

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1980-1981

Four-to-Three Decisions

4-3 (or 3-2) Alignments

Justices	Total	Case Names
Abrahamson, Day, Heffernan, Callow	1	<i>State v. ILHR Dep't</i>
Abrahamson, Day, Heffernan, Beilfuss	1	<i>Schulz</i>
Steinmetz, Callow, Beilfuss, Coffey	1	<i>Braunsdorf</i>
Steinmetz, Day, Beilfuss	1	<i>Braun</i>

4-3 (or 3-2) Membership in the Majority

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

4-3 (or 3-2) Majority Opinions Authored

	Opinions
Abrahamson	0
Steinmetz	0
Day	1
Heffernan	0
Callow	1
Beilfuss	2
Coffey	0
Total	4

Decisions by Vote Split¹

7-0 (or 5-0, 6-0)	6-1 (or 5-1)	5-2	4-3 (or 3-2)
109/134 (81%)	11/134 (8%)	10/134 (7%)	4/134 (3%)
<i>State v. Dean</i>	<i>In re Estate of Stromsted</i>	<i>Aetna Life Ins. Co. v. Mitchell</i>	<i>State v. Department of Industry, Labor & Human Relations</i>
<i>Hessenius v. Schmidt</i>	<i>In re Incorporation of Fitchburg</i>	<i>Barrera v. State</i>	<i>State v. Braunsdorf</i>
<i>State v. Mosley</i>	<i>Law Enforcement Standards Bd. v. Lyndon Station</i>	<i>Christians v. Homestake Enterprises, Ltd.</i>	<i>State v. Schulz</i>
<i>Bruheim v. Little</i>	<i>Oshkosh v. Oshkosh Public Library Clerical & Maintenance Employees</i>	<i>In re Estate of Safran</i>	<i>State v. Braun (3-2)</i>
<i>Brown County v. Department of Health & Social Services</i>	<i>Roe v. Larson</i>	<i>In re Guardianship of Eberhardy</i>	
<i>Brookhill Dev., Ltd. v. Waukesha</i>	<i>State v. Cheers</i>	<i>International Foundation of Employee Ben. Plans, Inc. v. Brookfield</i>	
<i>Gutter v. Seamandel</i>	<i>State v. Dorcey</i>	<i>Nelson v. Travelers Ins. Co.</i>	
<i>Ziemann v. North Hudson</i>	<i>State v. Goebel</i>	<i>Sewerage Com. of Milwaukee v. Department of Natural Resources</i>	
<i>State v. Williford</i>	<i>Swanigan v. State Farm Ins. Co.</i>	<i>State ex rel. Briggs & Stratton Corp. v. Noll</i>	
<i>State v. Hall</i>	<i>American Motors Corp. v. Department of Industry, Labor & Human Relations (5-1)</i>	<i>Strigenz v. Department of Regulation & Licensing Dentistry Examining Bd.</i>	
<i>Kranzush v. Badger State Mut. Casualty Co.</i>	<i>State v. Wedgeworth (5-1)</i>		
<i>S. Robinson v. State</i>			
<i>State ex rel. Reddin v. Meekma</i>			
<i>Colby v. Colby</i>			
<i>Theuerkauf v. Sutton</i>			
<i>Meka v. Falk Corp.</i>			
<i>Hartung v. Hartung</i>			
<i>Kenosha County Dep't of Social Services v. Nelsen</i>			
<i>State v. Derenne</i>			
<i>Brownsell v. Klawitter</i>			
<i>In Interest of W.</i>			
<i>State v. Baldwin</i>			
<i>State v. Kruse</i>			
<i>State v. Hooper</i>			
<i>State v. Argiz</i>			
<i>Woodman v. Department of Health & Social Services</i>			
<i>State v. Upchurch</i>			
<i>Rollins Burdick Hunter, Inc. v. Hamilton</i>			

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¹ 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>Manson v. State</i>			
<i>Martino v. McDonald's Corp.</i>			
<i>Wipperfurth v. U-Haul Co. of Western Wisconsin, Inc.</i>			
<i>Soo Line R. Co. v. Department of Transp., Div. of Highways</i>			
<i>State v. Machner</i>			
<i>State v. Yellow Freight System, Inc.</i>			
<i>State v. Bettinger</i>			
<i>In re M.</i>			
<i>State v. Copening</i>			
<i>In Interest of M.</i>			
<i>Davis v. Allstate Ins. Co.</i>			
<i>Hagenkord v. State</i>			
<i>In re Estate of Fessler</i>			
<i>Schroeder v. Schroeder</i>			
<i>State v. Kummer</i>			
<i>Walker v. Bignell</i>			
<i>State v. Foster</i>			
<i>School Dist. v. Lindner</i>			
<i>State v. Zellmer</i>			
<i>State v. Coble</i>			
<i>White Hen Pantry v. Buttke</i>			
<i>Department of Revenue v. Howick</i>			
<i>Johnson v. Ray</i>			
<i>Sommer v. Carr</i>			
<i>Johnson v. Misericordia Community Hospital</i>			
<i>State v. J. Kramer</i>			
<i>Walker v. State</i>			
<i>Hawthorne v. State</i>			
<i>State v. Cartagena</i>			
<i>Ott v. All-Star Ins. Corp.</i>			
<i>Kania v. Airborne Freight Corp.</i>			
<i>State v. Lund</i>			
<i>Sharpe Furniture, Inc. v. Buckstaff</i>			
<i>State v. Craft</i>			
<i>State v. Barkdoll</i>			
<i>Mortenson v. Miller</i>			
<i>State ex rel. Tarney v. McCormack</i>			
<i>Berns v. Wisconsin Employment Relations Com.</i>			
<i>Halbman v. Lemke</i>			
<i>State v. L. Kramer</i>			
<i>Milwaukee v. Lindner</i>			
<i>Chicago & N. W. Railroad v. Labor & Industry Review Com.</i>			
<i>Maynard v. Port Publications, Inc.</i>			
<i>Jeffers v. Nysse</i>			
<i>Air Wisconsin, Inc. v. North Cent. Airlines, Inc.</i>			

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<i>In re Adoption of R.P.R.</i>			
<i>Wells v. Chicago & North Western Transp. Co.</i>			
<i>In re Guardianship of Nelson</i>			
<i>In re Guardianship of Klisurich</i>			
<i>Gerger v. Campbell</i>			
<i>In re H.</i>			
<i>State v. Cramer</i>			
<i>In Interest of H.</i>			
<i>Midcontinent Broadcasting Co. v. Wisconsin Dep't of Revenue</i>			
<i>J. M. S. v. Benson</i>			
<i>Wisconsin Bankers Asso. v. Mutual Sav. & Loan Asso. (per curiam)</i>			
<i>State ex rel. Moran v. Department of Admin. (per curiam)</i>			
<i>State v. Givens (6-0)</i>			
<i>Grobarchik v. State</i>			
<i>Cameron v. Milwaukee (6-0)</i>			
<i>Vernon v. Waukesha County (6-0)</i>			
<i>Caporali v. Washington Nat'l Ins. Co. (6-0)</i>			
<i>De Pratt v. Sergio (6-0)</i>			
<i>Bearns v. Department of Industry, Labor & Human Relations (6-0)</i>			
<i>Boldt v. State (6-0)</i>			
<i>State ex rel. Warrington v. Circuit Court for Shawano County (6-0)</i>			
<i>State v. Christensen (6-0)</i>			
<i>McNally v. Tollander (6-0)</i>			
<i>Lak v. Richardson-Merrell, Inc. (6-0)</i>			
<i>State v. State Farm Fire & Casualty Co. (6-0)</i>			
<i>Miller v. Smith (6-0)</i>			
<i>State v. Hanson (6-0)</i>			
<i>State ex rel. McDonald v. Circuit Court for Douglas County (6-0)</i>			
<i>Omernick v. Department of Natural Resources (6-0)</i>			
<i>Dykstra v. Arthur G. McKee & Co. (6-0)</i>			
<i>Wisconsin Asso. of Mfrs. & Commerce, Inc. v. Public Service Com. (6-0)</i>			
<i>Winkie, Inc. v. Heritage Bank of Whitefish Bay (6-0)</i>			
<i>Mannino v. Davenport (6-0)</i>			
<i>State v. Edwards (6-0)</i>			
<i>State v. Prober (6-0)</i>			
<i>W. Robinson v. State (5-0)</i>			

Frequency in the Majority

These charts display how frequently each justice voted in the majority in decisions filed during the 1980-81 term. The first chart includes all cases in which a justice voted (out of the total of 134 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	112	128	88%
Steinmetz	126	130	97%
Day	131	133	98%
Heffernan	127	133	95%
Callow	127	131	97%
Beilfuss	124	126	98%
Coffey	119	127	94%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	9	25	36%
Steinmetz	21	25	84%
Day	22	24	92%
Heffernan	19	25	76%
Callow	20	24	83%
Beilfuss	23	25	92%
Coffey	15	23	65%

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, 6-0)	6-1 (or 5-1)	5-2	4-3 (or 3-2)
Abrahamson	16	1	1	0
Steinmetz	13	2	2	0
Day	16	1	1	1
Heffernan	14	1	2	0
Callow	17	2	1	1
Beilfuss	16	2	1	2
Coffey	15	2	2	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	11	15
Steinmetz	1	2
Day	1	2
Heffernan	2	0
Callow	2	3
Beilfuss	0	0
Coffey	3	6

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 134 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 Callow voted together in 85% of the decisions, while the figure for Justices Day and Beilfuss was 97%.

Agreement Between Pairs of Justices—All Decisions

	Steinmetz	Day	Heffernan	Callow	Beilfuss	Coffey
Abrahamson	106/124=85%	112/127=88%	117/127=92%	107/126=85%	102/120=85%	99/121=82%
	Steinmetz	123/129=95%	119/129=92%	121/127=95%	118/122=97%	117/123=95%
		Day	126/132=95%	126/130=97%	121/125=97%	116/126=92%
			Heffernan	121/130=93%	117/125=94%	113/126=90%
				Callow	117/123=95%	119/125=95%
					Beilfuss	113/119=95%
						Coffey

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Steinmetz	Day	Heffernan	Callow	Beilfuss	Coffey
Abrahamson	7/25=28%	9/24=38%	15/25=60%	5/24=21%	7/25=28%	1/23=4%
	Steinmetz	18/24=75%	15/25=60%	18/24=75%	21/25=84%	17/23=74%
		Day	18/24=75%	19/23=83%	20/24=83%	12/22=55%
			Heffernan	15/24=63%	17/25=68%	10/23=43%
				Callow	18/24=75%	17/23=74%
					Beilfuss	17/23=74%
						Coffey

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	16	38
Steinmetz	17	36
Day	18	56
Heffernan	17	90
Callow	21	47
Beilfuss	20	39
Coffey	18	45

² This table does not include the two *per curiam* decisions and five 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.

Firms and Agencies	Number of Oral Arguments
Boardman, Suhr, Curry & Field	3
Borgelt, Powell, Peterson & Frauen	3
Coffey & Coffey	3
Cook & Franke	3
Dempsey, Magnusen, Williamson & Lampe	2
Department of Health & Social Services	2
DeWitt, Sundby, Huggett & Schumacher	3
Foley & Lardner	6
Fulton, Menn & Nehs	2
Gaylord, Bye, Rodli & Krueger	2
Habush, Habush & Davis	3
Herrling, Clark, Hartzheim & Siddall	2
Kasdorf, Dall, Lewis & Swietlik	3
Kersten & McKinnon	2
Kluwin, Dunphy, Hankin & McNulty	2
Legal Assistance to Institutionalized Persons Program	3
Michael, Best & Friedrich	3
Milwaukee City Attorney's Office	3
Petrie, Stocking, Meixner & Zeisig	2
Quarles & Brady	4
State Attorney General's Office	68
State Public Defender's Office	29
Walter F. Kelly	2
Whelan, Morey, Ricci & Chambers	2