

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 2007-2008

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Abrahamson, Bradley, Butler, Crooks	7	<i>Stuart; Gumz; Harenda; Helgeland; Storms; Otto; Town of Madison</i>
Crooks, Prosser, Roggensack, Ziegler	7	<i>Menasha; Richards; Below; J.G.; Racine County; Arias; Muller</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	7
Bradley	7
Butler	7
Crooks	14
Prosser	7
Roggensack	7
Ziegler	7

4-3 Majority Opinions Authored

Justice	Opinions
Abrahamson	2
Bradley	3
Butler	1
Crooks	3
Prosser	2
Roggensack	2
Ziegler	1
Total	14

Decisions by Vote Split¹

7-0 (or 5-0, 6-0)	6-1 (or 5-1)	5-2 (or 4-2, 3-1)	4-3 (or 3-2)
43 (63%)	4 (6%)	6 (9%)	15 (22%)
<i>Sanders v. Sanders</i> (5-0)	<i>Sands v. Whitnall Sch. Dist.</i>	<i>Rao v. WMA Sec., Inc.</i>	<i>Wis. Dep't of Revenue v. Menasha Corp.</i>
<i>WIREdata, Inc. v. Vill. of Sussex</i> (6-0)	<i>Larry v. Harris</i>	<i>State v. Popenhagen</i>	<i>Stuart v. Weisflog's Showroom Gallery, Inc.</i>
<i>Steinmann v. Steinmann</i> (6-0)	<i>Hefty v. Strickhouser</i>	<i>State v. Davis</i>	<i>Gumz v. N. States Power Co.</i>
<i>State v. Hambly</i> (6-0)	<i>Stone v. Acuity</i> (5-1)	<i>State v. Grunke</i>	<i>State v. Harenda Enters.</i>
<i>AccuWeb, Inc. v. Foley & Lardner</i> (6-0)		<i>State v. Beaver Dam Area Dev. Corp.</i> (4-2)	<i>Helgeland v. Wis. Municipalities</i>
<i>Hornback v. Archdiocese of Milwaukee</i> (6-0)		<i>Eichenseer v. Madison-Dane County Tavern League, Inc.</i> (3-1)	<i>Richards v. Badger Mut. Ins. Co.</i>
<i>Liebovich v. Minn. Ins. Co.</i> (6-0)			<i>Below v. Norton</i>
<i>State v. MacArthur</i> (6-0)			<i>Storms v. Action Wis. Inc.</i>
<i>Rechsteiner v. Hazelden</i> (6-0)			<i>J.G. v. Wangard</i>
<i>Adrian T. Hipp v. Circuit Court for Milwaukee County</i> (6-0)			<i>Racine County v. Int'l Ass'n of Machinists & Aero. Workers, Dist. 10, AFL-CIO</i>
<i>State v. Keyes</i>			<i>State v. Arias</i>
<i>Stuart v. Weisflog's Showroom Gallery, Inc.</i>			<i>Muller v. Soc'y Ins.</i>
<i>Berner Cheese Corp. v. Krug, No.</i>			<i>Estate of Otto v. Physicians Ins. Co. of Wis., Inc.</i>
<i>Schmidt v. N. States Power Co.</i>			<i>Town of Madison v. County of Dane</i>
<i>State v. Duchow</i>			<i>Summers v. Touchpoint Health Plan, Inc.</i> (3-2)
<i>Olson v. Town of Cottage Grove</i>			
<i>State v. Plude</i>			
<i>Estate of Matteson v. Matteson</i>			
<i>Novell v. Migliaccio</i>			
<i>State v. Straszkowski</i>			
<i>State v. Summer</i>			
<i>Nichols v. Progressive N. Ins. Co.</i>			
<i>Town of Rhine v. Bizzell</i>			
<i>State v. Quintana</i>			
<i>State v. Walker</i>			
<i>State v. LaCount</i>			
<i>State v. Ford</i>			
<i>State v. Harris</i>			
<i>Estate of Sustache v. Am. Family Mut. Ins. Co.</i>			

(continued on following page)

¹ In four cases there were justices who concurred in part and dissented in part (*Stuart* [Roggensack, Prosser, Ziegler]; *Stone* [Butler, Roggensack]; *Larry* [Butler]; *Popenhagen* [Ziegler]). For this table, and those that follow, each of these votes was 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. In a few instances the dividing line between a dissent and a concurrence is exceedingly thin, and views might reasonably differ as to the opinion's proper classification. However, such ambiguous opinions amount to only a handful of the hundreds of votes cast, and thus they have a negligible effect on the tables presented here.

<i>Acuity v. Bagadia</i>
<i>State v. Schaefer</i>
<i>State v. Jorgensen</i>
<i>Walgreen Co. v. City of Madison</i>
<i>State v. Sanders</i>
<i>State v. Doss</i>
<i>C. Coakley Relocation Sys. v. City of Milwaukee</i>
<i>State v. Hubbard</i>
<i>Watton v. Hegerty</i>
<i>Washburn County v. Smith</i>
<i>Walworth County DH&HS v. Andrea L. O.</i>
<i>Gresens v. State Farm Mut. Auto. Ins. Co.</i>
<i>State v. Her (7-0 per curiam)</i>
<i>City of Sheboygan v. Nytsch (6-0 per curiam)</i>

Frequency in the Majority

These charts display how frequently each justice voted in the majority in decisions filed during the period September 1, 2007, to August 31, 2008. The first chart includes all cases in which a justice voted, while the second chart includes only cases decided by split votes.

All Cases²

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	57	65	88%
Bradley	58	67	87%
Butler	56	66	85%
Crooks	67	67	100%
Prosser	54	64	84%
Roggensack	55	67	82%
Ziegler	51	61	84%

Non-Unanimous Decisions³

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	15	23	65%
Bradley	15	24	63%
Butler	15	25	60%
Crooks	24	24	100%
Prosser	14	24	58%
Roggensack	13	25	52%
Ziegler	13	23	57%

² Justice Abrahamson did not vote in *Adrian T. Hipp v. Circuit Court for Milwaukee County*; *Eichenseer v. Madison-Dane County Tavern League, Inc.*; and *Summers v. Touchpoint Health Plan, Inc.* Justice Bradley did not vote in *Eichenseer v. Madison-Dane County Tavern League, Inc.* Justice Butler did not vote in *Rechsteiner v. Hazelden and WIREdata, Inc. v. Vill. of Sussex*. Justice Crooks did not vote in *Eichenseer v. Madison-Dane County Tavern League, Inc.* Justice Prosser did not vote in *State v. MacArthur*; *Hornback v. Archdiocese of Milwaukee*; *Sanders v. Sanders (In re Estate of Sanders)*; and *Summers v. Touchpoint Health Plan, Inc.* Justice Roggensack did not vote in *Sanders v. Sanders (In re Estate of Sanders)*. Justice Ziegler did not vote in *Steinmann v. Steinmann*; *Liebovich v. Minn. Ins. Co.*; *AccuWeb, Inc. v. Foley & Lardner*; *State v. Hambly*; *City of Sheboygan v. Nytsch*; *Stone v. Acuity*; and *State v. Beaver Dam Area Dev. Corp.*

³ *State v. Beaver Dam Area Dev. Corp.*; *Stone v. Acuity*; *Eichenseer v. Madison-Dane County Tavern League, Inc.*; and *Summers v. Touchpoint Health Plan, Inc.* were non-unanimous decisions.

Opinions Authored⁴

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 5-0, 6-0)	6-1 (or 5-1)	5-2 (or 4-2, 3-1)	4-3 (or 3-2)
Abrahamson	5	0	2	2
Bradley	6	1	1	3
Butler	6	1	0	1
Crooks	5	0	0	4
Prosser	6	1	1	2
Roggensack	5	1	1	2
Ziegler	7	0	1	1

The chart below shows how many concurring and dissenting opinions each justice authored.⁵

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	13	3
Bradley	5	7
Butler	8	3
Crooks	1	0
Prosser	3	4
Roggensack	4	7
Ziegler	3	4

⁴ Two unanimous *per curiam* decisions (*City of Sheboygan v. Nysch* and *State v. Her*) are not included in the tables on this page.

⁵ In four cases there were justices who concurred in part and dissented in part (*Stuart* [Roggensack]; *Stone* [Butler and Roggensack]; *Larry* [Butler]; *Popenhagen* [Ziegler]). The justices named here are those who wrote opinions, as opposed to joining opinions written by other justices. According to the guidelines outlined above, these opinions have been categorized as dissents, with the exception of Justice Butler's opinion in *Stone*, which has been categorized as a concurrence.

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 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 Prosser and Ziegler voted together in 93% of the cases, while the figure for Justices Bradley and Crooks was 87%.

Agreement Between Pairs of Justices—All Cases

	Bradley	Butler	Crooks	Prosser	Roggensack	Ziegler
Abrahamson	64/65= 98%	60/63= 95%	57/65= 88%	44/62= 71%	45/64= 70%	41/58= 71%
	Bradley	63/65= 97%	58/67= 87%	44/63= 70%	45/66= 68%	41/60= 68%
		Butler	56/65= 86%	42/62= 68%	43/65= 66%	39/59= 66%
			Crooks	53/63= 84%	54/66= 82%	50/60= 83%
				Prosser	61/64= 95%	53/57= 93%
					Roggensack	58/60= 97%
						Ziegler

Agreement Between Pairs of Justices—Non-Unanimous Cases

	Bradley	Butler	Crooks	Prosser	Roggensack	Ziegler
Abrahamson	22/23= 96%	20/23= 87%	15/23= 65%	5/23= 22%	4/23= 17%	4/21= 19%
	Bradley	22/24= 92%	15/24= 63%	4/23= 17%	3/24= 13%	3/22= 14%
		Butler	15/24= 63%	4/24= 17%	3/25= 12%	3/23= 13%
			Crooks	13/23= 57%	12/24= 50%	12/22= 55%
				Prosser	21/24= 88%	18/22= 82%
					Roggensack	21/23= 91%
						Ziegler

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.

	Number of Majority Opinions Authored	Ave. No. of Days From Oral Argument to Opinion Filing
Abrahamson	9	131
Bradley	11	138
Butler	8	186
Crooks	9	145
Prosser	10	174
Roggensack	9	182
Ziegler	9	153

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 in 2007-2008.

Firms and Agencies	Number of Oral Arguments
Axley Brynelson, LLP	3
DeWitt Ross & Stevens S.C.	4
Foley & Lardner LLP	2
Godfrey & Kahn	3
Henak Law Office, S.C.	2
Kasdorf, Lewis & Swietlik, S.C.	3
Law Office of Daniel W. Stevens	2
Michael Best & Friedrich LLP	3
Milwaukee City Attorney's Office	2
Murphy & Prachthauser	2
Murphy Desmond S.C.	3
Quarles & Brady LLP	2
Sczygelski Law Firm, LLC	2
Simpson & Deardorff	2
Stafford Rosenbaum LLP	2
State Attorney General's Office	28
State Public Defender's Office	7
von Briesen & Roper, S.C.	2