

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 2003-2004

Four-to-Three Decisions

4-3 (or 3-2) Alignments

Justices	Total	Case Names
Sykes, Wilcox, Prosser, Roggensack	3	<i>Donaldson; Panzer; Henning</i>
Abrahamson, Bradley, Crooks, Roggensack	1	<i>Franke</i>
Crooks, Sykes, Wilcox, Roggensack	3	<i>Seitzinger; Faust; Greve</i>
Crooks, Wilcox, Prosser, Roggensack	1	<i>Gary M.B.</i>
Bradley, Sykes, Prosser <sup>1</sup>	1	<i>American Family</i>

4-3 (or 3-2) Membership in the Majority

Justice	Votes
Abrahamson	1
Bradley	2
Crooks	5
Sykes	7
Wilcox	7
Prosser	5
Roggensack	8

4-3 (or 3-2) Majority Opinions Authored

Justice	Opinions
Abrahamson	1
Bradley	0
Crooks	1
Sykes	1
Wilcox	2
Prosser	3
Roggensack	1
<b>Total</b>	<b>9</b>

<sup>1</sup> This case (*Am. Family Mut. Ins. Co. v. Am. Girl, Inc.*) yielded a 3-2 decision.

Decisions by Vote Split<sup>2</sup>

7-0 (or 6-0, 5-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3 (or 3-2)
52 (63%)	7 (8%)	15 (18%)	9 (11%)
<i>Anderson v. Am. Family Mut. Ins. Co.</i>	<i>Cole v. Hubanks</i>	<i>Hutchinson Tech., Inc. v. Labor &amp; Indus. Review Comm'n</i>	<i>Donaldson v. Bd. of Comm'rs</i>
<i>Beecher v. Labor &amp; Indus. Review Comm'n</i>	<i>Columbus Park Hous. Corp. v. City of Kenosha</i>	<i>Keup v. Wis. Dep't of Health &amp; Family Servs.</i>	<i>Franke v. Franke</i>
<i>Brown v. Labor &amp; Indus. Review Comm'n</i>	<i>Kenosha Hosp. &amp; Med. Ctr. v. Garcia</i>	<i>Smaxwell v. Bayard</i>	<i>Mary E. Panzer v. James E. Doyle</i>
<i>Custodian of Records v. State (In re Doe)</i>	<i>State v. Burris</i>	<i>Wenke v. Gehl Co.</i>	<i>Seitzinger v. Cmty. Health Network</i>
<i>Fandrey v. Am. Family Mut. Ins. Co.</i>	<i>State v. Walters</i>	<i>Kolupar v. Wilde Pontiac Cadillac, Inc. (4-2)</i>	<i>State v. Faust</i>
<i>Garcia v. Mazda Motor of Am., Inc.</i>	<i>Steven V. v. Kelley H.</i>	<i>Monroe County Dep't of Human Servs. v. Kelli B. (4-2)</i>	<i>State v. Gary M.B.</i>
<i>Haase v. Badger Mining Corp.</i>	<i>Tietzworth v. Harley-Davidson, Inc. (5-1)</i>	<i>Rohde-Giovanni v. Baumgart (4-2)</i>	<i>State v. Greve</i>
<i>Highland Manor Assocs. v. Bast</i>		<i>State ex rel. Thorson v. Schwarz (4-2)</i>	<i>State v. Henning</i>
<i>Hubbard v. Messer</i>		<i>State Farm Mut. Auto. Ins. Co. v. Langridge (4-2)</i>	<i>Am. Family Mut. Ins. Co. v. Am. Girl, Inc. (3-2)</i>
<i>Maurin v. Hall</i>		<i>State v. Deilke (4-2)</i>	
<i>Mitchell Bank v. Schanke</i>		<i>State v. Evans (4-2)</i>	
<i>Randy A. J. v. Norma I. J.</i>		<i>State v. Kyles (4-2)</i>	
<i>Roth v. LaFarge Sch. Dist. Bd. of Canvassers</i>		<i>State v. Lagundoye (4-2)</i>	
<i>State ex rel. Griffin v. Smith</i>		<i>State v. Lombard (4-2)</i>	
<i>State ex rel. Kalal v. Circuit Court for Dane County</i>		<i>State v. Waushara County Bd. of Adjustment (4-2)</i>	
<i>State v. Allen</i>			
<i>State v. Carprue</i>			
<i>State v. Crochiere</i>			
<i>State v. Franklin</i>			
<i>State v. Gallion</i>			
<i>State v. Guerard</i>			
<i>State v. Hayes</i>			
<i>State v. Jackson</i>			
<i>State v. Jadowski</i>			
<i>State v. Malone</i>			
<i>State v. Morford</i>			
<i>State v. Naydihor</i>			
<i>Town of Delafield v. Winkelman</i>			
<i>Vill. of Lannon v. Wood-Land Contrs., Inc.</i>			
<i>Weber v. White</i>			

(continued on following page)

<sup>2</sup> In *State v. Evans* Justice Bradley's decision, which joined Part I of Justice Abrahamson's dissent, has been categorized as a dissent in these tables.

<i>Wis. Citizens Concerned for Cranes &amp; Doves v. Wis. Dep't of Natural Res.</i>
<i>Beloit Liquidating Trust v. Grade</i> (6-0)
<i>Bosco v. Labor &amp; Indus. Review Comm'n</i> (6-0)
<i>Gentilli v. Bd. of the Police &amp; Fire Comm'rs</i> (6-0)
<i>Glenn v. Plante</i> (6-0)
<i>Harder v. Pfitzinger</i> (6-0)
<i>Harold Sampson Childrens Trust v. Linda Gale Sampson 1979 Trust</i> (6-0)
<i>Kerl v. Rasmussen</i> (6-0)
<i>McCormick v. Schubring</i> (6-0)
<i>Megal v. Green Bay Area Visitor &amp; Convention Bureau, Inc.</i> (6-0)
<i>State v. Cesar G.</i> (6-0)
<i>State v. Gruetzmacher</i> (6-0)
<i>State v. Hampton</i> (6-0)
<i>State v. Harris</i> (6-0)
<i>State v. Johnson</i> (6-0)
<i>State v. McDowell</i> (6-0)
<i>Van Lare v. Vogt, Inc.</i> (6-0)
<i>Vill. of Trempealeau v. Mikrut</i> (6-0)
<i>Cent. Corp. v. Research Prods. Corp.</i> 5-0)
<i>State ex rel. Ziervogel v. Wash. County Bd. of Adjustment</i> (5-0)
<i>State v. Wright</i> (per curiam)
<i>State ex rel. Labine v. Puckett</i> (per curiam)

Frequency in the Majority

These charts display how frequently each justice voted in the majority in decisions filed during the period September 1, 2003, to August 31, 2004. The first chart includes all cases in which a justice voted (out of the total of 83 cases, specified above), while the second chart includes only cases decided by split votes.

All Cases<sup>3</sup>

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	58	81	72%
Bradley	63	81	78%
Crooks	78	83	94%
Sykes	62	65	95%
Wilcox	74	78	95%
Prosser	75	82	91%
Roggensack	73	76	96%

Non-Unanimous Decisions<sup>4</sup>

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	7	30	23%
Bradley	12	30	40%
Crooks	26	31	84%
Sykes	22	25	88%
Wilcox	26	30	87%
Prosser	24	31	77%
Roggensack	23	26	88%

<sup>3</sup> **Justice Abrahamson** did not vote in *State ex rel. Ziervogel v. Wash. County Bd. of Adjustment and Am. Family Mut. Ins. Co. v. Am. Girl, Inc.* **Justice Bradley** did not vote in *State ex rel. Ziervogel v. Wash. County Bd. of Adjustment and Tietsworth v. Harley-Davidson, Inc.* **Justice Sykes** did not vote in *Bosco v. Labor & Indus. Review Comm'n*; *State v. Harris*; *Harder v. Pfitzinger*; *Megal v. Green Bay Area Visitor & Convention Bureau, Inc.*; *Harold Sampson Childrens Trust v. Linda Gale Sampson 1979 Trust*; *State v. Cesar G.*; *State v. McDowell*; *State ex rel. Thorson v. Schwarz*; *State v. Johnson*; *State Farm Mut. Auto. Ins. Co. v. Langridge*; *State v. Deilke*; *State v. Lagundoye*; *Kolupar v. Wilde Pontiac Cadillac, Inc.*; *Cent. Corp. v. Research Prods. Corp.*; *Glenn v. Plante*; *State v. Gruetzmacher*; *State v. Lombard*; and *Van Lare v. Vogt, Inc.* **Justice Wilcox** did not vote in *McCormick v. Schubring*; *Kerl v. Rasmussen*; *Vill. of Trempealeau v. Mikrut*; *Am. Family Mut. Ins. Co. v. Am. Girl, Inc.*; and *Cent. Corp. v. Research Prods. Corp.* **Justice Prosser** did not vote in *Beloit Liquidating Trust v. Grade*. **Justice Roggensack** did not vote in *Gentilli v. Bd. of the Police & Fire Comm'rs*; *State v. Waushara County Bd. of Adjustment*; *Rohde-Giovanni v. Baumgart*; *State v. Evans*; *State v. Kyles*; *State v. Hampton*; and *Monroe County Dep't of Human Servs. v. Kelli B.*

<sup>4</sup> Among the decisions listed in the previous footnote, *Am. Family Mut. Ins. Co. v. Am. Girl, Inc.*; *Tietsworth v. Harley-Davidson, Inc.*; *State ex rel. Thorson v. Schwarz*; *State Farm Mut. Auto. Ins. Co. v. Langridge*; *State v. Deilke*; *State v. Lagundoye*; *Kolupar v. Wilde Pontiac Cadillac, Inc.*; *State v. Lombard*; *State v. Waushara County Bd. of Adjustment*; *Rohde-Giovanni v. Baumgart*; *State v. Evans*; *State v. Kyles*; and *Monroe County Dep't of Human Servs. v. Kelli B.* were non-unanimous decisions.

Opinions Authored<sup>5</sup>

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 6-0, 5-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3 (or 3-2)
Abrahamson	9	1	1	1
Bradley	8	1	2	1 <sup>6</sup>
Crooks	5	0	5	1
Sykes	7	2	0	1
Wilcox	6	1	3	2
Prosser	6	1	3	3
Roggensack	9	1	1	1

The chart below shows how many concurring and dissenting opinions each justice authored.<sup>7</sup>

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	10	16
Bradley	8	6
Crooks	9	6
Sykes	3	2
Wilcox	4	3
Prosser	3	5
Roggensack	4	3

<sup>5</sup> *Per curiam* rulings are not included in the tables on this page.

<sup>6</sup> Justice Bradley wrote the “majority” opinion in *DeWitt Ross & Stevens, S.C. v. Galaxy Gaming & Racing, Ltd. P'ship*, which is categorized in this table as a 3-2 decision, though the vote could also be regarded as 4-1, as noted above.

<sup>7</sup> Justices Abrahamson, Bradley, and Crooks coauthored a lengthy dissent in *Mary E. Panzer v. James E. Doyle*, which is counted as authorship in this table for each of the three justices.

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 83 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 Sykes and Prosser voted together in 88% of the cases, while the figure for Justices Abrahamson and Wilcox was 65%.

Agreement Between Pairs of Justices—All Cases

	<b>Bradley</b>	<b>Crooks</b>	<b>Sykes</b>	<b>Wilcox</b>	<b>Prosser</b>	<b>Roggensack</b>
<b>Abrahamson</b>	76/80= <b>95%</b>	60/81= <b>74%</b>	45/63= <b>71%</b>	50/77= <b>65%</b>	56/80= <b>70%</b>	54/74= <b>73%</b>
	<b>Bradley</b>	64/81= <b>79%</b>	49/63= <b>78%</b>	54/76= <b>71%</b>	61/80= <b>76%</b>	56/74= <b>76%</b>
		<b>Crooks</b>	57/65= <b>88%</b>	72/78= <b>92%</b>	70/82= <b>85%</b>	71/76= <b>93%</b>
			<b>Sykes</b>	56/61= <b>92%</b>	56/64= <b>88%</b>	53/58= <b>91%</b>
				<b>Wilcox</b>	70/77= <b>91%</b>	67/71= <b>94%</b>
					<b>Prosser</b>	68/75= <b>91%</b>
						<b>Roggensack</b>

Agreement Between Pairs of Justices—Non-Unanimous Cases

	<b>Bradley</b>	<b>Crooks</b>	<b>Sykes</b>	<b>Wilcox</b>	<b>Prosser</b>	<b>Roggensack</b>
<b>Abrahamson</b>	25/29= <b>86%</b>	9/30= <b>30%</b>	6/24= <b>25%</b>	3/30= <b>10%</b>	6/30= <b>20%</b>	5/25= <b>20%</b>
	<b>Bradley</b>	13/30= <b>43%</b>	10/24= <b>42%</b>	7/29= <b>24%</b>	11/30= <b>37%</b>	7/25= <b>28%</b>
		<b>Crooks</b>	17/25= <b>68%</b>	24/30= <b>80%</b>	19/31= <b>61%</b>	21/26= <b>81%</b>
			<b>Sykes</b>	19/24= <b>79%</b>	17/25= <b>68%</b>	15/20= <b>75%</b>
				<b>Wilcox</b>	23/30= <b>77%</b>	21/25= <b>84%</b>
					<b>Prosser</b>	19/26= <b>73%</b>
						<b>Roggensack</b>

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.

	<b>Number of Majority Opinions Authored</b>	<b>Ave. No. of Days From Oral Argument to Opinion Filing</b>
Abrahamson	12	97
Bradley	12	114
Crooks	11	98
Sykes	10	121
Wilcox	12	111
Prosser	13	169
Roggensack	12	147

Number of Oral Arguments Presented<sup>8</sup>

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
Cook & Franke S.C.	2
Cramer, Multhauf & Hammes, LLP	3
Denissen, Kranzush, Mahoney & Ewald, S.C.	2
DeWitt Ross & Stevens, S.C.	5
Foley & Lardner LLP	4
Henak Law Office, S.C.	2
Hinshaw & Culbertson	2
Joseph L. Sommers	2
Kasdorf, Lewis & Swietlik, S.C.	2
LaFollette Godfrey & Kahn	2
Legal Action of Wisconsin	2
Lisko & Erspamer, S.C.	2
Michael Best & Friedrich LLP	5
Murphy Desmond, S.C.	3
O'Hagan, Smith & Amundsen, LLC	2
Peterson, Johnson & Murray, S.C.	2
Philip J. Brehm	3
Quarles & Brady LLP	5
Schoone, Leuck, Kelley, Pitts & Knurr, S.C.	2
Seymour, Kremer, Nommensen, Morrissy & Koch, L.L.P.	2
Stafford Rosenbaum LLP	2
State Attorney General's Office	42
State Public Defender's Office	9
University of Wisconsin Law School	4
Welcenbach & Widmann	2
Wheeler, VanSickle & Anderson, S.C.	4

<sup>8</sup> In addition to the 83 cases covered in all tables for 2003-04, this table includes the oral arguments delivered in *DeWitt Ross & Stevens, S.C. v. Galaxy Gaming & Racing, Ltd. P'ship* and in six cases that resulted in deadlocked (3-3) *per curiam* decisions (*State v. Thornton*; *Lynch v. Carriage Ridge, LLC*; *St. Paul Fire & Marine Ins. Co. v. Keltgen*; *Hoyme v. Brakken*; *GPS, Inc. v. Town of St. Germain*; and *Dairyland Greyhound Park v. Doyle*).