

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1981-1982

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Steinmetz, Day, Callow, Coffey	1	<i>County of Portage</i>
Abrahamson, Day, Heffernan, Beilfuss	2	<i>Terry; Vidmar</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	2
Steinmetz	1
Day	3
Heffernan	2
Callow	1
Beilfuss	2
Coffey	1

4-3 Majority Opinions Authored

	Opinions
Abrahamson	1
Steinmetz	0
Day	1
Heffernan	0
Callow	0
Beilfuss	0
Coffey	1
<b>Total</b>	<b>3</b>

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

<b>7-0 (or 5-0, 6-0)</b>	<b>6-1 (or 5-1)</b>	<b>5-2 (or 4-2)</b>	<b>4-3</b>
<b>95/123 (77%)</b>	<b>15/123 (12%)</b>	<b>10/123 (8%)</b>	<b>3/123 (2%)</b>
<i>In Interest of T</i>	<i>State v. Peotter</i>	<i>State ex rel. Melentowich v. Klink</i>	<i>Terry v. Mongin Ins. Agency</i>
<i>State v. Morris</i>	<i>Hamed v. County of Milwaukee</i>	<i>State v. Oliver</i>	<i>County of Portage v. Steinpreis</i>
<i>State v. Lee</i>	<i>Merten v. Nathan</i>	<i>West Salem Educ. Assn. v. School Dist. of West Salem</i>	<i>Vidmar v. American Family Mut. Ins. Co.</i>
<i>State v. Poth</i>	<i>Wisconsin Professional Police Asso. (WPPA) v. County of Dane</i>	<i>State v. Callaway</i>	
<i>State v. Chosa</i>	<i>Gibson v. Transportation Com.</i>	<i>State v. Rivest</i>	
<i>Odds v. Board of Fire &amp; Police Comm'rs</i>	<i>Marshfield Clinic v. Discher</i>	<i>Rimes v. State Farm Mut. Auto. Ins. Co.</i>	
<i>Kramer v. Alpine Valley Resort, Inc.</i>	<i>State v. Clausen</i>	<i>State v. Stanfield</i>	
<i>Thorpe v. Thorpe</i>	<i>State v. Stepniewski</i>	<i>State v. Welsh</i>	
<i>Department of Natural Resources v. Wisconsin Power &amp; Light Co.</i>	<i>Kollasch v. Adamany</i>	<i>Tift v. Forage King Industries, Inc.</i>	
<i>State v. Outlaw</i>	<i>Jenkins v. Sabourin</i>	<i>Wisconsin's Environmental Decade, Inc. v. Department of Industry, Labor &amp; Human Relations</i>	
<i>Romasko v. Milwaukee</i>	<i>Jankowski v. Milwaukee County</i>		
<i>State v. Lehman</i>	<i>Prah v. Maretti</i>		
<i>State v. Kelley</i>	<i>Loy v. Bunderson</i>		
<i>State v. McAllister</i>	<i>State v. Novak</i>		
<i>Blue Top Motel, Inc. v. Stevens Point</i>	<i>Denny v. Mertz</i>		
<i>Cline-Hanson, Inc. v. Esselman</i>			
<i>State v. Wisumierski</i>			
<i>State v. Balistreri</i>			
<i>Quesenberry v. Milwaukee County</i>			
<i>Servomation Corp. v. Department of Revenue</i>			
<i>State ex rel. Funmaker v. Klamm</i>			
<i>State v. Kemp</i>			
<i>Kordecki v. Rizzo</i>			
<i>Horrigan v. State Farm Ins. Co.</i>			
<i>Milwaukee Alliance Against Racist &amp; Political Repression v. Elections Bd. of Wisconsin</i>			
<i>State v. Olson</i>			
<i>Herkert v. Stauber</i>			

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<sup>1</sup> As the 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>Klaus v. Vander Heyden</i>			
<i>Barbian v. Lindner Bros. Trucking Co.</i>			
<i>Milwaukee v. Department of Industry, Labor &amp; Human Relations</i>			
<i>State v. Service Electric &amp; Supply, Inc.</i>			
<i>Foreclosure of Tax Liens etc. v. Young</i>			
<i>State v. Alles</i>			
<i>Taylor v. Conta</i>			
<i>State v. Kaye</i>			
<i>In Interest of JD</i>			
<i>State v. Paulson</i>			
<i>Wehr Steel Co. v. Department of Industry, Labor &amp; Human Relations</i>			
<i>Mohr v. Milwaukee</i>			
<i>State v. Smith</i>			
<i>State v. Holmes</i>			
<i>Elections Bd. v. Ward</i>			
<i>Hallie v. Chippewa Falls</i>			
<i>Swanson Furniture Co. v. Advance Transformer Co.</i>			
<i>State ex rel. Grand Bazaar Liquors, Inc. v. Milwaukee</i>			
<i>Vander Perren v. Vander Perren</i>			
<i>United States Fire Ins. Co. v. E. D. Wesley Co.</i>			
<i>Department of Revenue v. Family Hospital, Inc.</i>			
<i>Wick v. Mueller</i>			
<i>Mueller v. Brunn</i>			
<i>State v. Banks</i>			
<i>In re Estate of Lecic</i>			
<i>Foerster, Inc. v. Atlas Metal Parts Co.,</i>			
<i>State v. Peterson</i>			
<i>State v. Vick</i>			
<i>State v. Fillyaw</i>			
<i>Jos. P. Jansen Co. v. Milwaukee Area Dist. Bd. of Vocational, Technical &amp; Adult Education</i>			
<i>Basinas v. State</i>			
<i>Office of State Public Defender v. Circuit Court for Dodge County</i>			
<i>State v. Toliver</i>			
<i>McGarrity v. Welch Plumbing Co.</i>			
<i>Wisconsin Public Service Corp. v. Krist</i>			
<i>Omro v. Brooks</i>			
<i>Krieg v. Dayton-Hudson Corp.</i>			
<i>State v. Quality Egg Farm, Inc.</i>			

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<i>Kaiser v. Board of Police &amp; Fire Comm'rs</i>			
<i>Ringle v. Marathon</i>			
<i>Sunnyview Village, Inc. v. State Dep't of Admin.</i>			
<i>State v. Williams</i>			
<i>State ex rel. Smits v. De Pere</i>			
<i>Marsh v. Milwaukee</i>			
<i>Lincoln v. Seawright</i>			
<i>Department of Revenue v. Trudell Trailer Sales, Inc.</i>			
<i>State v. Nye (per curiam)</i>			
<i>Schroeder, Gedlen, Riester &amp; Moerke v. Schoessow</i>			
<i>Cody v. Sheboygan Machine Co.</i>			
<i>Paulson v. Olson Implement Co.</i>			
<i>Coleman v. Milwaukee</i>			
<i>State v. Shumate</i>			
<i>Dixon v. Dixon</i>			
<i>Lakeshore Commercial Finance Corp. v. Drobac</i>			
<i>Jasper v. Jasper</i>			
<i>State v. Townsend</i>			
<i>Lodi v. Hine</i>			
<i>State v. Humphrey</i>			
<i>In re Marriage of Lundberg</i>			
<i>Roberto v. Brown</i>			
<i>Bahr v. Bahr</i>			
<i>Val Zimmermann Corp. v. Leffingwell</i>			
<i>State v. Brown</i>			
<i>R. W. Hernan Plumbing Corp. v. Anchor Sav. &amp; Loan Asso.</i>			
<i>Department of Revenue v. Horne Directory, Inc.</i>			
<i>Trojan v. Board of Regents</i>			
<i>Durham v. Pekrul</i>			
<i>Bence v. Milwaukee</i>			

Frequency in the Majority

These charts display how frequently each justice voted in the majority in decisions filed during the 1981-82 term. The first chart includes all cases in which a justice voted (out of the total of 123 cases specified above), while the second chart includes only cases decided by split votes. *Part of the way through the term, Justice Ceci replaced Justice Coffey. In cases where neither justice authored an opinion, or joined a separate opinion, I could not always determine which justice participated. Thus, both have been omitted from the tables on this page.*

## All Cases

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	103	119	<b>87%</b>
Steinmetz	117	122	<b>96%</b>
Day	120	122	<b>98%</b>
Heffernan	117	123	<b>95%</b>
Callow	115	122	<b>94%</b>
Beilfuss	120	123	<b>98%</b>

## Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	11	27	<b>41%</b>
Steinmetz	23	28	<b>82%</b>
Day	26	28	<b>93%</b>
Heffernan	22	28	<b>79%</b>
Callow	21	28	<b>75%</b>
Beilfuss	25	28	<b>89%</b>

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. *Justice Ceci replaced Justice Coffey part way through the term.*

Opinion Author	7-0 (or 5-0, 6-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
Abrahamson	13	3	0	1
Steinmetz	17	1	0	0
Day	8	5	3	1
Heffernan	14	2	2	0
Ceci	3	0	0	0
Callow	14	3	2	0
Beilfuss	17	1	1	0
Coffey	8	0	2	1

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	3	16
Steinmetz	3	5
Day	1	2
Heffernan	1	1
Ceci	0	0
Callow	6	4
Beilfuss	0	0
Coffey	2	4

Agreement Among Pairs of Justices

The following tables show the percentage of decisions in which every possible pair of justices found themselves on the same side—either both in the majority or both dissenting. The first table covers all 123 decisions; the second table narrows its focus to decisions that were not unanimous. When reading the first table, for instance, one finds that Justices Abrahamson and Heffernan voted together in 91% of the decisions, while the figure for Justices Day and Beilfuss was 96%. *Part of the way through the term, Justice Ceci replaced Justice Coffey. In cases where neither justice authored an opinion, or joined a separate opinion, I could not always determine which justice participated. Thus, both have been omitted from the tables on this page.*

## Agreement Between Pairs of Justices—All Decisions

	Steinmetz	Day	Heffernan	Callow	Beilfuss
Abrahamson	97/118=82%	100/118=85%	108=119=91%	95/118=81%	105/119=88%
	Steinmetz	114/121=94%	111/122=91%	113/121=93%	114/122=93%
		Day	114/122=93%	116/121=96%	117/122=96%
			Heffernan	109/122=89%	118/123=96%
				Callow	112/122=92%
					Beilfuss

## Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Steinmetz	Day	Heffernan	Callow	Beilfuss
Abrahamson	6/27=22%	9/27=33%	16/27=59%	4/27=15%	13/27=48%
	Steinmetz	21/28=75%	17/28=61%	20/28=71%	20/28=71%
		Day	20/28=71%	23/28=82%	23/28=82%
			Heffernan	15/28=54%	23/28=82%
				Callow	18/28=64%
					Beilfuss

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.<sup>2</sup> *Justice Ceci replaced Justice Coffey part way through the term.*

	Number of Majority/Lead Opinions Authored in Cases that Included Oral Argument	Ave. No. of Days From Oral Argument to Opinion Filing
Abrahamson	17	61
Steinmetz	17	31
Day	17	58
Heffernan	18	76
Ceci	2	30
Callow	19	40
Beilfuss	19	31
Coffey	10	42

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<sup>2</sup> This table does not include 4 cases that were submitted on briefs.



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>
Bell, Metzner & Gierhart	2
Borgelt, Powell, Peterson & Frauen	2
Brennan, Steil, Ryan, Basting & MacDougall	2
Cook & Franke	2
DeWitt, Sundby, Huggett & Schumacher	2
Foley & Lardner	3
Gavin, Miller & Collins	2
Gimbel, Gimbel & Reilly	3
Habush, Habush & Davis	2
Jack C. Horth	2
Jenswold, Studt, Hanson, Clark & Kaufmann	2
Kasdorf, Dall, Lewis & Swietlik	4
Kluwin, Dunphy, Hankin & McNulty	2
La Follette, Sinykin, Anderson & Munson	2
Labor and Industry Review Commission	2
Lawton & Cates	2
Legal Assistance to Institutionalized Persons Program	2
Michael, Best & Friedrich	3
Milwaukee City Attorney's Office	7
Milwaukee County Corporation Counsel's Office	3
Patrick F. Brown	2
Quarles & Brady	4
State Elections Board	2
State Attorney General's Office	51
State Public Defender's Office	21