

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1983-1984

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Steinmetz, Day, Ceci, Callow	2	<i>Rutchik; Wisconsin's Environmental Decade</i>
Abrahamson, Heffernan, Ceci, Callow	1	<i>Serebin</i>
Abrahamson, Bablitch, Heffernan, Ceci	2	<i>Gustafson; West Allis School District</i>
Bablitch; Steinmetz, Day, Ceci	1	<i>Johnson</i>

4-3 Membership in the Majority

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

4-3 Majority Opinions Authored

	Opinions
Abrahamson	0
Bablitch	1
Steinmetz	1
Day	2
Heffernan	1
Ceci	1
Callow	0
Total	6

Decisions by Vote Split¹

7-0 (or 6-0)	6-1 (or 5-1)	5-2	4-3
74/118 (63%)	24/118 (20%)	14/118 (12%)	6/118 (5%)
<i>In Interest of J.G.</i>	<i>American Motors Corp. v. Labor & Industry Review Com.</i>	<i>State v. Shillcutt</i>	<i>Johnson v. Pearson Agri-Systems, Inc.</i>
<i>In Interest of P.A.K.</i>	<i>State v. Horenberger</i>	<i>Sanem v. Home Ins. Co.</i>	<i>State v. Serebin</i>
<i>Kremers-Urban Co. v. American Employers Ins. Co.</i>	<i>Standard Theatres v. Department of Transp., Div. of Highways</i>	<i>State v. Rodgers</i>	<i>State v. Gustafson</i>
<i>Sorensen v. Jarvis</i>	<i>State v. Sarabia</i>	<i>Barstad v. Frazier</i>	<i>West Allis School Dist. v. Department of Industry, Labor & Human Relations</i>
<i>State v. Farr</i>	<i>Radlein v. Industrial Fire & Casualty Ins. Co.</i>	<i>Rintelman v. Rintelman</i>	<i>State v. Rutchik</i>
<i>State v. Harris</i>	<i>Samens v. Labor & Industry Review Com.</i>	<i>State v. Burroughs</i>	<i>Wisconsin's Environmental Decade, Inc. v. Wisconsin Dep't of Natural Resources</i>
<i>State v. Wittrock</i>	<i>State v. Woods</i>	<i>State v. Clappes</i>	
<i>State v. Disch</i>	<i>Watkins v. Labor & Industry Review Com.</i>	<i>Arrowhead United Teachers Organization v. Wisconsin Employment Relations Com.</i>	
<i>State v. Ehlen</i>	<i>In re Marriage of Dennis</i>	<i>Gould v. Gould</i>	
<i>State v. Ivy</i>	<i>Shopper Advertiser, Inc. v. Wisconsin Dep't of Revenue</i>	<i>State v. Noll</i>	
<i>State v. Sepulveda</i>	<i>Hathaway v. Joint School Dist.</i>	<i>Flambeau Products Corp. v. Honeywell Information Systems, Inc.</i>	
<i>State v. Walstad</i>	<i>Leciejewski v. Sedlak</i>	<i>Rauch v. American Family Ins. Co.</i>	
<i>Fifield v. State Farm Mut. Auto. Ins. Co.</i>	<i>Lueck v. Aetna Life Ins. Co.</i>	<i>Hayne v. Progressive Northern Ins. Co.</i>	
<i>State v. Lampe</i>	<i>Radtke v. Milwaukee</i>	<i>State Public Intervenor v. Wisconsin Dep't of Natural Resources</i>	
<i>Lobermeier v. General Tel. Co.</i>	<i>Wisconsin Patients Compensation Fund v. St. Paul Fire & Marine Ins. Co.</i>		
<i>State v. Firkus</i>	<i>Katze v. Randolph & Scott Mut. Fire Ins. Co.</i>		
<i>Bennett v. Larsen Co.</i>	<i>State v. Beno</i>		
<i>Delmore v. American Family Mut. Ins. Co.</i>	<i>In re Estate of Halsted</i>		
<i>Ibrahim v. Samore</i>	<i>State v. Boggess</i>		
<i>Lakeland Nursing Home v. Division of Nursing Home Forfeiture Appeals</i>	<i>Thompson v. Hales Corners</i>		
<i>Madison v. Donohoo</i>	<i>State v. Webster</i>		

(continued on following page)

¹ 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>Nicolet High School Dist. v. Nicolet Education Asso.</i>	<i>Ynocencio v. Fesko</i>		
<i>State v. Cleveland</i>	<i>Ball v. District No. 4, Area Bd. of Vocational, Technical & Adult Education (5-1)</i>		
<i>State v. Lossman</i>	<i>State ex rel. La Follette v. Stitt (per curiam, 5-1)</i>		
<i>Streiff v. American Family Mut. Ins. Co.</i>			
<i>Fehring v. Republic Ins. Co.</i>			
<i>State v. Field</i>			
<i>County of Sauk v. Trager</i>			
<i>Enright v. Board of School Directors</i>			
<i>State v. Ruiz</i>			
<i>Weiss v. Regent Properties, Ltd.</i>			
<i>State ex rel. Lewandowski v. Callaway</i>			
<i>Belleville State Bank v. Steele</i>			
<i>Disc. Fabric House v. Wis. Tel. Co.</i>			
<i>Glover v. Marine Bank of Beaver Dam</i>			
<i>Hester v. Williams</i>			
<i>Soquet v. Soquet</i>			
<i>State v. Walker</i>			
<i>Theama v. Kenosha</i>			
<i>State v. Neave</i>			
<i>Bonnell v. Bonnell</i>			
<i>Haugan v. Haugan</i>			
<i>In re Estate of Kugler</i>			
<i>Korkow v. General Casualty Co.</i>			
<i>State v. Sonnenberg</i>			
<i>In re M.A.M.</i>			
<i>State v. Hecht</i>			
<i>State v. Poh</i>			
<i>State v. Strege</i>			
<i>Collins v. Eli Lilly Co.</i>			
<i>In re R.W.L.</i>			
<i>Voit v. Madison Newspapers, Inc.</i>			
<i>Midland Financial Corp. v. Wisconsin Dep't of Revenue</i>			
<i>Green Bay Broadcasting Co. v. Redevelopment Authority of Green Bay</i>			
<i>In re Estate of Rautmann</i>			
<i>Burrows v. Follett & Leach, Inc.</i>			
<i>Korth v. American Family Ins. Co.</i>			
<i>Leissring v. Department of Industry, Labor & Human Relations</i>			
<i>Narloch v. State, Dep't of Transp., Div. of Highways</i>			
<i>Shands v. Castrovinci</i>			

(continued on following page)

<i>State ex rel. La Crosse Tribune v. Circuit Court for La Crosse County</i>			
<i>State ex rel. Staples v. Department of Health & Social Services, Div. of Corrections</i>			
<i>State v. Gilbert</i>			
<i>State v. Killebrew</i>			
<i>State v. Pharr</i>			
<i>Millikin v. Millikin</i>			
<i>Northwest General Hospital v. Yee</i>			
<i>State v. Droste</i>			
<i>Poynter v. Johnston</i>			
<i>State v. Bleck</i>			
<i>State v. Bohacheff</i>			
<i>In re G.S. (per curiam, 7-0)</i>			
<i>Patterson v. Board of Regents (6-0)</i>			
<i>Gilbert v. State, Medical Examining Bd. (6-0)</i>			

Frequency in the Majority

These charts display how frequently each justice voted in the majority in decisions filed during the 1983-84 term. The first chart includes all cases in which a justice voted (out of the total of 118 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	92	116	79%
Bablitch	104	117	89%
Steinmetz	104	118	88%
Day	115	118	97%
Heffernan	113	117	97%
Ceci	109	118	92%
Callow	115	118	97%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	19	43	44%
Bablitch	30	43	70%
Steinmetz	30	44	68%
Day	41	44	93%
Heffernan	40	44	91%
Ceci	35	44	80%
Callow	41	44	93%

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 6-0)	6-1 (or 5-1)	5-2	4-3
Abrahamson	11	3	2	0
Bablitch	9	5	1	1
Steinmetz	9	3	4	1
Day	8	2	5	2
Heffernan	17	1	0	1
Ceci	9	2	2	1
Callow	10	7	0	0

The chart below shows how many concurring and dissenting opinions each justice authored. *State ex rel. La Follette v. Stitt* (a 5-1 *per curiam* decision in which Justice Ceci authored a dissent) is included.

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	16	19
Bablitch	3	9
Steinmetz	6	13
Day	3	0
Heffernan	1	1
Ceci	2	5
Callow	3	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 118 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 Ceci voted together in 73% of the cases, while the figure for Justices Day and Callow was 98%.

Agreement Between Pairs of Justices—All Cases

	Bablitch	Steinmetz	Day	Heffernan	Ceci	Callow
Abrahamson	97/115=84%	78/116=67%	89/116=77%	95/115=83%	85/116=73%	91/116=78%
	Bablitch	94/117=80%	103/117=88%	103/116=89%	96/117=82%	101/117=86%
		Steinmetz	107/118=91%	99/117=85%	103/118=87%	105/118=89%
			Day	110/117=94%	106/118=90%	116/118=98%
				Heffernan	104/117=89%	112/117=96%
					Ceci	106/118=90%
						Callow

Agreement Between Pairs of Justices—Non-Unanimous Cases

	Bablitch	Steinmetz	Day	Heffernan	Ceci	Callow
Abrahamson	24/42=57%	5/43=12%	16/43=37%	23/43=53%	12/43=28%	18/43=42%
	Bablitch	20/43=47%	29/43=67%	30/43=70%	22/43=51%	27/43=63%
		Steinmetz	33/44=75%	26/44=59%	29/44=66%	31/44=70%
			Day	37/44=84%	32/44=73%	42/44=95%
				Heffernan	31/44=70%	39/44=89%
					Ceci	32/44=73%
						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	15	46
Bablitch	16	64
Steinmetz	16	44
Day	17	57
Heffernan	19	126
Ceci	13	94
Callow	15	42

² This table does not include five cases that were submitted on briefs and the two *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	3
Brennan & Collins	2
Brynelson, Herrick, Gehl & Bucaida	2
Cross, Mercer and Maffei	4
DeBardeleben & Snyder	2
Eisenberg, Giesen, Ewers & Hayes	2
Foley & Lardner	4
Heft, Dye, Heft & Paulson	2
Johns, Flaherty & Gillette	2
Julian & Olson	2
Kalal & Habermehl	2
Kasdorf, Dall, Lewis & Swietlik	3
Philipp & Sletteland	2
Quarles & Brady	3
State Attorney General's Office	56
State Public Defender's Office	23
Terwilliger, Wakeen, Piehler, Conway & Klingberg	2
Wisconsin Education Association Council	2