

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 2017-2018

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Roggensack, Ziegler, Gableman, Kelly	3	<i>Movrich; Monahan; Kerr</i>
Roggensack, Ziegler, Gableman, R.G. Bradley	3	<i>Smith; Talley; Milwaukee Police Association</i>
Abrahamson, A.W. Bradley, R.G. Bradley, Kelly	1	<i>Dalton</i>
A.W. Bradley, Roggensack, Ziegler, Gableman	2	<i>Estate of Miller; Winebow</i>
Abrahamson, A.W. Bradley, Ziegler, Gableman	1	<i>Adams Outdoor Advertising</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	2
A.W. Bradley	4
Roggensack	8
Ziegler	9
Gableman	9
R.G. Bradley	4
Kelly	4

4-3 Majority Opinions Authored

Justice	Opinions
Abrahamson	0
A.W. Bradley	3
Roggensack	2
Ziegler	2
Gableman	1
R.G. Bradley	2
Kelly	0
Total	10

Decisions by Vote Split¹

7-0 (or 6-0, 5-0)	6-1 (or 4-1)	5-2 (or 4-2)	4-3
17/59 (29%)	6/59 (10%)	26/59 (44%)	10/59 (17%)
<i>State v. Ginger M. Breitzman</i>	<i>Mark McNally v. Capital Cartage, Inc.</i>	<i>State v. Jose Alberto Reyes Fuerte</i>	<i>Estate of Stanley G. Miller v. Diane Storey</i>
<i>Tetra Tech EC, Inc. v. Wisconsin Department of Revenue</i>	<i>State v. Brian Grandberry</i>	<i>Debra K. Sands v. John R. Menard, Jr.</i>	<i>State v. Kyle Lee Monahan</i>
<i>State v. Shaun M. Sanders</i>	<i>Horizon Bank, National Association v. Marshalls Point Retreat LLC</i>	<i>State v. David McAlister, Sr.</i>	<i>Jerome Movrich v. David J. Lobermeier</i>
<i>State v. Anthony Jones</i>	<i>State v. Lamont Donnell Sholar</i>	<i>Ascaris Mayo v. Wisconsin Injured Patients and Families Compensation Fund</i>	<i>State v. Frederick S. Smith</i>
<i>Winnebago County v. J.M.</i>	<i>Richard Forshee v. Lee Neuschwander</i>	<i>Deutsche Bank National Trust Company v. Thomas P. Wuensch</i>	<i>Archie A. Talley v. Mustafa Mustafa</i>
<i>State v. DeAnthony K. Muldrow</i>	<i>State v. Gerrod R. Bell (4-1)</i>	<i>State v. Gerald P. Mitchell</i>	<i>Milwaukee Police Association v. City of Milwaukee</i>
<i>State v. Diamond J. Arberry</i>		<i>State v. David Hager, Jr. AND State v. Howard Carter</i>	<i>Adams Outdoor Advertising Limited Partnership v. City of Madison</i>
<i>Robert H. Shugarts, II v. Dennis M. Mohr</i>		<i>Penny L. Springer v. Nohl Electric Products Corporation</i>	<i>State v. Christopher John Kerr</i>
<i>Wisconsin DWD v. Wisconsin LIRC</i>		<i>Golden Sands Dairy LLC v. Town of Saratoga</i>	<i>State v. Patrick H. Dalton</i>
<i>Federal National Mortgage Association v. Cory Thompson</i>		<i>The Manitowoc Company, Inc. v. John M. Lanning</i>	<i>Winebow, Inc. v. Capitol-Husting Co., Inc.</i>
<i>State v. Andre L. Scott</i>		<i>State v. Anthony R. Pico</i>	
<i>State v. Steven T. Delap</i>		<i>Voters with Facts v. City of Eau Claire</i>	
<i>State v. Anton R. Dorsey (6-0)</i>		<i>Wisconsin Association of State Prosecutors v. Wisconsin Employment Relations Commission</i>	
<i>Nationstar Mortgage LLC v. Robert R. Stafsholt (6-0)</i>		<i>State v. Shannon Olanze Hendricks</i>	
<i>State v. Michael L. Washington (6-0)</i>		<i>Cintas Corp. No. 2 v. Becker Property Services LLC</i>	
<i>State v. Michael L. Cox (6-0)</i>		<i>State v. Daniel J. H. Bartelt</i>	
<i>State v. Jamal L. Williams (5-0)</i>		<i>Metropolitan Associates v. City of Milwaukee</i>	
		<i>Wisconsin Bell, Inc. v. LIRC</i>	
		<i>CED Properties, LLC v. City of Oshkosh</i>	
		<i>State v. Joseph T. Langlois</i>	
		<i>E. Glen Porter, III v. State of Wisconsin</i>	

(continued on the following page)

¹ 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>Department of Natural Resources v. Wisconsin Court of Appeals, District IV</i>	
		<i>Madison Teachers, Inc. v. James R. Scott</i>	
		<i>John Y. Westmas v. Selective Insurance Company of South Carolina (4-2)</i>	
		<i>Donald J. Thoma v. Village of Slinger (4-2)</i>	
		<i>John McAdams v. Marquette University (4-2)</i>	

Frequency in the Majority

These charts display how frequently each justice voted in the majority in decisions filed during the 2017-18 term. The first chart includes all cases in which a justice voted (out of the total of 59 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	25	54	46%
A.W. Bradley	30	57	53%
Roggensack	53	57	93%
Ziegler	54	58	93%
Gableman	58	59	98%
R.G. Bradley	46	59	78%
Kelly	48	58	83%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	11	40	28%
A.W. Bradley	15	42	36%
Roggensack	37	41	90%
Ziegler	37	41	90%
Gableman	41	42	98%
R.G. Bradley	29	42	69%
Kelly	31	41	76%

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 4-1)	5-2 (or 4-2)	4-3
Abrahamson	5	0	2	0
A.W. Bradley	2	2	1	3
Roggensack	0	1	7	2
Ziegler	4	0	3	2
Gableman	3	1	3	1
R.G. Bradley	1	1	4	2
Kelly	2	1	6	0

The chart below shows how many concurring and dissenting opinions each justice authored.²

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	5	13
A.W. Bradley	3	15
Roggensack	0	3
Ziegler	3	2
Gableman	3	0
R.G. Bradley	7	12
Kelly	6	8

² When two justices co-authored an opinion, both of them received “author credit” in this table.

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 59 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 Ziegler and Rebecca Bradley voted together in 71% of the cases, while the figure for Justices Abrahamson and Kelly was 47%.

Agreement Among Pairs of Justices—All Cases

	A. Bradley	Roggensack	Ziegler	Gableman	R. Bradley	Kelly
Abrahamson	47/52=90%	20/53=38%	21/53=40%	24/54=44%	25/54=46%	25/53=47%
	A. Bradley	26/56=46%	26/56=46%	29/57=51%	23/57=40%	25/56=45%
		Roggensack	54/56=96%	54/57=95%	42/57=74%	45/56=80%
			Ziegler	55/58=95%	41/58=71%	44/57=77%
				Gableman	45/59=76%	47/58=81%
					R. Bradley	49/58=84%
						Kelly

Agreement Among Pairs of Justices—Non-Unanimous Cases

	A. Bradley	Roggensack	Ziegler	Gableman	R. Bradley	Kelly
Abrahamson	35/40=88%	7/40=18%	7/39=18%	10/40=25%	11/40=28%	11/39=28%
	A. Bradley	11/41=27%	11/41=27%	14/42=33%	8/42=19%	10/41=24%
		Roggensack	38/40=95%	38/41=93%	26/41=63%	29/40=73%
			Ziegler	38/41=93%	24/41=59%	27/40=68%
				Gableman	28/42=67%	30/41=73%
					R. Bradley	32/41=78%
						Kelly

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.

	Number of Majority/Lead Opinions Authored	Ave. No. of Days From Oral Argument to Opinion Filing
Abrahamson	7	122
A.W. Bradley	8	106
Roggensack	10	111
Ziegler	9	80
Gableman	8	141
R.G. Bradley	8	122
Kelly	9	162

Number of Oral Arguments Presented

The following table displays firms and agencies that participated in at least two oral arguments during the 2017-18 term.³

Firms and Agencies	Number of Oral Arguments
Axley Brynelson	2
Crivello Carlson	2
Eminent Domain Services	2
Habush Habush & Rottier	2
Kachinsky Law Offices	2
Kasdorf Lewis & Swietlik	2
Milwaukee City Attorney's Office	2
Pines Bach	2
Quarles & Brady	3
Reinhart Boerner Van Deuren	2
Solicitor General's Office	16
State Attorney General's Office	21
State Public Defender's Office	17
The Shanker Law Firm	2
Wisconsin Institute for Law & Liberty	3
Wisconsin Labor and Industry Review Commission	2

³ The table includes three deadlocked (3-3) *per curiam* decisions (*In Re: Partnership Health Plan, Inc. v. Office of the Commissioner of Insurance*; *Wingra Redi-Mix, Inc. v. Burial Sites Preservation Board*; and *Wingra Redi-Mix, Inc. v. State Historical Society of Wisconsin*).