

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1984-1985

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Steinmetz, Day, Ceci, Callow	3	<i>Leach; Stevens; Evans</i>
Abrahamson, Steinmetz, Day, Heffernan	2	<i>Newspapers, Inc.; Estate of Graef</i>
Abrahamson, Bablitch, Day, Heffernan	1	<i>Douglas</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	3
Bablitch	1
Steinmetz	5
Day	6
Heffernan	3
Ceci	3
Callow	3

4-3 Majority Opinions Authored

	Opinions
Abrahamson	1
Bablitch	0
Steinmetz	1
Day	3
Heffernan	1
Ceci	0
Callow	0
Total	6

Decisions by Vote Split¹

7-0 (or 5-0)	6-1	5-2	4-3
60/83 (72%)	11/83 (13%)	6/83 (7%)	6/83 (7%)
<i>State v. Sayles</i>	<i>Emery v. Emery</i>	<i>State v. Dyess</i>	<i>State v. Leach</i>
<i>State v. Bolstad</i>	<i>State v. Wyss</i>	<i>Fobes v. Fobes</i>	<i>State ex rel. Newspapers, Inc. v. Circuit Court for Milwaukee County</i>
<i>Brown County v. Labor & Industry Review Com.</i>	<i>Brown v. Maxey</i>	<i>State v. Kramsvogel</i>	<i>In re Estate of Graef</i>
<i>State v. Ludwig</i>	<i>State ex rel. Hoover v. Gagnon</i>	<i>County of Vilas v. Chapman</i>	<i>State v. Stevens</i>
<i>State v. D'Acquisto</i>	<i>State v. Beaudry</i>	<i>Cunningham v. Metropolitan Life Ins. Co.</i>	<i>State v. Douglas</i>
<i>State v. Pitsch</i>	<i>State v. Caibaosai</i>	<i>State v. Wilks</i>	<i>Evans v. Cameron</i>
<i>Madison General Hospital v. Haack</i>	<i>Garrett v. City of New Berlin</i>		
<i>State ex rel. Hennekens v. River Falls Police & Fire Com.</i>	<i>Tahtinen v. MSI Ins. Co.</i>		
<i>Lundin v. Shimanski</i>	<i>Welch v. State Farm Mut. Auto. Ins. Co.</i>		
<i>State v. Beets</i>	<i>Les Moise, Inc. v. Rossignol Ski Co.</i>		
<i>State v. Cecchini</i>	<i>Sumnicht v. Toyota Motor Sales, Inc.</i>		
<i>Krueger v. Wisconsin Dep't of Revenue</i>			
<i>Schroeder v. Register Pub. Corp.</i>			
<i>Ferraro v. Koelsch</i>			
<i>State v. Cegielski</i>			
<i>In Interest of C.E.W.</i>			
<i>Neylan v. Vorwald</i>			
<i>Manor v. Hanson</i>			
<i>Teigen v. Jelco of Wisconsin, Inc.</i>			
<i>State v. Mann</i>			
<i>Koback v. Crook</i>			
<i>State v. Hartwig</i>			
<i>State v. Mauthe</i>			
<i>DeMars v. LaPour</i>			
<i>In re Estate of Trotalli</i>			
<i>State v. Richards</i>			
<i>Bell v. Elkhorn</i>			
<i>Quinn v. Dodgeville</i>			
<i>State ex rel. M.L.B v. D.G.H.</i>			
<i>State v. Repp</i>			

(continued on following page)

¹ As a result of rounding, the percentages do not add up to one hundred. 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>State v. Lee</i>			
<i>State v. Flattum</i>			
<i>Evans v. W.E.A. Ins. Trust</i>			
<i>Lutzke v. Lutzke</i>			
<i>State ex rel. Watts v. Combined Community Services Bd.</i>			
<i>Helmbrecht v. St. Paul Ins. Co.</i>			
<i>State, Dep't of Employment Relations v. Wisconsin Employment Relations Com.</i>			
<i>Wisconsin Patients Compensation Fund v. Continental Casualty Co.</i>			
<i>In re Estate of Parsons</i>			
<i>In Interest of N.E.</i>			
<i>State v. Martin</i>			
<i>Brantner v. Jenson</i>			
<i>State v. O'Neill</i>			
<i>Wozniak v. Wozniak</i>			
<i>State v. Dunn</i>			
<i>Sacotte v. Ideal-Werk Krug & Priester Maschinen-Fabrik</i>			
<i>Stivarius v. Di Vall</i>			
<i>Figgs v. Milwaukee</i>			
<i>State v. McConohie</i>			
<i>Gross v. Lloyds of London Ins. Co.</i>			
<i>State v. Denter</i>			
<i>School Dist. v. Wisconsin Employment Relations Com.</i>			
<i>West Bend Education Asso. v. Wisconsin Employment Relations Com.</i>			
<i>State v. Hamilton</i>			
<i>American Family Mut. Ins. Co. v. Shannon</i>			
<i>Nigbor v. Department of Industry, Labor & Human Relations</i>			
<i>Bell v. Labor & Industry Review Com.</i>			
<i>In re Condemnation by Redevelopment Authority</i>			
<i>State ex rel. Palleon v. Musolf (5-0)</i>			
<i>Anchor Sav. & Loan Asso. v. Equal Opportunities Com. (5-0)</i>			

Frequency in the Majority

These charts display how frequently each justice voted in the majority in decisions filed during the 1984-85 term. 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

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	70	82	85%
Bablitch	75	83	90%
Steinmetz	75	83	90%
Day	81	81	100%
Heffernan	79	83	95%
Ceci	77	83	93%
Callow	79	82	96%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	11	23	48%
Bablitch	15	23	65%
Steinmetz	15	23	65%
Day	23	23	100%
Heffernan	19	23	83%
Ceci	17	23	74%
Callow	20	23	87%

Opinions Authored

This chart indicates how many majority/lead opinions a justice authored in cases decided by each of the four possible majority vote totals.

Opinion Author	7-0 (or 5-0)	6-1	5-2	4-3
Abrahamson	10	1	0	1
Bablitch	10	3	1	0
Steinmetz	8	1	0	1
Day	4	3	0	3
Heffernan	12	0	1	1
Ceci	7	2	1	0
Callow	9	1	3	0

The chart below shows how many concurring and dissenting opinions each justice authored. *State v. Gustafson* (a 4-3 *per curiam* decision in which Justice Abrahamson authored a dissent) is included.

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	7	10
Bablitch	1	4
Steinmetz	4	8
Day	0	0
Heffernan	3	2
Ceci	2	3
Callow	1	1

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 Abrahamson and Steinmetz voted together in 78% of the cases, while the figure for Justices Day and Ceci was 93%.

Agreement Between Pairs of Justices—All Cases

	Bablitch	Steinmetz	Day	Heffernan	Ceci	Callow
Abrahamson	72/82= 88%	64/82= 78%	69/81= 85%	74/82= 90%	64/82= 78%	66/81= 81%
	Bablitch	69/83= 83%	73/81= 90%	77/83= 93%	73/83= 88%	75/82= 91%
		Steinmetz	73/81= 90%	71/83= 86%	73/83= 88%	73/82= 89%
			Day	77/81= 95%	75/81= 93%	78/81= 96%
				Heffernan	73/83= 88%	75/82= 91%
					Ceci	79/82= 96%
						Callow

Agreement Between Pairs of Justices—Non-Unanimous Cases

	Bablitch	Steinmetz	Day	Heffernan	Ceci	Callow
Abrahamson	13/23= 57%	5/23= 22%	11/23= 48%	15/23= 65%	5/23= 22%	8/23= 35%
	Bablitch	9/23= 39%	15/23= 65%	17/23= 74%	13/23= 57%	16/23= 70%
		Steinmetz	15/23= 65%	11/23= 48%	13/23= 57%	14/23= 61%
			Day	19/23= 83%	17/23= 74%	20/23= 87%
				Heffernan	13/23= 57%	16/23= 70%
					Ceci	20/23= 87%
						Callow

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.²

	Number of Majority/Lead Opinions Authored in cases that included oral argument	Ave. No. of Days From Oral Argument to Opinion Filing
Abrahamson	12	70
Bablitch	13	85
Steinmetz	9	37
Day	10	96
Heffernan	12	129
Ceci	10	71
Callow	11	47

² This table does not include six cases that lacked 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.³

Firms and Agencies	Number of Oral Arguments
Colwin, Fortune, Colwin & Pomeroy	2
Foley & Lardner	5
Friebert, Finerty & St. John	2
Hamilton & Mueller	2
Heft, Dye, Heft & Paulson	2
McManus Law Offices	2
Menn, Nelson, Sharratt, Teetaert & Beisenstein	2
Mulcahy & Wherry	2
Quarles & Brady	2
Riordan, Crivello, Carlson, Mentkowski & Henderson	2
Shellow, Shellow & Glynn	3
State Attorney General's Office	40
State Public Defender's Office	20
Wisconsin Education Association Council	2

³ *State v. Gustafson* (a 4-3 *per curiam* decision) is included.