

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1987-1988

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Steinmetz, Day, Ceci, Callow	4	<i>K.F.; Tompkins; Wagner; Tucker</i>
Abrahamson, Bablitch, Heffernan, Callow	1	<i>Hartman</i>
Day, Heffernan, Ceci, Callow	1	<i>Wisconsin Senate</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	1
Bablitch	1
Steinmetz	4
Day	5
Heffernan	2
Ceci	5
Callow	6

4-3 Majority Opinions Authored

	Opinions
Abrahamson	0
Bablitch	0
Steinmetz	2
Day	0
Heffernan	1
Ceci	2
Callow	1
<b>Total</b>	<b>6</b>

Decisions by Vote Split<sup>1</sup>

7-0 (or 6-0)	6-1	5-2	4-3
54/67 (81%)	4/67 (6%)	3/67 (4%)	6/67 (9%)
<i>In re Paternity of A.M.C.</i>	<i>State v. McDonald</i>	<i>Brookfield v. Milwaukee Metropolitan Sewerage Dist.</i>	<i>State ex rel. Wisconsin Senate v. Thompson</i>
<i>State v. Mitchell</i>	<i>State ex rel. Jeske v. Jeske</i>	<i>Pamperin v. Trinity Memorial Hospital</i>	<i>Wagner v. Continental Casualty Co.</i>
<i>Vretenar v. Hebron</i>	<i>Blackhawk Production Credit Asso. v. Chicago Title Ins. Co.</i>	<i>State v. Anderson</i>	<i>Milwaukee v. K.F.</i>
<i>State v. Koch</i>	<i>State ex rel. Jones v. Gerhardstein</i>		<i>Tucker v. Marcus</i>
<i>Estate of Logan v. Northwestern Nat'l Casualty Co.</i>			<i>State v. Tompkins</i>
<i>In re Paternity of M.J.B.</i>			<i>State v. Hartman</i>
<i>Glamann v. St. Paul Fire &amp; Marine Ins. Co.</i>			
<i>State v. Davis</i>			
<i>Madison v. Madison Professional Police Officers Asso.</i>			
<i>Burger v. Burger</i>			
<i>Racine Steel Castings v. Hardy</i>			
<i>Waste Management of Wisconsin, Inc. v. Department of Natural Resources</i>			
<i>Herrell v. Herrell</i>			
<i>In re Estate of Ristau</i>			
<i>State v. Schumacher</i>			
<i>Kohnke v. St. Paul Fire &amp; Marine Ins. Co.</i>			
<i>State v. Cunningham</i>			
<i>Schuster v. Altenberg</i>			
<i>State v. Moretto</i>			
<i>Steinbarth v. Johannes</i>			
<i>K.L. v. Hinickle</i>			
<i>State v. Boettcher</i>			
<i>State v. Sugden</i>			
<i>C.L. v. Olson</i>			
<i>Ripley v. Brown</i>			
<i>State v. Knight</i>			
<i>State v. Crowley</i>			
<i>Stuart v. Stuart</i>			
<i>State v. McCoy</i>			
<i>State v. Sorenson</i>			
<i>State v. Stewart</i>			
<i>Henning v. General Motors Assembly Div.</i>			

(continued on following page)

<sup>1</sup> 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.

<i>In re K.C.</i>			
<i>Appleton v. Menasha</i>			
<i>Kensington Dev. Corp. v. Israel</i>			
<i>Kenosha v. Phillips</i>			
<i>Kerkman v. Hintz</i>			
<i>Poindexter v. Poindexter</i>			
<i>State ex rel. Teunas v. County of Kenosha</i>			
<i>State v. Koput</i>			
<i>Consumer's Co-op v. Olsen</i>			
<i>Griffin v. Reeve</i>			
<i>In re D.S.</i>			
<i>State v. Baudhuin</i>			
<i>Guertin v. Harbour Assurance Co.</i>			
<i>Alexander v. Riegert</i>			
<i>M &amp; I Marshall &amp; Ilsley Bank v. Somers</i>			
<i>State ex rel. Carkel, Inc. v. Circuit Court for Lincoln County</i>			
<i>State ex rel. Stevens v. Circuit Court for Manitowoc County</i>			
<i>State v. Gomaz</i>			
<i>Daniel v. Bank of Hayward (6-0)</i>			
<i>State v. Thomas (6-0)</i>			
<i>Bohms v. Bohms (6-0)</i>			
<i>State v. Brecht (6-0)</i>			

Frequency in the Majority

These charts display how frequently each justice voted in the majority in decisions filed during the period September 1, 1987, to August 31, 1988. The first chart includes all cases in which a justice voted (out of the total of 67 cases specified above), while the second chart includes only cases decided by split votes.

## All Cases

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	61	67	<b>91%</b>
Bablitch	61	67	<b>91%</b>
Steinmetz	61	67	<b>91%</b>
Day	65	67	<b>97%</b>
Heffernan	62	66	<b>94%</b>
Ceci	62	66	<b>94%</b>
Callow	65	65	<b>100%</b>

## Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	7	13	<b>54%</b>
Bablitch	7	13	<b>54%</b>
Steinmetz	7	13	<b>54%</b>
Day	11	13	<b>85%</b>
Heffernan	9	13	<b>69%</b>
Ceci	9	13	<b>69%</b>
Callow	13	13	<b>100%</b>

Opinions Authored

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)	6-1	5-2	4-3
Abrahamson	10	0	0	0
Bablitch	7	0	2	0
Steinmetz	6	2	0	2
Day	9	1	0	0
Heffernan	9	0	0	1
Ceci	7	0	0	2
Callow	6	1	1	1

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

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	3	2
Bablitch	1	2
Steinmetz	4	4
Day	1	2
Heffernan	1	3
Ceci	2	3
Callow	1	0

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 67 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 Bablitch and Ceci voted together in 85% of the cases, while the figure for Justices Day and Callow was 97%.

Agreement Between Pairs of Justices—All Cases

	Bablitch	Steinmetz	Day	Heffernan	Ceci	Callow
Abrahamson	65/67=97%	59/67=88%	59/67=88%	64/66=97%	56/66=85%	59/65=91%
	Bablitch	59/67=88%	59/67=88%	64/66=97%	56/66=85%	59/65=91%
		Steinmetz	61/67=91%	56/66=85%	60/66=91%	59/65=91%
			Day	60/66=91%	62/66=94%	63/65=97%
				Heffernan	57/65=88%	60/64=94%
					Ceci	60/64=94%
						Callow

Agreement Between Pairs of Justices—Non-Unanimous Cases

	Bablitch	Steinmetz	Day	Heffernan	Ceci	Callow
Abrahamson	11/13=85%	5/13=38%	5/13=38%	11/13=85%	3/13=23%	7/13=54%
	Bablitch	5/13=38%	5/13=38%	11/13=85%	3/13=23%	7/13=54%
		Steinmetz	7/13=54%	3/13=23%	7/13=54%	7/13=54%
			Day	7/13=54%	9/13=69%	11/13=85%
				Heffernan	5/13=38%	9/13=69%
					Ceci	9/13=69%
						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.<sup>2</sup>

	Number of Majority Opinions Authored in cases that included oral argument	Ave. No. of Days From Oral Argument to Opinion Filing
Abrahamson	9	66
Bablitch	9	93
Steinmetz	10	92
Day	10	65
Heffernan	10	105
Ceci	9	76
Callow	9	89

<sup>2</sup> This table does not include one case (*In re Paternity of A.M.C.*) in which no oral argument took place.

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.

<b>Firms and Agencies</b>	<b>Number of Oral Arguments</b>
Clark & Clark	2
Courtney, Pledl & Molter, S.C.	2
Doar, Drill & Skow, S.C.	3
LaFollette & Sinykin	2
Shellow, Shellow & Glynn	3
State Attorney General's Office	31
State Public Defender's Office	14
Stolper, Koritzinsky, Brewster & Neider, S.C.	2