

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 2016-2017

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Roggensack, Ziegler, Gableman, Kelly	1	<i>State v. Weber</i>
Ziegler, Gableman, R.G. Bradley, Kelly	2	<i>State v. Denny</i> ; <i>Flug v. LIRC</i>
Abrahamson, A.W. Bradley, Roggensack, Gableman	1	<i>Universal Processing v. Circuit Court of Milw. Co.</i>
Abrahamson, A.W. Bradley, Roggensack, Ziegler	1	<i>AllEnergy Corporation v. Trempealeau County</i>
Abrahamson, A.W. Bradley, Ziegler, Gableman	1	<i>North Highland v. Jefferson Machine & Tool</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	3
A.W. Bradley	3
Roggensack	3
Ziegler	5
Gableman	5
R.G. Bradley	2
Kelly	3

4-3 Majority Opinions Authored

Justice	Opinions
Abrahamson	2
A.W. Bradley	1
Roggensack	0
Ziegler	2
Gableman	0
R.G. Bradley	0
Kelly	1
Total	6

Decisions by Vote Split¹

7-0 (or 6-0, 5-0)	6-1 (or 5-1, 4-1)	5-2 (or 4-2)	4-3
12/50 (24%)	7/50 (14%)	25/50 (50%)	6/50 (12%)
<i>Ricardo M. Garza v. American Transmission Co.</i>	<i>State v. Adam M. Blackman</i>	<i>State v. Keimonte Antonie Wilson, Sr.</i>	<i>North Highland Inc. v. Jefferson Machine & Tool Inc.</i>
<i>State v. Edward J. Zimbal</i>	<i>Dennis A. Teague v. Brad D. Schimel</i>	<i>Braylon Seifert v. Kay M. Balink, M.D.</i>	<i>Universal Processing Services v. Circuit Court of Milw. Co.</i>
<i>State v. Christopher Joseph Allen</i>	<i>State v. Tabitha A. Scruggs</i>	<i>State v. Rozerick E. Mattox</i>	<i>State v. Jeffrey C. Denny</i>
<i>Waukesha County v. J.W.J.</i>	<i>State v. Ernesto E. Lazo Villamil</i>	<i>Regency West Apartments LLC v. City of Racine</i>	<i>Tracie L. Flug v. Labor and Industry Review Commission</i>
<i>John Krueger v. Appleton Area School District Board of Education</i>	<i>State v. Brian I. Harris</i>	<i>Democratic Party of Wisconsin v. Wisconsin Department of Justice</i>	<i>AllEnergy Corporation v. Trempealeau County Environment & Land Use Committee</i>
<i>State v. Jeffrey P. Lepsch</i>	<i>The Honorable William M. Gabler, Sr. v. Crime Victims Rights Board (5-1)</i>	<i>Dr. Randall Melchert v. Pro Electric Contractors</i>	<i>State v. Richard L. Weber</i>
<i>State v. Gary F. Lemberger</i>	<i>Carolyn Moya v. Healthport Technologies, LLC (4-1)</i>	<i>State v. Glenn T. Zamzow</i>	
<i>State v. Thornon F. Talley</i>		<i>State v. Jack M. Suriano</i>	
<i>Lela M. Operton v. LIRC</i>		<i>State v. Heather L. Steinhardt</i>	
<i>State v. Sambath Pal</i>		<i>State v. Navdeep S. Brar</i>	
<i>Donna Brenner v. National Casualty Company (6-0)</i>		<i>Thomas F. Benson v. City of Madison</i>	
<i>McKee Family I, LLC v. City of Fitchburg (5-0)</i>		<i>Vincent Milewski v. Town of Dover</i>	
		<i>State v. David W. Howes</i>	
		<i>Wisconsin Carry, Inc. v. City of Madison</i>	
		<i>State v. Stanley J. Maday, Jr.</i>	
		<i>State v. Lazaro Ozuna</i>	
		<i>State v. Raymond L. Nieves</i>	
		<i>State v. Kenneth M. Asboth, Jr.</i>	
		<i>State v. Lewis O. Floyd, Jr.</i>	
		<i>State v. Patrick K. Kozel</i>	
		<i>State v. Robert Joseph Stietz (4-2)</i>	
		<i>Margaret Pulera v. Town of Richmond (4-2)</i>	
		<i>The Segregated Account of Ambac Assurance Corporation v. Countrywide Home Loans, Inc. (4-2)</i>	
		<i>Taft Parsons, Jr. v. Associated Banc-Corp (4-2)</i>	
		<i>Voces de la Frontera, Inc. v. David A. Clarke, Jr. (4-2)</i>	

¹ Occasionally a decision finds a justice concurring in part and dissenting in part. For this table, and those prepared for other years, 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 2016-17 term. The first chart includes all cases in which a justice voted (out of the total of 50 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	21	49	43%
A.W. Bradley	24	48	50%
Roggensack	46	50	92%
Ziegler	44	49	90%
Gableman	47	50	94%
R.G. Bradley	41	47	87%
Kelly	41	46	89%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	10	38	26%
A.W. Bradley	12	36	33%
Roggensack	34	38	89%
Ziegler	32	37	86%
Gableman	35	38	92%
R.G. Bradley	31	37	84%
Kelly	29	34	85%

Opinions Authored

This chart indicates how many majority (or lead) 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, 4-1)	5-2 (or 4-2)	4-3
Abrahamson	0	1	2	2
A.W. Bradley	3	2	1	1
Roggensack	1	0	6	0
Ziegler	3	0	3	2
Gableman	2	1	4	0
R.G. Bradley	1	1	6	0
Kelly	2	2	3	1

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

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	9	15
A.W. Bradley	0	14
Roggensack	3	4
Ziegler	8	5
Gableman	3	0
R.G. Bradley	5	4
Kelly	7	2

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 50 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 Roggensack and Gableman voted together in 86% of the cases, while the figure for Justices Abrahamson and Ziegler was 33%.

Agreement Among Pairs of Justices—All Cases

	A. Bradley	Roggensack	Ziegler	Gableman	R. Bradley	Kelly
Abrahamson	44/47= 94%	21/49= 43%	16/48= 33%	18/49= 37%	15/47= 32%	15/45= 33%
	A. Bradley	24/48= 50%	20/47= 43%	22/48= 46%	17/45= 38%	18/44= 41%
		Roggensack	40/49= 82%	43/50= 86%	39/47= 83%	39/46= 85%
			Ziegler	45/49= 92%	38/46= 83%	38/45= 84%
				Gableman	40/47= 85%	40/46= 87%
					R. Bradley	43/44= 98%
						Kelly

Agreement Among Pairs of Justices—Non-Unanimous Cases

	A. Bradley	Roggensack	Ziegler	Gableman	R. Bradley	Kelly
Abrahamson	33/36= 92%	10/38= 26%	5/37= 14%	7/38= 18%	5/37= 14%	4/34= 12%
	A. Bradley	12/36= 33%	8/35= 23%	10/36= 28%	7/35= 20%	6/32= 19%
		Roggensack	28/37= 76%	31/38= 82%	29/37= 78%	27/34= 79%
			Ziegler	33/37= 89%	28/36= 78%	26/33= 79%
				Gableman	30/37= 81%	28/34= 82%
					R. Bradley	32/33= 97%
						Kelly

Days Between Oral Argument and Opinion Filing

This table shows the average number of days between oral argument and the filing of majority (or lead) 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/Lead Opinions Authored	Ave. No. of Days From Oral Argument to Opinion Filing
Abrahamson	5	123
A.W. Bradley	7	140
Roggensack	7	132
Ziegler	8	94
Gableman	7	161
R.G. Bradley	8	124
Kelly	8	154

Number of Oral Arguments Presented

The following table displays firms and agencies that participated in at least two oral arguments during the 2016-17 term.²

Firms and Agencies	Number of Oral Arguments
Foley & Lardner	2
Gass Weber Mullins	2
Solicitor General's Office	13
State Attorney General's Office	20
State Public Defender's Office	15
Tracey Wood & Associates	2
Wisconsin Institute for Law & Liberty	2

² The table includes *Scott Smith v. Greg Kleynerman* (a 3-3 *per curiam* decision).