

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1978-1979

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Abrahamson, Day, Heffernan, Coffey	1	<i>Krolikowski v. Chicago & Northwestern Transp. Co.</i>
Callow, Beilfuss, Coffey, Hansen	2	<i>Olsen v. Copeland; In re Kegel</i>

4-3 Membership in the Majority

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

4-3 Majority Opinions Authored

	Opinions
Abrahamson	1
Day	0
Heffernan	0
Callow	1
Beilfuss	0
Coffey	0
Hansen	1
Total	3

Decisions by Vote Split

7-0 (or 6-0, 5-0)	6-1	5-2 (or 4-2)	4-3
233/245 (95%)	5/245 (2%)	4/245 (2%)	3/245 (1%)
<i>Berry v. State</i>	<i>State v. Mazur</i>	<i>Hirsch v. S. C. Johnson & Son, Inc.</i>	<i>Olsen v. Copeland</i>
<i>Hilkert v. Zimmer</i>	<i>Newspapers, Inc. v. Breier</i>	<i>Ewers v. Eisenzopf</i>	<i>Krolikowski v. Chicago & Northwestern Transp. Co.</i>
<i>Production Credit Asso. v. Nowatzski</i>	<i>Kozlowski v. John E. Smith's Sons Co.</i>	<i>Laufenberg v. Cosmetology Examining Board of Wisconsin Dep't of Regulation & Licensing AND Morrill v. Barber's Examining Board of Wisconsin Dep't of Regulation & Licensing</i>	<i>In re Kegel</i>
<i>Struzik v. State</i>	<i>Austin v. Ford Motor Co.</i>	<i>Cresci v. State (4-2)</i>	
<i>Lepley v. State</i>	<i>State ex rel. Armstrong v. Board of Governors of State Bar (per curiam)</i>		
<i>Citizens for Sensible Zoning, Inc. v. Department of Natural Resources</i>			
<i>State v. Sarinske</i>			
<i>Fournier v. State</i>			
<i>Bucyrus-Erie Co. v. State, Dep't of Industry, Labor & Human Relations</i>			
<i>State, Dep't of Administration v. Wisconsin Employment Relations Com.</i>			
<i>Meurer v. ITT General Controls</i>			
<i>Schroeder v. Clintonville</i>			
<i>Goldman v. Bloom</i>			
<i>Sola Basic Industries, Inc. v. United States Fidelity & Guaranty Co.</i>			
<i>Shawver v. Roberts Corp.</i>			
<i>Gyldenvand v. Schroeder</i>			
<i>Sears, Roebuck & Co. v. Department of Industry, Labor & Human Relations AND Montgomery Ward Co. v. Department of Industry, Labor & Human Relations</i>			
<i>State v. Gebarski</i>			
<i>Ritacca v Kenosha County Court</i>			
<i>Fischer v. Cleveland Punch & Shear Works Co.</i>			
<i>Kurtz v. Waukesha</i>			
<i>Murlas Bros. Commodities, Inc. v. Bushman</i>			
<i>Rhodes v. Terry</i>			
<i>Capital Invest., Inc. v. Whitehall Packing Co.</i>			
<i>In re Estate of Haugk</i>			

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<i>In re Estate of Reist</i>			
<i>Pure Milk Products Cooperative v. National Farmers Organization</i>			
<i>Stanhope v. Brown County</i>			
<i>Wisconsin Dep't of Revenue v. Exxon Corp.</i>			
<i>General Split Corp. v. P & V Atlas Corp.</i>			
<i>Holland v. State</i>			
<i>Wisconsin Electric Power Co. v. Wisconsin Natural Resources Bd. AND Wisconsin Public Service Corp. v. Department of Natural Resources AND Wisconsin Power & Light Co. v. Wisconsin Natural Resources Bd.</i>			
<i>Thomas/Van Dyken Joint Venture v. Van Dyken</i>			
<i>Bielefeldt v. St. Louis Fire Door Co.</i>			
<i>McEwen v. Pierce County</i>			
<i>Appleton State Bank v. Van Dyke Ford, Inc.</i>			
<i>First Nat'l Bank v. Hinrichs</i>			
<i>Hareng v. Blanke</i>			
<i>Besaw v. Besaw</i>			
<i>Kruse v. Miller Brewing Co.</i>			
<i>Alonge v. Rodriguez</i>			
<i>Barrons v. J. H. Findorff & Sons, Inc.</i>			
<i>State ex rel. Ruthenberg v. Annuity & Pension Board</i>			
<i>Sisters of St. Mary v. Madison</i>			
<i>Hammill v. State</i>			
<i>Pachucki v. Republic Ins. Co.</i>			
<i>Bank of Commerce v. Waukesha County</i>			
<i>Trispel v. Haefer</i>			
<i>Kraemer Bros., Inc. v. United States Fire Ins. Co.</i>			
<i>Schroeder v. Raich</i>			
<i>Priske v. General Motors Corp.</i>			
<i>Moore v. Moore</i>			
<i>Joint Dist. No. 1, etc. v. Joint Dist. No. 1, etc.</i>			
<i>Wisconsin Dep't of Revenue v. Moebius Printing Co.</i>			
<i>In re Estate of Sensenbrenner</i>			
<i>Schaefer v. Dudarenke</i>			
<i>In re Estate of Irish</i>			
<i>Peters v. Holiday Inns, Inc.</i>			
<i>Achtor v. Pewaukee Lake Sanitary Dist.</i>			
<i>Cuisinier v. Sattler</i>			

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<i>Hine v. Vilter</i>			
<i>Stack Constr. Co. v. Continental Constr. Corp.</i>			
<i>CEW Management Corp. v. First Federal Sav. & Loan Asso.</i>			
<i>Goebel v. National Exchangors</i>			
<i>American Family Mut. Ins. Co. v. Dobrzynski</i>			
<i>Merrill v. Wenzel Bros., Inc.</i>			
<i>Larry v. Commercial Union Ins. Co.</i>			
<i>Preston v. Schaefer</i>			
<i>Mast v. Olsen</i>			
<i>Stradinger v. Whitewater</i>			
<i>Martin v. Krawczyk</i>			
<i>Hilber v. State AND Mayes v. State</i>			
<i>State v. Hart</i>			
<i>Wagner v. State</i>			
<i>Kemp v. Fisher</i>			
<i>Schoenecker v. Haines</i>			
<i>Chuck Wagon Catering, Inc. v. Raduege</i>			
<i>Mansfield v. Smith</i>			
<i>Gebhardt v. West Allis</i>			
<i>Shea v. Grafe</i>			
<i>Faust v. Ladysmith-Hawkins School Systems, Joint Dist. No. 1, etc.</i>			
<i>In re Estate of Fechter</i>			
<i>A. O. Smith Corp. v. Department of Industry, Labor & Human Relations</i>			
<i>State v. Lee</i>			
<i>John O. Melby & Co. Bank v. Anderson</i>			
<i>Linton v. Schmidt</i>			
<i>Brown v. Hammermill Paper Co.</i>			
<i>Sturzl Constr. Co. v. Green Bay</i>			
<i>Watkins v. Milwaukee County Civil Service Com.</i>			
<i>Pulchinski v. Strnad</i>			
<i>State v. Draize</i>			
<i>State v. Givens</i>			
<i>Wisconsin Bingo Supply & Equipment Co. v. Wisconsin Bingo Control Board</i>			
<i>Coryell v. Conn</i>			
<i>Allie v. Russo</i>			
<i>Pollnow v. State Dep't of Natural Resources</i>			
<i>Manitowoc County v. Department of Industry, Labor & Human Relations</i>			

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<i>Horace Mann Ins. Co. v. Wauwatosa Board of Education</i>			
<i>Lease America Corp. v. Insurance Co. of North America</i>			
<i>Dietz v. Hardware Dealers Mut. Fire Ins. Co.</i>			
<i>Strelecki v. Firemans Ins. Co.</i>			
<i>Glinski v. Sheldon</i>			
<i>Dunn v. Fred A. Mikkelson, Inc.</i>			
<i>Ransome v. Wisconsin Electric Power Co.</i>			
<i>Prince v. Bryant</i>			
<i>Kropiwka v. Department of Industry, Labor & Human Relations</i>			
<i>Miller v. Wauwatosa</i>			
<i>State ex rel. Harris v. Annuity & Pension Board, Employees' Retirement System</i>			
<i>Clintonville Community Hospital Asso. v. Clintonville AND Clintonville Community Hospital Asso. v. Marion</i>			
<i>Hammen v. State</i>			
<i>State v. Clark</i>			
<i>Sage v. State</i>			
<i>Rotor-Aire, Inc. v. Marth</i>			
<i>Carty v. Carty</i>			
<i>Dean v. Dean</i>			
<i>Brookfield v. Wisconsin Employment Relations Com.</i>			
<i>McLemore v. State</i>			
<i>Scalzo v. Anderson</i>			
<i>Weibel v. Clark</i>			
<i>State v. Streich</i>			
<i>Schultz v. State</i>			
<i>Martin v. State</i>			
<i>Kegonsa Joint Sanitary Dist. v. Stoughton</i>			
<i>Cogswell v. Robertshaw Controls Co.</i>			
<i>Pieper v. Neuendorf Transp. Co.</i>			
<i>Simonds v. Bouton</i>			
<i>Odell v. State</i>			
<i>Clement v. United Cerebral Palsy, Inc.</i>			
<i>In re Estate of Sorensen</i>			
<i>Ludke v. Egan</i>			
<i>Beasley v. Konczal</i>			
<i>Gustavson v. O'Brien</i>			
<i>Connecticut General Life Ins. Co. v. Department of Industry, Labor & Human Relations</i>			
<i>State v. La Tender</i>			
<i>Hoffman v. Ralston Purina Co.</i>			
<i>State v. Wollman</i>			

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<i>State v. Dix</i>			
<i>Gaethke v. Town Board, Clay Banks</i>			
<i>In re Estate of Tressing</i>			
<i>Pfister & Vogel Tanning Co. v. Department of Industry, Labor & Human Relations</i>			
<i>Hoppmann v. Reid</i>			
<i>Delchambre v. Delchambre</i>			
<i>Ragner v. Zielke</i>			
<i>Francis v. State</i>			
<i>Thiesen v. State</i>			
<i>Universal Foundry Co. v. Department of Industry, Labor & Human Relations</i>			
<i>In re Estate of Tulley</i>			
<i>Burmeister v. Vondrachek</i>			
<i>Bank of Sun Prairie v. Opstein</i>			
<i>Oxmans' Erwin Meat Co. v. Blacketer</i>			
<i>State v. Lunz</i>			
<i>State v. Hockings</i>			
<i>Dettmann v. Flanary</i>			
<i>Coleman v. American Universal Ins. Co.</i>			
<i>Wright v. Hasley</i>			
<i>Hartridge v. State Farm Mut. Auto. Ins. Co.</i>			
<i>Bertler v. Employers Ins. of Wausau</i>			
<i>Powell v. State AND Hickles v. State</i>			
<i>Schilling v. State</i>			
<i>Antigo Co-op Credit Union v. Miller</i>			
<i>Van Wyk v. Van Wyk</i>			
<i>Bullen v. Fellner AND Bullen v. Hutton AND Bullen v. Haslach AND Bullen v. Foster</i>			
<i>Kelly v. Hartford Casualty Ins. Co.</i>			
<i>Taterka v. Ford Motor Co.</i>			
<i>In re Estate of Weber</i>			
<i>Stefanovich v. Iowa Nat'l Mut. Ins. Co.</i>			
<i>Larson v. State</i>			
<i>Board of Education v. Wisconsin Employment Relations Com.</i>			
<i>Austin v. State</i>			
<i>North Cent. Dairymen's Cooperative v. Temkin</i>			
<i>Hollingsworth v. American Finance Corp.</i>			
<i>Schlosser v. Allis-Chalmers Corp.</i>			
<i>Wisconsin Tel. Co. v. Milwaukee</i>			
<i>Stewart v. Wulf</i>			

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<i>White v. State</i>			
<i>Spinella v. State</i>			
<i>Schroff v. Schroff</i>			
<i>Madison v. Ayers</i>			
<i>Spencer v. State</i>			
<i>Bergenthal v. State</i>			
<i>Bergeron v. State</i>			
<i>Lhost v. State</i>			
<i>Smith v. State AND Marciniak v. State</i>			
<i>Steen v. State AND Stubbendick v. State</i>			
<i>Anderson v. Cont'l Ins. Co.</i>			
<i>Sanitary Transfer & Landfill, Inc. v. Department of Natural Resources</i>			
<i>Johnson v. State</i>			
<i>State v. Kenyon</i>			
<i>Saunders v. DEC International, Inc.</i>			
<i>Lunde v. State</i>			
<i>Cheatham v. State</i>			
<i>Kohlhoff v. State</i>			
<i>State v. Tollefson</i>			
<i>State v. Blaisdell</i>			
<i>Haldane v. State</i>			
<i>Fondell v. Lucky Stores, Inc.</i>			
<i>State v. Hanson</i>			
<i>Sherman v. Heiser</i>			
<i>State ex rel. Deisinger v. Treffert</i>			
<i>First Wisconsin Nat'l Bank v. Wichman</i>			
<i>In re Estate of Glass</i>			
<i>Eastex Packaging Co. v. Department of Industry, Labor & Human Relations (7-0, per curiam)</i>			
<i>Leckwee v. Gibson (6-0)</i>			
<i>Christianson v. Downs (6-0)</i>			
<i>State, Dep't of Revenue v. Milwaukee Mack Sales, Inc. (6-0)</i>			
<i>State ex rel. Wisconsin Health Facilities Authority v. Lindner (6-0)</i>			
<i>Dubman v. North Shore Bank (6-0)</i>			
<i>Beal v. First Federal Sav. & Loan Asso. (6-0)</i>			
<i>Jost v. Jost (6-0)</i>			
<i>Schmitz v. Hunter Machinery Co. AND Wipperfurth v. Hunter Machinery Co. AND Employers Mut. Liability Insur. Co. v. Reserve Insurance Co. (6-0)</i>			
<i>John Deere Co. v. Babcock (6-0)</i>			

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<i>Gerrard Realty Corp. v. American States Ins. Co.</i> (6-0)			
<i>Local 4453, USA, AFL-CIO v. Wilson</i> (6-0)			
<i>Jones v. Jenkins</i> (6-0)			
<i>Brons v. Bischoff</i> (6-0)			
<i>Lewandowski v. Continental Casualty Co.</i> (6-0)			
<i>RTE Corp. v. Department of Industry, Labor & Human Relations</i> (6-0)			
<i>Bast v. State</i> (6-0)			
<i>Wheeler v. State</i> (6-0)			
<i>Morgan v. Pennsylvania General Ins. Co.</i> (6-0)			
<i>State v. Koller</i> (6-0)			
<i>Wilson v. Continental Ins. Cos.</i> (6-0)			
<i>Krueger v. State</i> (6-0)			
<i>State ex rel. Mulligan v. Department of Health & Social Services</i> (6-0)			
<i>Locklear v. State</i> (6-0)			
<i>State v. Schlise</i> (6-0)			
<i>Wisconsin's Environmental Decade, Inc. v. Department of Natural Resources</i> (6-0)			
<i>Bowie v. State</i> (6-0)			
<i>Little v. State</i> (6-0)			
<i>Starke v. Pewaukee</i> (6-0)			
<i>State ex rel. La Follette v. Torphy</i> (6-0)			
<i>Holtz & Krause, Inc. v. Department of Natural Resources AND City of Wausau v. Department of Natural Resources</i> (6-0)			
<i>M & I Marshall & Ilsley Bank v. Pump</i> (5-0)			

Frequency in the Majority

These charts display how frequently each justice voted in the majority in decisions filed during the 1978-79 term. The first chart includes all cases in which a justice voted (out of the total of 245 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	234	236	99.2%
Day	234	240	97.5%
Heffernan	243	245	99.2%
Callow	235	240	97.9%
Beilfuss	244	245	99.6%
Coffey	229	231	99.1%
Hansen	241	245	98.4%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Abrahamson	10	12	83%
Day	6	12	50%
Heffernan	10	12	83%
Callow	7	12	58%
Beilfuss	11	12	92%
Coffey	9	11	82%
Hansen	8	12	67%

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.¹

Opinion Author	7-0 (or 6-0, 5-0)	6-1	5-2 (or 4-2)	4-3
Abrahamson	32	0	0	1
Day	36	0	1	0
Heffernan	31	2	1	0
Callow	34	0	0	1
Beilfuss	26	1	0	0
Coffey	35	1	1	0
Hansen	38	0	1	1

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

¹ Cases with *per curiam* decisions do not figure in the first table (majority/lead opinions), but if they included 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 245 decisions; the second table narrows its focus to decisions that were not unanimous. When reading the *second* table, for instance, one finds that Justices Abrahamson and Heffernan voted together in 100% of the decisions, while the figure for Justices Callow and Coffey was 45%.

Agreement Between Pairs of Justices—All Decisions

	Day	Heffernan	Callow	Beilfuss	Coffey	Hansen
Abrahamson	227/231=98%	236/236=100%	224/231=97%	233/236=99%	218/222=98%	230/236=97%
	Day	236/240=98%	228/235=97%	233/240=97%	219/227=96%	232/240=97%
		Heffernan	233/240=97%	242/245=99%	227/231=98%	239/245=98%
			Callow	236/240=98%	220/226=97%	235/240=98%
				Beilfuss	228/231=99%	242/245=99%
					Coffey	226/231=98%
						Hansen

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Day	Heffernan	Callow	Beilfuss	Coffey	Hansen
Abrahamson	8/12=67%	12/12=100%	5/12=42%	9/12=75%	7/11=64%	6/12=50%
	Day	8/12=67%	5/12=42%	5/12=42%	3/11=27%	4/12=33%
		Heffernan	5/12=42%	9/12=75%	7/11=64%	6/12=50%
			Callow	8/12=67%	5/11=45%	7/12=58%
				Beilfuss	8/11=73%	9/12=75%
					Coffey	6/11=55%
						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 (123 cases altogether).

	Number of Majority/Lead Opinions Authored in Cases that Included Oral Argument	Ave. No. of Days From Oral Argument to Opinion Filing
Abrahamson	16	110
Day	16	69
Heffernan	19	52
Callow	17	61
Beilfuss	15	31
Coffey	19	36
Hansen	19	44

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
Arnold, Murray, O'Neill & Schimmel	2
Axley, Brynelson, Herrick & Gehl	3
Boardman, Suhr, Curry & Field	2
Borgelt, Powell, Peterson & Frauen	5
Brennan, Steil, Ryan, Basting & MacDougall	2
DeBardeleben & Snyder	2
Department of Industry, Labor & Human Relations	2
Eisenberg, Giesen & Ewers	2
Foley & Capwell	2
Foley & Lardner	6
Forester, Carroll & Rupke	2
Gimbel, Gimbel & Reilly	2
Graves, Greenwald, Maier & Miner	2
Jenswold, Studt, Hanson, Clark & Kaufman	3
Kasdorf, Dall, Lewis & Swietlik	4
Kenney, Krembs, Fellows & Wolfe	2
La Follette, Sinykin, Anderson & Munson	3
Lawton & Cates	5
Lehman, Seymour & Kremer	2
Merten, Connell & Sisolak	2
Milwaukee City Attorney's Office	2
Nowlan, Mouat, Lovejoy, Wood & Cripe	2
O'Melia, Melby, Smith & Schiek	3
Otjen, Philipp & Van Ert	2
Petrie, Stocking, Meixner & Zeisig	2
Prosser, Wiedabach & Quale	4
Quarles & Brady	6
Schoone, McManus & Hanson	2
St. Peter Law Offices	2
State Attorney General's Office	40
State Public Defender's Office	17
Teper, Fiorenza, Weiss & Teper	4
Terwilliger, Wakeen, Piehler, Conway & Klingberg	2

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Thomas M. Kells	2
Tinkham, Smith, Bliss, Patterson & Richards	2
Weiss, Steuer, Berzowski & Kriger	2
Whyte & Hirschboeck	4