

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 2001-2002

Four-to-Three Decisions

4-3 (or 3-2) Alignments

Justices	Total	Case Names
Crooks, Sykes, Wilcox, Prosser	6	<i>Bammert; Vorburger; Veach; Lane; Jennings; Dodgeland</i>
Abrahamson, Bradley, Sykes, Wilcox	1	<i>Burg</i>
Abrahamson, Bradley, Crooks, Bablitch	1	<i>Dunn County</i>
Crooks, Sykes, Wilcox, Bablitch	1	<i>Schaefer</i>
Abrahamson, Bradley, Prosser, Bablitch	5	<i>Badger Mutual; Village Food; Knight; State Farm; Williams</i>
Abrahamson, Crooks, Prosser, Bablitch	1	<i>Mau</i>
Crooks, Sykes, Bablitch ¹	1	<i>Mallo</i>

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

Justice	Votes
Abrahamson	8
Bradley	7
Crooks	10
Sykes	9
Wilcox	8
Prosser	12
Bablitch	9

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

Justice	Opinions
Abrahamson	2
Bradley	2
Crooks	4
Sykes	3
Wilcox	1
Prosser	3
Bablitch	1
Total	16

¹ This case (*Mallo v. Wis. Dep't of Revenue*) yielded a 3-2 decision.

Decisions by Vote Split²

7-0 (or 6-0, 5-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3 (or 3-2)
41 (48%)	9 (10%)	20 (23%)	16 (19%)
<i>State v. Kramer</i>	<i>Peterson v. Midwest Sec. Ins. Co.</i>	<i>State v. Raflik</i>	<i>State v. Williams</i>
<i>State v. Tye</i>	<i>State v. Samuel</i>	<i>State ex rel. Hass v. Wis. Court of Appeals</i>	<i>Mau v. North Dakota Ins. Reserve Fund</i>
<i>State v. Nichols</i>	<i>State v. Nollie</i>	<i>State v. Schwebke</i>	<i>Dodgeland Educ. Ass'n v. Wis. Empl. Rels. Comm'n</i>
<i>State v. Davis</i>	<i>State v. Anderson</i>	<i>Stephenson v. Universal Metrics</i>	<i>State Farm Mut. Auto. Ins. Co. v. Gillette</i>
<i>Auman v. School District</i>	<i>State v. Noble</i>	<i>State v. Delao</i>	<i>Knight v. Milwaukee County (In re Muriel K.)</i>
<i>State v. Dunlap</i>	<i>Stehlik v. Rhoads</i>	<i>State v. Trochinski</i>	<i>State v. Jennings</i>
<i>Pasko v. City of Milwaukee</i>	<i>Tri-Tech Corp. of Am. v. Americomp Servs.</i>	<i>State v. St. George</i>	<i>Lane v. Sharp Packaging Sys.</i>
<i>Ahrens v. Town of Fulton</i>	<i>State v. Polashek</i>	<i>State v. Krajewski</i>	<i>Schaefer v. Riegelman</i>
<i>State v. Rizzo</i>	<i>Bd. of Regents v. State Pers. Comm'n (5-1)</i>	<i>Lodl v. Progressive N. Ins. Co.</i>	<i>State v. Veach</i>
<i>Manitowoc W. Co. v. Montonen</i>		<i>State v. Harvey</i>	<i>Dunn County v. Judy K. (in Re Judy K.)</i>
<i>Yocherer v. Farmers Ins. Exch.</i>		<i>Ocasio v. Froedtert Mem'l Lutheran Hosp.</i>	<i>Burg v. Cincinnati Cas. Ins. Co.</i>
<i>World Wide Prosthetic Supply v. Mikulsky</i>		<i>State v. Tomlinson</i>	<i>State v. Vorburger</i>
<i>Indus. to Indus., Inc. v. Hillsman Modular Molding, Inc.</i>		<i>State v. Saunders</i>	<i>Bammert v. Don's SuperValu</i>
<i>Martin v. Am. Family Mut. Ins. Co.</i>		<i>State v. Williams</i>	<i>Vill. Food & Liquor Mart v. H & S Petroleum</i>
<i>State v. Robinson</i>		<i>Split Rock Hardwoods v. Lumber Liquidators</i>	<i>Badger Mut. Ins. Co. v. Schmitz</i>
<i>State ex rel. Haas v. McReynolds</i>		<i>State v. Davis</i>	<i>Mallo v. Wis. Dep't of Revenue (3-2)</i>
<i>Jones v. Secura Ins. Co.</i>		<i>ABKA P'Ship v. Wis. Dep't of Natural Res. (4-2)</i>	
<i>State v. Williams</i>		<i>State v. Laxton (in Re Laxton) (4-2)</i>	
<i>Kitten v. State Dep't of Workforce Dev.</i>		<i>State v. Rachel (in Re Rachel) (4-2)</i>	
<i>State v. Gonzales</i>		<i>State v. Keding (In re Keding) (4-2)</i>	

(continued on following page)

² In four of these cases (which do not include *Putnam v. Time Warner Cable of Southeastern Wisconsin*, as noted above), there were justices who concurred in part and dissented in part (*State v. Williams* [Wilcox, Crooks, and Sykes]; *State Farm Mut. Auto. Ins. Co. v. Gillette* [Wilcox]; *Tri-Tech Corp. of Am. v. Americomp Services* [Wilcox]; and *Vill. Food & Liquor Mart v. H & S Petroleum* [Wilcox, Crooks, and Sykes]). For this table, and those to come, 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. Accordingly, the votes in the four cases listed above have been classified as dissents.

<i>State v. Head</i>
<i>State v. Douangmala</i>
<i>Vidal v. Labor & Indus. Review Comm'n</i>
<i>Linzmeier v. Forcey</i>
<i>State v. Dennis H. (In re Dennis H.)</i>
<i>State v. Vairin M. (In re Vairin M.)</i>
<i>Jones v. Estate of Jones</i>
<i>Sheboygan County HHS v. Julie A.B. (In re Prestin T.B.)</i>
<i>State v. Sorenson (In re Sorenson)</i>
<i>State v. Green</i>
<i>State v. Leitner</i>
<i>Ruckel v. Gassner</i>
<i>State v. Robins</i>
<i>State v. Multaler (6-0)</i>
<i>State v. Watkins (6-0)</i>
<i>Physicians Plus Ins. Corp. v. Midwest Mut. Ins. Co. (6-0)</i>
<i>Osborn v. Bd. of Regents (6-0)</i>
<i>Bruzas v. Quezada-Garcia (7-0 per curiam)</i>
<i>Jensen v. Wisconsin Elections Board (7-0 per curiam)</i>
<i>Norquist v. Zeuske (6-0 per curiam)</i>
<i>State v. Shuttlesworth (5-0 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, 2001, to August 31, 2002. The first chart includes all cases in which a justice voted (out of the total of 86 cases, specified above), while the second chart includes only cases decided by split votes.

All Cases³

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	60	83	72%
Bradley	65	86	76%
Crooks	74	86	86%
Sykes	71	83	86%
Wilcox	73	83	88%
Prosser	74	81	91%
Bablitch	75	86	87%

Non-Unanimous Decisions⁴

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	21	44	48%
Bradley	24	45	53%
Crooks	33	45	73%
Sykes	33	45	73%
Wilcox	33	43	77%
Prosser	34	41	83%
Bablitch	34	45	76%

³ **Justice Abrahamson** did not vote in *State v. Shuttlesworth*; *Osborn v. Bd. of Regents*; and *Bd. of Regents v. State Pers. Comm'n.* **Justice Sykes** did not vote in *State v. Multaler*; *State v. Watkins*; and *State v. Shuttlesworth*. **Justice Wilcox** did not vote in *Mallo v. Wis. Dep't of Revenue*; *Physicians Plus Ins. Corp. v. Midwest Mut. Ins. Company*; and *ABKA P'Ship v. Wis. Dep't of Natural Resources*. **Justice Prosser** did not vote in *State v. Laxton*; *State v. Keding*; *State v. Rachel*; *Norquist v. Zeuske*; and *Mallo v. Wis. Dep't of Revenue*.

⁴ Among the decisions listed in the previous footnote, *Bd. of Regents v. State Pers. Comm'n*; *Mallo v. Wis. Dep't of Revenue*; *State v. Laxton*; *State v. Keding*; *State v. Rachel*; and *ABKA P'Ship v. Wis. Dep't of Natural Resources* 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.⁵

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	8	0	1	2
Bradley	6	1	3	2
Crooks	5	1	2	4
Sykes	2	3	4	3
Wilcox	4	2	4	1
Prosser	5	0	3	3
Bablitch	7	2	3	1

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

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	6	15
Bradley	2	6
Crooks	4	8
Sykes	4	5
Wilcox	2	6
Prosser	2	3
Bablitch	1	5

⁵ This table does not include four unanimous *per curiam* decisions (*Jensen v. Wisconsin Elections Board*; *Bruzas v. Quezada-Garcia*; *State v. Shuttlesworth*; *Norquist v. Zeuske*).

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 86 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 Crooks voted together in 58% of the cases, while the figure for Justices Sykes and Prosser was 83%.

Agreement Between Pairs of Justices—All Cases

	Bradley	Crooks	Sykes	Wilcox	Prosser	Bablitch
Abrahamson	77/83= 93%	48/83= 58%	49/81= 60%	48/80= 60%	54/78= 69%	65/83= 78%
	Bradley	53/86= 62%	52/83= 63%	55/83= 66%	58/81= 72%	66/86= 77%
		Crooks	71/83= 86%	75/83= 90%	66/81= 81%	65/86= 76%
			Sykes	73/80= 91%	65/78= 83%	60/83= 72%
				Wilcox	65/79= 82%	62/83= 75%
					Prosser	66/81= 81%
						Bablitch

Agreement Between Pairs of Justices—Non-Unanimous Cases

	Bradley	Crooks	Sykes	Wilcox	Prosser	Bablitch
Abrahamson	38/44= 86%	9/44= 20%	12/44= 27%	10/42= 24%	16/40= 40%	26/44= 59%
	Bradley	12/45= 27%	14/45= 31%	15/43= 35%	18/41= 44%	25/45= 56%
		Crooks	33/45= 73%	35/43= 81%	26/41= 63%	24/45= 53%
			Sykes	36/43= 84%	28/41= 68%	22/45= 49%
				Wilcox	26/40= 65%	22/43= 51%
					Prosser	26/41= 63%
						Bablitch

Days Between Oral Argument and Opinion Filing⁶

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	63
Bradley	12	96
Crooks	12	96
Sykes	12	147
Wilcox	11	94
Prosser	12	182
Bablitch	13	124

⁶ This table includes *Putnam v. Time Warner Cable of Southeastern Wisconsin*, but it does not include *Bruzas v. Quezada-Garcia*; *Jensen v. Wisconsin Elections Board*; *Norquist v. Zeuske*; and *State v. Shuttlesworth*, which were *per curiam* decisions.

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.

Firms and Agencies	Number of Oral Arguments
Boardman, Suhr, Curry & Field LLP	4
Borgelt, Powell, Peterson & Frauen	2
Cannon & Dunphy, S.C.	3
Crivello, Carlson, Mentkowski & Steeves, S.C.	2
DeWitt Ross & Stevens, S.C.	2
Foley & Lardner LLP	3
Frank J. Remington Center	2
Glynn, Fitzgerald & Albee, S.C.	2
Habush, Habush, Davis & Rottier	2
Hurley, Burish & Milliken, S.C.	2
Kachinsky & Petit Law Offices	2
Kasdorf, Lewis & Swietlik, S.C.	2
LaFollette, Godfrey & Kahn	2
Mohr & Anderson, S.C.	2
Otjen, Van Ert, Lieb & Weir, S.C.	2
Peterson, Johnson & Murray, S.C.	3
Phillip M. Steans, S.C.	2
Quarles & Brady LLP	3
Reinhart Boerner Van Deuren S.C.	2
Stafford Rosenbaum LLP	2
State Attorney General's Office	52
State Public Defender's Office	16
Stroud, Willink & Howard, LLC	2
von Briesen, Purtell & Roper	2
Winthrop & Weinstine, P.A.	2