

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1991-1992

Four-to-Three Decisions¹

4-3 Alignments

Justices	Total	Case Names
Steinmetz, Day, Ceci, Callow	2	<i>Jones; Davis</i>
Abrahamson, Bablitch, Heffernan, Ceci	1	<i>St. Paul Mercury</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	1
Bablitch	1
Steinmetz	2
Day	2
Heffernan	1
Ceci	3
Callow	2

4-3 Majority Opinions Authored

	Opinions
Abrahamson	1
Bablitch	0
Steinmetz	0
Day	1
Heffernan	0
Ceci	0
Callow	1
Total	3

¹ These tables do not include two *per curiam* decisions (*Manitowoc County v. Local 986B, AFSCME* and *McCarthy v. Elections Board*) in which the court was split 4-3.

Decisions by Vote Split²

7-0 (or 5-0, 6-0)	6-1	5-2	4-3
44/70 (63%)	13/70 (19%)	8/70 (11%)	5/70 (7%)
<i>Schlomer v. Perina</i>	<i>School Dist. of Shorewood v. Wausau Ins. Cos.</i>	<i>State v. Mitchell</i>	<i>Jones v. Milwaukee County</i>
<i>Jicha v. State Dep't of Industry, Labor & Human Rights Div.</i>	<i>Elliott v. Donahue</i>	<i>Anderson v. Wis. Dep't of Revenue</i>	<i>Davis v. Grover</i>
<i>State v. Baker</i>	<i>Carrington v. St. Paul Fire & Marine Ins. Co.</i>	<i>Browne v. Wisconsin Employment Relations Com.</i>	<i>St. Paul Mercury Ins. Co. v. Zastrow</i>
<i>State v. Williams</i>	<i>State v. Comstock</i>	<i>State v. Saucedo</i>	<i>Manitowoc County v. Local 986B, AFSCME (4-3 per curiam)</i>
<i>Miller v. Bristol-Myers Co.</i>	<i>Tempelis v. Aetna Casualty & Surety Co.</i>	<i>Hudson v. Janesville Conservation Club</i>	<i>McCarthy v. Elections Bd. (4-3 per curiam)</i>
<i>In Interest of M.D.(S)</i>	<i>State v. Annala</i>	<i>State v. Guzman</i>	
<i>Fischer v. Ganju</i>	<i>State v. Better Brite Plating</i>	<i>State v. Anderson</i>	
<i>State v. Hopkins</i>	<i>Winkelman v. Beloit Memorial Hosp.</i>	<i>State ex rel. Richards v. Foust</i>	
<i>Ulrich v. Cornell</i>	<i>Gouger v. Hardtke</i>		
<i>Ramsey v. Ellis</i>	<i>In re Guardianship of L.W.</i>		
<i>State v. Knight</i>	<i>Dieck v. Unified School Dist.</i>		
<i>State v. Borrell</i>	<i>Sauk County v. Wisconsin Employment Relations Com.</i>		
<i>Le Fevre v. Schrieber</i>	<i>Larsen v. Munz Corp. (6-1 per curiam)</i>		
<i>State ex rel. Delavan v. Circuit Court for Walworth County</i>			
<i>State v. Mitchell</i>			
<i>State v. Gesch</i>			
<i>Piper v. Popp</i>			
<i>Vorwald v. School Dist. of River Falls</i>			
<i>State v. Moore</i>			
<i>Muskego v. Godec</i>			
<i>American Family Mut. Ins. Co. v. Royal Ins. Co.</i>			
<i>Steenberg v. Oakfield</i>			
<i>Kashishian v. Port</i>			
<i>Casteel v. Vaade</i>			
<i>Demmith v. Wisconsin Judicial Conference</i>			
<i>Brandt v. Labor & Industry Review Com.</i>			

(continued on following page)

² In few instances, a justice authored a separate opinion that concurred in part and dissented in part. For this and other tables, 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.

Frequency in the Majority

These charts display how frequently each justice voted in the majority in decisions filed during the period September 1, 1991, to August 31, 1992. The first chart includes all cases in which a justice voted (out of the total of 70 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	54	69	78%
Bablitch	63	69	91%
Steinmetz	62	70	89%
Day	69	70	99%
Heffernan	59	68	87%
Ceci	66	69	96%
Callow	67	69	97%

Non-Unanimous Decisions⁴

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	11	26	42%
Bablitch	20	26	77%
Steinmetz	18	26	69%
Day	25	26	96%
Heffernan	17	26	65%
Ceci	23	26	88%
Callow	24	26	92%

³ **Justice Abrahamson** did not vote in *Barnhill v. Board of Regents of UW System*. **Justice Bablitch** did not vote in *Jesse v. Danforth*. **Justice Heffernan** did not vote in *Stasey v. Stasey* and *In re C.G.F.* **Justice Ceci** did not vote in *Jesse v. Danforth*. **Justice Callow** did not vote in *Paskiet v. Quality State Oil Co.*

⁴ All of the cases listed in the previous footnote were unanimous decisions.

Opinions Authored⁵

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	5-2	4-3
Abrahamson	6	2	0	1
Bablitch	8	1	0	0
Steinmetz	9	0	1	0
Day	6	1	1	1
Heffernan	4	4	2	0
Ceci	6	1	3	0
Callow	5	3	1	1

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

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	6	8
Bablitch	0	4
Steinmetz	2	7
Day	0	0
Heffernan	1	5
Ceci	2	2
Callow	0	0

⁵ *Per curiam* decisions (*Manitowoc County v. Local 986B, AFSCME*; *McCarthy v. Elections Board*; and *Larsen v. Munz Corporation*) are not included.

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 70 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 Steinmetz voted together in 67% of the cases, while the figure for Justices Day and Callow was 99%.

Agreement Between Pairs of Justices—All Cases

	Bablitch	Steinmetz	Day	Heffernan	Ceci	Callow
Abrahamson	59/68=87%	46/69=67%	53/69=77%	59/67=88%	50/68=74%	51/68=75%
	Bablitch	55/69=80%	62/69=90%	58/67=87%	59/68=87%	60/68=88%
		Steinmetz	63/70=90%	51/68=75%	60/69=87%	63/69=91%
			Day	58/68=85%	65/69=94%	68/69=99%
				Heffernan	55/67=82%	56/67=84%
					Ceci	65/68=96%
						Callow

Agreement Between Pairs of Justices—Non-Unanimous Cases

	Bablitch	Steinmetz	Day	Heffernan	Ceci	Callow
Abrahamson	17/26=65%	3/26=12%	10/26=38%	18/26=69%	8/26=31%	9/26=35%
	Bablitch	12/26=46%	19/26=73%	17/26=65%	17/26=65%	18/26=69%
		Steinmetz	19/26=73%	9/26=35%	17/26=65%	20/26=77%
			Day	16/26=62%	22/26=85%	25/26=96%
				Heffernan	14/26=54%	15/26=58%
					Ceci	23/26=88%
						Callow

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.⁶

	Number of Majority Opinions Authored in cases that included oral argument	Ave. No. of Days From Oral Argument to Opinion Filing
Abrahamson	8	94
Bablitch	9	80
Steinmetz	9	48
Day	9	102
Heffernan	9	113
Ceci	10	65
Callow	9	95

⁶ This table does not include 4 cases in which there was no oral argument.

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
Albert, Jude, Shuman & Simanek, S.C.	2
Cook & Franke, S.C.	2
DeWitt, Porter, Huggett, Schumacher & Morgan, S.C.	3
Foley & Lardner	5
Friebert, Finerty & St. John, S.C.	2
Hinshaw & Culbertson	2
Lawton & Cates, S.C.	4
Legal Action of Wisconsin	2
Lindner & Marsack, S.C.	2
Michael, Best & Friedrich	3
Mohr, Anderson & McClurg, S.C.	2
Nash, Spindler, Dean & Grimstad	2
Shellow, Shellow & Glynn, S.C.	2
State Attorney General's Office	27
State Public Defender's Office	9
Stolper, Koritzinsky, Brewster & Neider, S.C.	2
Terwilliger, Wakeen, Piehler & Conway, S.C.	2
William A. Pangman & Associates, S.C.	2