

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 2002-2003

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Crooks, Sykes, Wilcox, Prosser	3	<i>City of Madison; Conway; Lo</i>
Abrahamson, Bradley, Prosser, Bablitch	3	<i>Frost; L'Minggio; Picotte</i>
Abrahamson, Bradley, Crooks, Bablitch	3	<i>Trinity; Crystal Lake; National Auto</i>
Crooks, Wilcox, Prosser, Bablitch	2	<i>Knapp; Lamon</i>
Abrahamson, Bradley, Sykes, Prosser	1	<i>Mount Horeb</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	7
Bradley	7
Crooks	8
Sykes	4
Wilcox	5
Prosser	9
Bablitch	8

4-3 Majority Opinions Authored

Justice	Opinions
Abrahamson	2
Bradley	0
Crooks	5
Sykes	2
Wilcox	0
Prosser	1
Bablitch	2
Total	12

Decisions by Vote Split¹

7-0 (or 6-0, 5-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
46 (52%)	8 (9%)	22 (25%)	12 (14%)
<i>Schultz v. Natwick</i>	<i>Kraus v. City of Waukesha Police & Fire Comm'n</i>	<i>Town of Beloit v. County of Rock</i>	<i>City of Madison v. Wis. Empl. Rels. Comm'n</i>
<i>State ex rel. Tate v. Schwarz</i>	<i>State v. Carlson</i>	<i>State v. Hoppe</i>	<i>State v. Knapp</i>
<i>Hofflander v. St. Catherine's Hosp., Inc.</i>	<i>State v. Jorgensen</i>	<i>State v. Vanmanivong</i>	<i>State v. Lamon</i>
<i>Hoffmann v. Wis. Elec. Power Co.</i>	<i>Tammie J.C. v. Robert T.R.</i>	<i>State v. Hamdan</i>	<i>Frost v. Whitbeck</i>
<i>State v. Burgess</i>	<i>Normal O. Brown v. Jody Bradley</i>	<i>State v. Meeks</i>	<i>State ex rel. L'Minggio v. Gamble</i>
<i>State v. Tucker</i>	<i>Sheboygan County Department of Human Services v. Neal J. G.</i>	<i>State v. Hunt</i>	<i>Conway v. Bd. of the Police & Fire Comm'rs</i>
<i>State v. Lindsey A.F.</i>	<i>Unnamed Person No. 1, et al. v. State (per curiam)</i>	<i>State v. Jennings</i>	<i>State v. Lo</i>
<i>Vanclave v. City of Marinette</i>	<i>Scott v. Savers Prop. & Cas. Ins. Co. (5-1)</i>	<i>State v. Davison</i>	<i>Trinity Evangelical Lutheran Church v. Tower Ins. Co.</i>
<i>Deminsky v. Arlington Plastics Mach.</i>		<i>Heyde Cos. v. Dove Healthcare</i>	<i>Mount Horeb Cmty. Alert v. Vill. Bd. of Mt. Horeb</i>
<i>State v. Cole</i>		<i>State v. Delaney</i>	<i>State v. Picotte</i>
<i>State ex rel. Schatz v. McCaughtry</i>		<i>Johnson Controls, Inc. v. Emplrs. Ins.</i>	<i>Crystal Lake Cheese Factory v. Labor & Indus. Review Comm'n</i>
<i>Paulson v. Allstate Ins. Co.</i>		<i>Teague v. Bad River Band of the Lake Superior Tribe of Chippewa Indians</i>	<i>Nat'l Auto Truckstops, Inc. v. DOT</i>
<i>Hamilton v. Hamilton</i>		<i>State v. Stuart</i>	
<i>Storm v. Legion Ins. Co.</i>		<i>State v. Gordon</i>	
<i>Wood v. City of Madison</i>		<i>Rottscheit v. Dumler</i>	
<i>Calumet County Dep't of Human Servs. v. Randall H.</i>		<i>Finnegan v. Wis. Patients Comp. Fund</i>	
<i>State v. Haines</i>		<i>Sulzer v. Diedrich</i>	
<i>Fox v. Catholic Knights Ins. Soc'y</i>		<i>State ex rel. Grzelak v. Bertrand</i>	
<i>State v. Weed</i>		<i>State v. Byers (4-2)</i>	
<i>State v. Thiel</i>		<i>Bichnese v. Sutula (4-2)</i>	
<i>City of Madison v. State Dep't of Workforce Dev.</i>		<i>Alvarado v. Sersch (4-2)</i>	
<i>State v. Seefeldt</i>		<i>Jeffrey A. Wagner v. Milwaukee County Election Commission (4-2)</i>	
<i>LeMere v. LeMere</i>			
<i>Fireman's Fund Ins. Co. v. Bradley Corp.</i>			

(continued on following page)

¹ In five of these cases (which do not include *Digicorp, Inc. v. Ameritech Corporation*, as noted above) there were justices who concurred in part and dissented in part (*Knapp* [Abrahamson, Bradley, and Sykes]; *Hamdan* [Crooks]; *Lo* [Bradley]; *Stuart* [Abrahamson and Bradley]; and *National Auto Truckstops* [Sykes, Wilcox, and Prosser]). For this table, and those to come, each of these votes was categorized as a dissent according to the guidelines outlined above.

<i>Raz v. Brown</i>
<i>Schwister v. Schoenecker</i>
<i>Hutson v. State Pers. Comm'n</i>
<i>State v. Church</i>
<i>Conley Publ'g Group Ltd. v. Journal Communs., Inc.</i>
<i>Hagen v. City of Milwaukee Employee's Ret. Sys. Annuity & Pension Bd.</i>
<i>State v. Peters</i>
<i>State v. Norman</i>
<i>State v. Edwards</i>
<i>Mullen v. Walczak</i>
<i>State v. Jiles</i>
<i>State v. Cole</i>
<i>State v. Stynes</i>
<i>State v. Martel</i>
<i>The Cincinnati Insurance Co. v. Circuit Court for Milwaukee County</i>
<i>State ex rel. Marberry v. Macht</i> (6-0)
<i>Columbia Propane, L.P. v. Wis. Gas Co.</i> (6-0)
<i>State v. Radke</i> (6-0)
<i>Bruno v. Milwaukee County</i> (6-0)
<i>O'Neill v. Reemer</i> (6-0)
<i>Folkman v. Quamme</i> (6-0)
<i>Schmitz v. Firststar Bank Milwaukee</i> (5-0)

Frequency in the Majority

These charts display how frequently each justice voted in the majority in decisions filed during the period September 1, 2002, to August 31, 2003. The first chart includes all cases in which a justice voted (out of the total of 88 cases, specified above), while the second chart includes only cases decided by split votes.

All Cases²

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	68	87	78%
Bradley	69	87	79%
Crooks	79	87	91%
Sykes	67	87	77%
Wilcox	71	81	88%
Prosser	79	87	91%
Bablitch	82	87	94%

Non-Unanimous Decisions³

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	22	41	54%
Bradley	23	41	56%
Crooks	34	42	81%
Sykes	21	41	51%
Wilcox	30	40	75%
Prosser	34	42	81%
Bablitch	37	42	88%

² **Justice Abrahamson** did not vote in *Bichnese v. Sutula*. **Justice Bradley** did not vote in *Scott v. Savers Prop. & Cas. Ins. Co.* **Justice Crooks** did not vote in *Folkman v. Quamme*. **Justice Sykes** did not vote in *Jeffrey A. Wagner v. Milwaukee County Election Commission*. **Justice Wilcox** did not vote in *Columbia Propane, L.P. v. Wis. Gas Co.*; *Schmitz v. Firststar Bank Milwaukee*; *State v. Radke*; *O'Neill v. Reemer*; *Bruno v. Milwaukee County*; *Alvarado v. Sersch*; and *State v. Byers*. **Justice Prosser** did not vote in *State ex rel. Marberry v. Macht*. **Justice Bablitch** did not vote in *Schmitz v. Firststar Bank Milwaukee*.

³ Among the decisions listed in the previous footnote, *Bichnese v. Sutula*, *Scott v. Savers Prop. & Cas. Ins. Co.*, *Jeffrey A. Wagner v. Milwaukee County Election Commission*, *Alvarado v. Sersch*; and *State v. Byers* were non-unanimous decisions.

Opinions Authored

This chart indicates how many majority opinions a justice authored in cases decided by each of the four possible majority vote totals.⁴

Opinion Author	7-0 (or 6-0, 5-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
Abrahamson	9	1	0	2
Bradley	6	3	4	0
Crooks	1	1	5	5
Sykes	10	0	2	2
Wilcox	5	1	5	0
Prosser	7	1	3	1
Bablitch	8	0	3	2

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

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	17	17
Bradley	6	5
Crooks	2	4
Sykes	3	14
Wilcox	2	4
Prosser	2	4
Bablitch	5	1

⁴ *Unnamed Person No. 1, et al. v. State*, a 6-1 *per curiam* decision, is not included 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 88 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 Bradley and Sykes voted together in 66% of the cases, while the figure for Justices Wilcox and Bablitch was 84%.

Agreement Between Pairs of Justices—All Cases

	Bradley	Crooks	Sykes	Wilcox	Prosser	Bablitch
Abrahamson	80/86= 93%	61/86= 71%	53/86= 62%	51/80= 64%	59/86= 69%	68/86= 79%
	Bradley	60/86= 70%	57/86= 66%	54/80= 68%	61/86= 71%	69/86= 80%
		Crooks	68/86= 79%	71/80= 89%	70/86= 81%	77/86= 90%
			Sykes	66/80= 83%	70/86= 81%	61/86= 71%
				Wilcox	71/80= 89%	68/81= 84%
					Prosser	73/86= 85%
						Bablitch

Agreement Between Pairs of Justices—Non-Unanimous Cases

	Bradley	Crooks	Sykes	Wilcox	Prosser	Bablitch
Abrahamson	34/40= 85%	16/41= 39%	7/40= 18%	10/39= 26%	14/41= 34%	23/41= 56%
	Bradley	15/41= 37%	11/40= 28%	13/39= 33%	16/41= 39%	24/41= 59%
		Crooks	23/41= 56%	31/40= 78%	26/42= 62%	33/42= 79%
			Sykes	25/39= 64%	25/41= 61%	16/41= 39%
				Wilcox	31/40= 78%	27/40= 68%
					Prosser	29/42= 69%
						Bablitch

Days Between Oral Argument and Opinion Filing⁵

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	11 ⁶	78
Bradley	13	132
Crooks	13	138
Sykes	14	145
Wilcox	11	171
Prosser	12	180
Bablitch	13	132

⁵ This table includes *Digicorp, Inc. v. Ameritech Corporation*, but does not include *Unnamed Person No. 1, et al. v. State*, a *per curiam* decision.

⁶ This total does not include *Raz v. Brown*, in which no oral argument took place.

Number of Oral Arguments Presented⁷

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
Aiken & Scoptur, S.C.	2
Boardman, Suhr, Curry & Field LLP	2
Borgelt, Powell, Peterson & Frauen	2
Buting & Williams, S.C.	2
Davis & Kuelthau, S.C.	2
Foley & Lardner LLP	3
Godfrey & Kahn, S.C.	2
Herrick & Kasdorf, LLP	2
Kelly & Habermehl, S.C.	2
LaFollette Godfrey & Kahn	2
Laufenberg & Hoefle, S.C.	2
Liebmann, Conway, Olejniczak & Jerry, S.C.	2
Madison City Attorney's Office	3
Quarles & Brady LLP	6
Rose & Rose	2
Schweitzer & Cincotta LLP	2
Shneidman, Hawks & Ehlke, S.C.	2
State Attorney General's Office	50
State Public Defender's Office	16
Timothy A. Provis	2
von Briesen & Roper, S.C.	2

⁷ This table includes information from all of the 88 cases noted above except for *Raz v. Brown*, in which oral argument did not take place. In addition, this table credits the oral arguments delivered in *Digicorp, Inc. v. Ameritech Corporation* and in three deadlocked (3-3) *per curiam* decisions: *State v. Agnello*; *State v. Greer*; and *Wenke v. Gehl Co.*