukee District Council 48 v. Milwaukee County</i>	<i>State v. Gary Lee Wayerski</i>
<i>State v. Justin A. Braunschweig</i>	<i>Leicht Transfer &amp; Storage Company v. Pallet Central Enterprises, Inc.</i>	<i>Ezequiel Lopez-Quintero v. Michael A. Dittmann</i>	<i>State v. Corey R. Fugere</i>
<i>Melvin DeWitt v. Earl G. Ferries</i>	<i>Midwest Neurosciences Associates, LLC v. Great Lakes Neurosurgical Associates, LLC (5-1)</i>	<i>Koss Corporation v. Park Bank</i>	<i>Daniel Marx v. Richard L. Morris</i>
<i>Michael Engelhardt v. City of New Berlin</i>	<i>Yasmeen Daniel v. Armslist, LLC et al. (5-1)</i>	<i>State v. C. L. K. (4-2)</i>	<i>Portage County v. J. W. K.</i>
<i>State v. Shawn T. Wiskerchen</i>	<i>State v. Jessica M. Randall (5-1)</i>	<i>CityDeck Landing LLC v. Circuit Court for Brown County (4-2)</i>	<i>J. Steven Tikalsky v. Susan Friedman</i>
<i>The Yacht Club at Sister Bay Condominium Association, Inc. v. Village of Sister Bay</i>	<i>Enbridge Energy Company, Inc. v. Dane County (4-1)</i>	<i>Security Finance v. Brian Kirsch (4-2)</i>	<i>David W. Paynter v. ProAssurance Wisconsin Insurance Company</i>
<i>Stuart White v. City of Watertown</i>		<i>State v. Dennis L. Schwind (4-2)</i>	<i>Waukesha County v. S.L.L.</i>
<i>State v. A. L.</i>		<i>State v. Tyrus Lee Cooper (4-2)</i>	<i>Alan W. Pinter v. Village of Stetsonville</i>
<i>The Peter Ogden Family Trust of 2008 v. Board of Review for the Town of Delafield</i>		<i>Kristi Koschke v. Carolyn Stanford Taylor (4-2)</i>	<i>League of Women Voters of Wisconsin v. Tony Evers</i>
<i>State v. Joseph B. Reinwand</i>			<i>Rural Mutual Insurance Company v. Lester Buildings, LLC (3-2)</i>
<i>Christopher Kieninger v. Crown Equipment Corporation</i>			
<i>David MacLeish v. Boardman &amp; Clark LLP</i>			
<i>Town of Lincoln v. City of Whitehall</i>			
<i>State v. John Patrick Wright</i>			
<i>Cacie M. Michels v. Keaton L. Lyons</i>			
<i>United States of America v. Dennis Franklin</i>			
<i>State v. Michael A. Keister (7-0 per curiam)</i>			
<i>West Bend Mutual Ins. Co. v. Ixthus Medical Supply, Inc. (6-0)</i>			

(continued on the following page)

<sup>1</sup> Occasionally a decision finds a justice concurring in part and dissenting in part. For this table, and those prepared for other years, 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>Maple Grove Country Club Inc. v. Maple Grove Estates Sanitary District</i> (6-0)			
<i>State v. Javien Cajujuan Pegeese</i> (6-0)			
<i>State v. Emmanuel Earl Trammell</i> (6-0)			
<i>John Teske v. Wilson Mutual Insurance Company</i> (6-0)			
<i>State v. Peter J. Hanson</i> (6-0)			
<i>State v. Raytrell K. Fitzgerald</i> (6-0)			
<i>Town of Rib Mountain v. Marathon County</i> (5-0)			
<i>L. G. v. Aurora Residential Alternatives, Inc.</i> (5-0)			

Frequency in the Majority

These charts display how frequently each justice voted in the majority in decisions filed during the 2018-19 term. The first chart includes all cases in which a justice voted (out of the total of 55 cases, specified above), while the second chart includes only cases decided by split votes.

## All Cases

<b>Justice</b>	<b>Majority Votes Cast</b>	<b>Total Votes Cast</b>	<b>Percent in Majority</b>
Abrahamson	31	40	<b>78%</b>
A.W. Bradley	34	53	<b>64%</b>
Roggensack	49	55	<b>89%</b>
Ziegler	49	53	<b>92%</b>
R.G. Bradley	49	55	<b>89%</b>
Kelly	49	55	<b>89%</b>
Dallet	41	50	<b>82%</b>

## Non-Unanimous Decisions

<b>Justice</b>	<b>Majority Votes Cast</b>	<b>Total Votes Cast</b>	<b>Percent in Majority</b>
Abrahamson	12	21	<b>57%</b>
A.W. Bradley	9	28	<b>32%</b>
Roggensack	22	28	<b>79%</b>
Ziegler	23	27	<b>85%</b>
R.G. Bradley	22	28	<b>79%</b>
Kelly	22	28	<b>79%</b>
Dallet	14	23	<b>61%</b>

Opinions Authored

This chart indicates how many majority (or lead) 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, 4-1)	5-2 (or 4-2)	4-3 (or 3-2)
Abrahamson	3	1	0	1
A.W. Bradley	7	0	0	1
Roggensack	2	1	3	2
Ziegler	4	1	2	1
R.G. Bradley	3	1	3	2
Kelly	3	2	2	2
Dallet	4	1	0	2

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

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	2	1
A.W. Bradley	2	14
Roggensack	2	4
Ziegler	2	2
R.G. Bradley	3	3
Kelly	4	4
Dallet	5	5

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 55 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 Ziegler voted together in 67% of the cases, while the figure for Justices Roggensack and Kelly was 82%.

Agreement Among Pairs of Justices—All Cases

	A. Bradley	Roggensack	Ziegler	R. Bradley	Kelly	Dallet
Abrahamson	35/40=88%	27/40=68%	26/39=67%	27/40=68%	28/40=70%	31/36=86%
	A. Bradley	30/53=57%	29/51=57%	32/53=60%	32/53=60%	39/48=81%
		Roggensack	51/53=96%	43/55=78%	45/55=82%	36/50=72%
			Ziegler	43/53=81%	46/53=87%	36/48=75%
				R. Bradley	51/55=93%	40/50=80%
					Kelly	37/50=74%
						Dallet

Agreement Among Pairs of Justices—Non-Unanimous Cases

	A. Bradley	Roggensack	Ziegler	R. Bradley	Kelly	Dallet
Abrahamson	16/21=76%	8/21=38%	8/21=38%	8/21=38%	9/21=43%	12/17=71%
	A. Bradley	5/28=18%	5/27=19%	7/28=25%	7/28=25%	14/23=61%
		Roggensack	25/27=93%	16/28=57%	18/28=64%	9/23=39%
			Ziegler	17/27=63%	20/27=74%	10/22=45%
				R. Bradley	24/28=86%	13/23=57%
					Kelly	10/23=43%
						Dallet

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.

	<b>Number of Majority/Lead Opinions Authored</b>	<b>Ave. No. of Days From Oral Argument to Opinion Filing</b>
Abrahamson	5	110
A.W. Bradley	8	80
Roggensack	8	95
Ziegler	8	70
R.G. Bradley	9	121
Kelly	9	125
Dallet	7	121

Number of Oral Arguments Presented

The following table displays firms and agencies that participated in at least two oral arguments during the 2018-19 term.<sup>2</sup>

Firms and Agencies	Number of Oral Arguments
Gutglass, Erickson, Bonville & Larson	2
Habush Habush & Rottier	2
Husch Blackwell	4
Jeffrey Leavell, S.C.	4
McCoy Leavitt Laskey	2
Michael Best & Friedrich	2
Municipal Law & Litigation Group	2
O'Neil, Cannon, Hollman, DeJong & Laing	3
Pines Bach	2
Solicitor General's Office	9
Stafford Rosenbaum	4
State Attorney General's Office	16
State Public Defender's Office	13
Weiss Law Office	2
Weld Riley	3

<sup>2</sup> The table includes three deadlocked (3-3) *per curiam* decisions (*State v. Nelson Garcia, Jr.*; *Ann Cattau v. National Insurance Services of Wisconsin, Inc.*; and *Raytrell K. Fitzgerald v. Circuit Court for Milwaukee Co.*).