

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1979-1980

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Abrahamson, Day, Heffernan, Callow	1	<i>Nottelson</i>
Abrahamson, Heffernan, Beilfuss, Hansen	2	<i>Edwards; Crowley</i>
Day, Callow, Coffey, Hansen	1	<i>Hoppenrath</i>
Callow, Beilfuss, Coffey, Hansen	1	<i>Mack</i>
Abrahamson, Heffernan, Callow, Beilfuss	1	<i>Wangen</i>

4-3 Membership in the Majority

Justice	Votes
Abrahamson	4
Day	2
Heffernan	4
Callow	4
Beilfuss	4
Coffey	2
Hansen	4

4-3 Majority Opinions Authored

	Opinions
Abrahamson	2
Day	0
Heffernan	2
Callow	0
Beilfuss	0
Coffey	1
Hansen	1
<b>Total</b>	<b>6</b>

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

7-0 (or 6-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
168/196 (86%)	12/196 (6%)	10/196 (5%)	6/196 (3%)
<i>Aparacor, Inc. v. Department of Industry, Labor &amp; Human Relations</i>	<i>Steele v. State</i>	<i>Boynton Cab Co. v. Dep't of Indus.</i>	<i>Edwards v. Edwards</i>
<i>Haskins v. State</i>	<i>Milwaukee v. Milwaukee Police Asso.</i>	<i>Wisconsin Natural Gas Co. v. Ford, Bacon &amp; Davis Constr. Corp.</i>	<i>Hoppenrath v. State</i>
<i>Grams v. Boss</i>	<i>Jaeger Baking Co. v. Kretschmann</i>	<i>Reiter v. Dyken</i>	<i>Crowley v. Knapp</i>
<i>First Nat'l Bank &amp; Trust Co. v. Notte</i>	<i>Milwaukee v. Wilson</i>	<i>Muller v. State</i>	<i>Mack v. Joint School Dist.</i>
<i>Heaton v. Larsen</i>	<i>Pohl v. State</i>	<i>Vanlue v. State</i>	<i>Nottelson v. Wisconsin Dep't of Industry, Labor, &amp; Human Relations</i>
<i>Hunter v. School Dist.</i>	<i>State v. Albright</i>	<i>Milwaukee Police Asso. v. Milwaukee (77-115)</i>	<i>Wangen v. Ford Motor Co.</i>
<i>Janesville v. Wiskia</i>	<i>Beamon v. State</i>	<i>Wussow v. Commercial Mechanisms, Inc.</i>	
<i>Sambs v. Brookfield</i>	<i>Day v. State</i>	<i>State v. Jenich</i>	
<i>Martin v. Liberty Mut. Fire Ins. Co.</i>	<i>State ex rel. Terry v. Percy</i>	<i>Rod v. Farrell (per curiam)</i>	
<i>State ex rel. Rabe v. Ferris</i>	<i>Compton v. Shopko Stores, Inc.</i>	<i>Wisconsin Bankers Asso. v. Mutual Sav. &amp; Loan Asso. (4-2)</i>	
<i>State v. Amoco Oil Co.</i>	<i>Wright v. Wright (5-1)</i>		
<i>State v. White</i>	<i>In re Estate of Steffes (5-1)</i>		
<i>Wisconsin Asso. of Food Dealers v. Madison</i>			
<i>Wurtz v. Fleischman</i>			
<i>D. v. State</i>			
<i>Neely v. State</i>			
<i>Coleman v. Percy</i>			
<i>Pickens v. State</i>			
<i>R. Fredrick Redi-Mix, Inc. v. Thomson</i>			
<i>State ex rel. Cholka v. Johnson</i>			
<i>State v. Princess Cinema of Milwaukee, Inc.</i>			
<i>Vogel v. State</i>			
<i>Hansen Storage Co. v. Wisconsin Transp. Com.</i>			
<i>John v. State</i>			
<i>Koschnik v. Smejkal</i>			
<i>Northwestern Nat'l Ins. Co. v. Midland Nat'l Bank</i>			
<i>Schroeder v. State</i>			
<i>State v. Barrett</i>			

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<sup>1</sup> 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. Charles Brown</i>			
<i>State v. Robert Brown</i>			
<i>State v. Doyle</i>			
<i>State v. Eisch</i>			
<i>State v. Green Bay</i>			
<i>State v. Polinski</i>			
<i>State v. Rabe</i>			
<i>Bumpas v. Department of Industry, Labor &amp; Human Relations</i>			
<i>Dairy Equipment Co. v. Department of Industry, Labor &amp; Human Relations</i>			
<i>Fine v. Elections Board of Wisconsin</i>			
<i>In re Guardianship of Kordecki</i>			
<i>Johnson v. Merta (In re Estate of Dejmal)</i>			
<i>Mulder v. Acme-Cleveland Corp.</i>			
<i>State v. Neitzel</i>			
<i>State v. Zawistowski</i>			
<i>Thuermer v. Mishicot</i>			
<i>Winch v. Public Service Com.</i>			
<i>Board of Regents of University of Wisconsin System v. Mussallem</i>			
<i>Castelaz v. Milwaukee</i>			
<i>Cross v. Soderbeck</i>			
<i>Goranson v. Department of Industry, Labor &amp; Human Relations</i>			
<i>Hamilton v. Department of Industry, Labor &amp; Human Relations</i>			
<i>Hartford Elevator, Inc. v. Lauer</i>			
<i>In re Spring Valley Meats, Inc.</i>			
<i>In re Watertown Tractor &amp; Equipment Co.</i>			
<i>Leathem Smith Lodge, Inc. v. State</i>			
<i>Maxey v. Redevelopment Authority of Racine</i>			
<i>Meier v. Purdun</i>			
<i>Peterson v. Natural Resources Board</i>			
<i>Poehnelt v. Poehnelt</i>			
<i>Schlumpf v. Yellick</i>			
<i>Shannon v. Milwaukee</i>			
<i>State v. Ehlenfeldt</i>			
<i>Bachelor v. Employers Mut. Liability Ins. Co.</i>			
<i>Coulson v. Larsen</i>			
<i>County of Columbia v. Bylewski</i>			
<i>Nelson v. Albrechtson</i>			
<i>Rogers v. State</i>			
<i>Sears v. State</i>			

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<i>State v. Bowden</i>			
<i>State v. Kendall</i>			
<i>Wiegel v. Sentry Indem. Co.</i>			
<i>Wilharms v. Wilharms</i>			
<i>State ex rel. La Follette v. Democratic Party of United States</i>			
<i>Sigma Tau Gamma Fraternity House Corp. v. Menomonie</i>			
<i>Wirth v. Ehly</i>			
<i>Fiala v. Voight</i>			
<i>Heck &amp; Paetow Claim Service, Inc. v. Heck</i>			
<i>Hills v. State</i>			
<i>Korb v. Schroedel</i>			
<i>Linse v. State</i>			
<i>Mack v. State</i>			
<i>Olfe v. Gordon</i>			
<i>State Bank of Drummond v. Christophersen</i>			
<i>State v. Schill</i>			
<i>Eichmann v. State</i>			
<i>Bastman v. Stettin Mut. Ins. Co.</i>			
<i>Clark v. State</i>			
<i>Coleman v. Outboard Marine Corp.</i>			
<i>Halker v. Halker</i>			
<i>Hamiel v. State</i>			
<i>Hampton v. State</i>			
<i>Marmolejo v. Department of Industry, Labor &amp; Human Relations</i>			
<i>State v. Flynn</i>			
<i>State v. Rock</i>			
<i>Terrell v. State</i>			
<i>Valadzic v. Briggs &amp; Stratton Corp.</i>			
<i>519 Corp. v. State, Dep't of Transp., Div. of Highways</i>			
<i>Hanmer v. State, Dep't of Industry, Labor &amp; Human Relations</i>			
<i>Heise v. Pewaukee</i>			
<i>Howell Plaza, Inc. v. State Highway Com.</i>			
<i>In re Estate of Jacobs</i>			
<i>In re Estate of Phillips</i>			
<i>Maclin v. State</i>			
<i>Madison General Hospital Asso. v. Madison</i>			
<i>Novitzke v. State</i>			
<i>Nufer v. Village Board of Palmyra</i>			
<i>State v. Marshall</i>			
<i>State v. Swanson</i>			
<i>Thomas v. State</i>			

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<i>Bonneville Estate v. Wisconsin Dep't of Revenue</i>			
<i>Boston Old Colony Ins. Co. v. International Rectifier Corp.</i>			
<i>Boyer v. State</i>			
<i>In re Estate of Goldstein</i>			
<i>Kearney &amp; Trecker Corp. v. Wisconsin Dep't of Revenue</i>			
<i>McManus v. Department of Revenue</i>			
<i>Moes v. State</i>			
<i>Paulsen Lumber, Inc. v. Anderson</i>			
<i>State ex rel. First Nat'l Bank &amp; Trust Co. v. Skow</i>			
<i>Universal Carloading &amp; Distributing Co. v. Chippewa Motor Freight, Inc.</i>			
<i>Wisconsin Dep't of Revenue v. Sterling Custom Homes Corp.</i>			
<i>May v. State</i>			
<i>Taplick v. Madison Personnel Board</i>			
<i>Clark v. Leisure Vehicles, Inc.</i>			
<i>Rohl v. State</i>			
<i>State v. Burkman</i>			
<i>State v. Mendoza</i>			
<i>Jessen v. State</i>			
<i>Tomlin v. State Farm Mut. Auto. Liability Ins. Co.</i>			
<i>Onalaska Electrical Heating, Inc. v. Schaller</i>			
<i>Johnson v. American Family Mut. Ins. Co.</i>			
<i>Klein-Dickert Oshkosh, Inc. v. Frontier Mortg. Corp.</i>			
<i>Wisconsin's Environmental Decade, Inc. v. Public Service Com.</i>			
<i>Milwaukee Bd. of School Directors v. Milwaukee Teachers' Education Asso.</i>			
<i>First Wisconsin Trust Co. v. L. Wiemann Co.</i>			
<i>Wisconsin Electric Power Co. v. Department of Natural Resources</i>			
<i>Charolais Breeding Ranches, Ltd. v. Wiegel</i>			
<i>First Nat'l Bank v. Nennig</i>			
<i>Burns v. Madison</i>			
<i>Hortman v. Becker Constr. Co.</i>			
<i>Milwaukee Police Asso. v. Milwaukee (77-116)</i>			
<i>Milwaukee Police Asso. v. Milwaukee (77-117)</i>			
<i>State v. Bowie</i>			

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<i>State v. Wisconsin Tel. Co.</i>			
<i>Scarpaci v. Milwaukee County</i>			
<i>Ollerman v. O'Rourke Co.</i>			
<i>Wentela v. State</i>			
<i>Donaldson v. State</i>			
<i>Soo L. R. Co. v. Wisconsin Dep't of Revenue (per curiam)</i>			
<i>State v. Rhone (per curiam)</i>			
<i>Fredrick v. Janesville (per curiam)</i>			
<i>Kanack v. Kremski (6-0)</i>			
<i>Fahrenberg v. Tengel (6-0)</i>			
<i>Roe v. State (6-0)</i>			
<i>State ex rel. First Nat'l Bank v. M &amp; I Peoples Bank (6-0)</i>			
<i>Frankovis v. State (6-0)</i>			
<i>Milwaukee Mack Sales, Inc. v. First Wisconsin Nat'l Bank (6-0)</i>			
<i>Starobin v. Northridge Lakes Development Co. (6-0)</i>			
<i>Wisconsin Dep't of Revenue v. Bailey-Bohrman Steel Corp. (6-0)</i>			
<i>Jordan v. State (6-0)</i>			
<i>Davis v. State (6-0)</i>			
<i>Family Sav. &amp; Loan Asso. v. Barkwood Landscaping Co. (6-0)</i>			
<i>State v. Rosenfeld (6-0)</i>			
<i>State v. Karpinski (6-0)</i>			
<i>Pagelsdorf v. Safeco Ins. Co. (6-0)</i>			
<i>Ruppa v. American States Ins. Co. (6-0)</i>			
<i>Thieme v. State (6-0)</i>			
<i>Elias v. State (6-0)</i>			
<i>National Steel Service Center, Inc. v. Wollin Silos &amp; Equipment, Inc. (6-0)</i>			
<i>Conrad v. Conrad (per curiam, 6-0)</i>			

Frequency in the Majority

These charts display how frequently each justice voted in the majority in decisions filed during the 1979-80 term. The first chart includes all cases in which a justice voted (out of the total of 196 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	175	194	<b>90%</b>
Day	183	194	<b>94%</b>
Heffernan	192	196	<b>98%</b>
Callow	188	191	<b>98%</b>
Beilfuss	193	195	<b>99%</b>
Coffey	179	186	<b>96%</b>
Hansen	190	194	<b>98%</b>

## Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	9	28	<b>32%</b>
Day	17	28	<b>61%</b>
Heffernan	24	28	<b>86%</b>
Callow	25	28	<b>89%</b>
Beilfuss	26	28	<b>93%</b>
Coffey	19	26	<b>73%</b>
Hansen	23	27	<b>85%</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.<sup>2</sup>

Opinion Author	7-0 (or 6-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
Abrahamson	22	1	1	2
Day	25	3	0	0
Heffernan	20	2	2	2
Callow	27	1	1	0
Beilfuss	21	1	1	0
Coffey	24	2	1	1
Hansen	25	2	3	1

Opinion Author	Concurring Opinions	Dissenting Opinions
Abrahamson	3	19
Day	0	4
Heffernan	0	0
Callow	1	1
Beilfuss	0	0
Coffey	4	6
Hansen	2	0

<sup>2</sup> Cases with *per curiam* decisions do not figure in the first table (majority/lead opinions), but if they include separate opinions, these are counted in the second table (concurrences and dissents).



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 196 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 Coffey voted together in 86% of the decisions, while the figure for Justices Beilfuss and Hansen was 98%.

Agreement Between Pairs of Justices—All Decisions

	Day	Heffernan	Callow	Beilfuss	Coffey	Hansen
Abrahamson	176/192=92%	179/194=92%	167/189=88%	174/193=90%	159/184=86%	169/192=88%
	Day	181/194=93%	179/189=95%	180/193=93%	173/184=94%	179/192=93%
		Heffernan	184/191=96%	191/195=98%	175/186=94%	186/194=96%
			Callow	185/190=97%	176/181=97%	182/189=96%
				Beilfuss	178/185=96%	189/193=98%
					Coffey	182/184=99%
						Hansen

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Day	Heffernan	Callow	Beilfuss	Coffey	Hansen
Abrahamson	12/28=43%	13/28=46%	6/28=21%	9/28=32%	1/26=4%	4/27=15%
	Day	15/28=54%	18/28=64%	15/28=54%	15/26=58%	14/27=52%
		Heffernan	21/28=75%	24/28=86%	15/26=58%	19/27=70%
			Callow	23/28=82%	21/26=81%	20/27=74%
				Beilfuss	19/26=73%	23/27=85%
					Coffey	23/25=92%
						Hansen

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. The table does not include *per curiam* decisions and cases that were submitted on briefs (86 cases altogether).

	<b>Number of Majority/Lead Opinions Authored in Cases that Included Oral Argument</b>	<b>Ave. No. of Days From Oral Argument to Opinion Filing</b>
Abrahamson	13	93
Day	18	65
Heffernan	16	85
Callow	16	52
Beilfuss	13	33
Coffey	15	33
Hansen	19	49

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 & Seibold	3
Borgelt, Powell, Peterson & Frauen	3
Cook & Franke	3
Foley & Lardner	3
Friebert & Finerty	2
Frisch, Dudek & Slattery	2
Goldberg, Previant & Uelmen	2
Johns, Flaherty & Gillette	2
Kenneth J. Murray	4
Kluwin, Dunphy, Hankin & McNulty	2
Madison City Attorney's Office	2
McIntyre, Kinney, Urban & Schrader	2
Milwaukee City Attorney's Office	7
Prosser, Wiedabach & Quale	6
Quarles & Brady	6
State Attorney General's Office	59
State Public Defender's Office	31
Walther & Halling	2