

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1970-1971

Four-to-Three Decisions<sup>1</sup>

4-3 Alignments

Justices	Total	Case Names
Wilkie, Heffernan, Beilfuss, C. Hansen	1	<i>Banks v. State</i>
Beilfuss, C. Hansen, Hanley, R. Hansen	2	<i>State v. Chabonian; State v. Wells</i>
Wilkie, Hallows, C. Hansen, Hanley	1	<i>Chauffeurs, Teamsters &amp; Helpers "General" Union v. Wis. Employment Relations Com.</i>
Hallows, Beilfuss, C. Hansen, Hanley	1	<i>Libby, McNeill &amp; Libby v. Wis. Employment Relations Com.</i>
Wilkie, Hallows, Beilfuss, C. Hansen	1	<i>State ex rel. Richey v. Neenah Police &amp; Fire Com.</i>

4-3 Membership in the Majority

Justice	Votes
Wilkie	3
Hallows	3
Heffernan	1
Beilfuss	5
C. Hansen	6
Hanley	4
R. Hansen	2

4-3 Majority Opinions Authored

	Opinions
Wilkie	2
Hallows	0
Heffernan	0
Beilfuss	1
C. Hansen	0
Hanley	1
R. Hansen	2
<b>Total</b>	<b>6</b>

<sup>1</sup> These 4-3 tables do not include *State v. Smith*, which appears to be a 4-3 decision in which one of the three dissenting justices ("one other member") is not identified. The majority opinion is credited to Justice Wilkie, who is also one of the three justices who dissented in part.

Decisions by Vote Split<sup>2</sup>

<b>7-0 (or 6-0)</b>	<b>6-1 (or 5-1)</b>	<b>5-2</b>	<b>4-3</b>
<b>275/296 (93%)</b>	<b>8/296 (3%)</b>	<b>6/296 (2%)</b>	<b>7/296 (2%)</b>
<i>Adams-Marquette Electric Cooperative, Inc. v. Public Service Com.</i>	<i>McCleary v. State</i>	<i>American Mut. Liability Ins. Co. v. St. Paul Fire &amp; Marine Ins. Co.</i>	<i>Banks v. State</i>
<i>Alexopoulos v. Dakouras</i>	<i>State ex rel. Johnson v. Cady</i>	<i>Dalton v. Meister</i>	<i>Chauffeurs, Teamsters &amp; Helpers "General" Union v. Wis. Employment Relations Com.</i>
<i>Ameen v. State</i>	<i>State ex rel. Vanko v. Kahl</i>	<i>Farley v. State</i>	<i>Libby, McNeill &amp; Libby v. Wis. Employment Relations Com.</i>
<i>American Ins. Co. v. Milwaukee</i>	<i>State v. Knops</i>	<i>Schueler v. Madison</i>	<i>State ex rel. Richey v. Neenah Police &amp; Fire Com.</i>
<i>American Medical Services, Inc. v. Mutual Federal Sav. &amp; Loan Asso.</i>	<i>State v. Yoder</i>	<i>State ex rel. Arnold v. County Court of Rock County</i>	<i>State v. Chabonian</i>
<i>Antigo Superior Nursing Home, Inc. v. First Fed. S &amp; L Ass'n</i>	<i>Steinhorst v. H. C. Prange Co.</i>	<i>State v. Kois</i>	<i>State v. Wells</i>
<i>Appel v. Halverson</i>	<i>Zerbel v. H. L. Federman &amp; Co.</i>		<i>State v. Smith</i>
<i>Arrowhead Growers Sales Co. v. Central Sands Produce, Inc.</i>	<i>Milwaukee Fire Fighters' Ass'n v. Milwaukee (5-1)</i>		
<i>Austin v. State</i>			
<i>Becker v. Barnes</i>			
<i>Bergmann v. Insurance Co. of North America</i>			
<i>Bertrang v. State</i>			
<i>Bitters v. Newbold</i>			
<i>Blashaski v. Classified Risk Ins. Corp.</i>			
<i>Blum v. Hillsboro</i>			
<i>Bohachef v. State</i>			
<i>Boissonneault v. State</i>			
<i>Brachtl v. Wisconsin Dep't of Revenue</i>			
<i>Buckman v. E. H. Schaefer &amp; Assocs.</i>			
<i>Burant v. Ortloff</i>			
<i>Burlington Nat'l Bank v. Strauss</i>			

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<sup>2</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>Butzow v. Wausau Memorial Hosp.</i>			
<i>Buza v. Wojtalewicz</i>			
<i>Carlson v. Drews of Hales Corners, Inc.</i>			
<i>Chapman Co. v. Service Broadcasting Corp.</i>			
<i>Christy v. Schwartz</i>			
<i>Chudnow Constr. Corp. v. Commercial Discount Corp.</i>			
<i>City Firefighters Union v. Madison</i>			
<i>Claybrooks v. State (50 Wis. 2d 87)</i>			
<i>Claybrooks v. State (50 Wis. 2d 79)</i>			
<i>Columbus Milk Producers' Cooperative v. Dep't of Agriculture</i>			
<i>Continental Casualty Co. v. Peck</i>			
<i>Conway v. Division of Conservation, Dep't of Natural Resources</i>			
<i>Corning v. Dec Aviation Corp.</i>			
<i>Court v. State</i>			
<i>Crotteau v. Karlgaard</i>			
<i>Cudahy v. De Luca</i>			
<i>Davis v. State</i>			
<i>Day v. State</i>			
<i>Denzer v. Rouse</i>			
<i>Derusha v. Iowa Nat'l Mut. Ins. Co.</i>			
<i>Dewey v. Demos</i>			
<i>Dolan v. State</i>			
<i>Dozie v. State</i>			
<i>Durkin v. Board of Police &amp; Fire Comm'rs</i>			
<i>Edwards v. State (49 Wis. 2d 105)</i>			
<i>Edwards v. State (51 Wis. 2d 231)</i>			
<i>Eisenberg v. Continental Casualty Co.</i>			
<i>Elam v. State</i>			
<i>Erickson v. Dep't of Industry, Labor &amp; Human Relations</i>			
<i>Essbro Seamless Floors, Inc. v. Sitzberger</i>			
<i>Estate of Deibig v. Smith</i>			
<i>Farmers Grain Exchange, Inc. v. Crull</i>			
<i>First Wis. Nat'l Bank v. Oby</i>			
<i>Ford v. Wisconsin Real Estate Examining Bd.</i>			
<i>Fox v. Wand</i>			
<i>Frederick v. Hotel Inv. Inc.</i>			
<i>Freeman v. State</i>			

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<i>Gabe v. Cudahy</i>			
<i>Gervais v. Kostin</i>			
<i>Gilbert v. United States Fire Ins. Co.</i>			
<i>Halama v. Dep't of Industry, Labor &amp; Human Relations</i>			
<i>Haller Beverage Corp. v. Dep't of Industry, Labor &amp; Human Relations</i>			
<i>Hammill v. State</i>			
<i>Hanneman v. State</i>			
<i>Hansen v. McAndrews</i>			
<i>Hanson v. State</i>			
<i>Hanson v. Valdivia</i>			
<i>Harper, Drake &amp; Associates, Inc. v. Jewett &amp; Sherman Co.</i>			
<i>Hartford Union High School v. Hartford</i>			
<i>Hass v. Chicago &amp; N. W. R. Co.</i>			
<i>Hasselstrom v. Rex Chainbelt, Inc.</i>			
<i>Hawpetoss v. State</i>			
<i>Hirth v. Hirth</i>			
<i>Hoffman Co. v. Wis. Dep't of Revenue</i>			
<i>Home Bank v. Becker</i>			
<i>Howland v. State</i>			
<i>Ifc Collateral Corp. v. Commercial Units, Inc.</i>			
<i>Ihlenfeldt v. Svoboda Church Furniture Co.</i>			
<i>Imperial Homes, Inc. v. Mazurco</i>			
<i>In re Dodge County Farm Drainage Dist.</i>			
<i>In re Estate of Ainsworth</i>			
<i>In re Estate of Baker</i>			
<i>In re Estate of Bauknecht</i>			
<i>In re Estate of Demos</i>			
<i>In re Estate of Elvers</i>			
<i>In re Estate of Fonk</i>			
<i>In re Estate of Mangel</i>			
<i>In re Estate of O'Loughlin</i>			
<i>In re Estate of Steffke</i>			
<i>In re Estate of Tomczak</i>			
<i>In re Will of Allis</i>			
<i>In re Will of Mitchell</i>			
<i>Industrial Credit Co. v. Inland G. M. Diesel, Inc.</i>			
<i>International Paper Co. v. Fond Du Lac</i>			
<i>Iowa Nat'l Mut. Ins. Co. v. Backens</i>			
<i>Irby v. State</i>			
<i>Jacobs v. State (50 Wis. 2d 355)</i>			
<i>Jacobs v. State (50 Wis. 2d 361)</i>			
<i>James Madison Dev. Corp. v. State</i>			

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<i>Janesville v. Walker</i>			
<i>Johnson v. Mielke</i>			
<i>Johnson v. State</i>			
<i>Jt. School Dist. v. State Appeal Board</i>			
<i>Kaas v. Baasch</i>			
<i>Kain v. State</i>			
<i>Karker v. Board of Unified School Dist.</i>			
<i>Kelley v. State</i>			
<i>Kelly v. Mohrhusen</i>			
<i>Kenwood Equipment, Inc. v. Aetna Ins. Co.</i>			
<i>Kimmons v. State</i>			
<i>Klocek v. YMCA</i>			
<i>Kopacka v. Dep't of Industry, Labor &amp; Human Relations</i>			
<i>Kornitz v. Earling &amp; Hiller, Inc.</i>			
<i>Kull v. Sears, Roebuck &amp; Co.</i>			
<i>La Velle v. De Luca</i>			
<i>Lager v. Dep't of Industry, Labor &amp; Human Relations</i>			
<i>Lampkins v. State</i>			
<i>Landrey v. United Services Auto. Ass'n</i>			
<i>Lawrence v. MacIntyre</i>			
<i>Lees v. Department of Industry, Labor &amp; Human Relations</i>			
<i>Longville v. Leusman</i>			
<i>Lorbecki v. King</i>			
<i>Luedtke v. Shedivy</i>			
<i>Madison v. Reynolds</i>			
<i>Madkins v. State</i>			
<i>Malik v. Zimmick</i>			
<i>Mallon v. State</i>			
<i>Mancheski v. State</i>			
<i>Maniaci v. Marquette University</i>			
<i>Martin v. State</i>			
<i>Martinkoski v. State</i>			
<i>Mattice v. State</i>			
<i>McCool v. State</i>			
<i>McKissick v. State</i>			
<i>McKnight v. State</i>			
<i>Melton v. Melton</i>			
<i>Menzer v. Elkhart Lake</i>			
<i>Mid-States Underwriters, Inc. v. Leonhard</i>			
<i>Milburn v. State</i>			
<i>Milwaukee County v. Dep't of Industry, Labor &amp; Human Relations</i>			
<i>Milwaukee County v. Schmidt</i>			
<i>Milwaukee v. Pontell</i>			
<i>Mortgage Associates, Inc. v. Hendricks</i>			
<i>Murawski v. Brown</i>			
<i>Murphy v. Miller Brewing Co.</i>			

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<i>Nagel v. Crain Cutter Co.</i>			
<i>Nagle Motors, Inc. v. Volkswagen North Central Distributor, Inc.</i>			
<i>Nashban Barrel &amp; Container Co. v. G. G. Parsons Trucking Co.</i>			
<i>Navine v. Peltier</i>			
<i>Netzel v. State Sand &amp; Gravel Co.</i>			
<i>New v. Stock</i>			
<i>Nicholas v. State</i>			
<i>Nicholas v. State</i>			
<i>Northwestern Motor Car, Inc. v. Pope</i>			
<i>O'Connor v. O'Connor</i>			
<i>Okrasinski v. State</i>			
<i>Page v. Sealtite Corp.</i>			
<i>Pamanet v. State</i>			
<i>Peiffer v. Allstate Ins. Co.</i>			
<i>Peil v. Kohnke</i>			
<i>Peters v. State</i>			
<i>Pinczkowski v. State</i>			
<i>Pokorny v. Stastny</i>			
<i>Prelipp v. Wausau Memorial Hospital</i>			
<i>Production Credit Ass'n v. Goede</i>			
<i>Pucci v. Rausch</i>			
<i>Quandahl v. Quandahl</i>			
<i>Quinn v. State (50 Wis. 2d 101)</i>			
<i>Quinn v. State (50 Wis. 2d 96)</i>			
<i>Rahhal v. State</i>			
<i>Ramirez v. State</i>			
<i>Renner v. State</i>			
<i>Repinski v. Clintonville Federal Sav. &amp; Loan Ass'n</i>			
<i>Resseguie v. American Mut. Liability Ins. Co.</i>			
<i>Rice v. Reich</i>			
<i>Ritterbusch v. Ritterbusch</i>			
<i>Rowden v. American Family Ins. Co.</i>			
<i>Ruhmer v. Wisconsin State Teachers Retirement Board</i>			
<i>Ryder v. State Farm Mut. Auto. Ins. Co.</i>			
<i>Schenk v. State</i>			
<i>Schill v. State</i>			
<i>Schneider v. State (Division of Highways)</i>			
<i>Schoenauer v. Wendinger</i>			
<i>Schrank v. Allstate Ins. Co.</i>			
<i>Seif v. Turowski</i>			
<i>Seiler v. Seiler</i>			
<i>Semons Dep't Store v. Dep't of Industry, Labor &amp; Human Relations</i>			
<i>Shavie v. State</i>			
<i>Shelton v. State</i>			

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<i>Shetney v. Shetney</i>			
<i>Shier v. Freedman</i>			
<i>Shoemaker v. Marc's Big Boy</i>			
<i>Siedenburg v. Severson</i>			
<i>Simpson v. Madison General Hospital Ass'n</i>			
<i>Solberg v. Metropolitan Life Ins. Co.</i>			
<i>Spiller v. State</i>			
<i>Sprague v. State</i>			
<i>State ex rel. Cortez v. Board of Fire &amp; Police Comm'rs</i>			
<i>State ex rel. Edwards v. McCauley</i>			
<i>State ex rel. Farley v. Board of School Directors</i>			
<i>State ex rel. General Motors Corp., AC Electronics Div. v. Oak Creek</i>			
<i>State ex rel. Green v. Williams</i>			
<i>State ex rel. Lang v. Municipal Justice Court</i>			
<i>State ex rel. Milwaukee County Expressway Com. v. Spenner</i>			
<i>State ex rel. Milwaukee County v. Schmidt</i>			
<i>State ex rel. Robert Hurley v. Schmidley</i>			
<i>State Farm Mut. Auto. Ins. Co. v. Geline</i>			
<i>State v. Amato</i>			
<i>State v. Anderson</i>			
<i>State v. Barnes</i>			
<i>State v. Becker</i>			
<i>State v. Brown</i>			
<i>State v. Cantrell</i>			
<i>State v. Carlson</i>			
<i>State v. Cassel</i>			
<i>State v. Chacon</i>			
<i>State v. Charette</i>			
<i>State v. Clarke</i>			
<i>State v. Cleveland</i>			
<i>State v. Cole</i>			
<i>State v. Dairyland Power Cooperative</i>			
<i>State v. Di Maggio</i>			
<i>State v. Franklin</i>			
<i>State v. Froelich</i>			
<i>State v. Hancock</i>			
<i>State v. Hebard</i>			
<i>State v. Heidelberg</i>			
<i>State v. Herfel</i>			
<i>State v. J. C. Penney Co.</i>			
<i>State v. Johnson</i>			
<i>State v. Knudson</i>			
<i>State v. Lucynski</i>			
<i>State v. Maker</i>			

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<i>State v. McDonald</i>			
<i>State v. Melvin</i>			
<i>State v. Morales</i>			
<i>State v. Paszek</i>			
<i>State v. Schilz</i>			
<i>State v. Spring</i>			
<i>State v. Starks</i>			
<i>State v. Stuart</i>			
<i>State v. Torpy</i>			
<i>State v. Vlahos</i>			
<i>Sturdevant v. State</i>			
<i>Tatum v. State</i>			
<i>Telefunken Sales Corp. v. Kokal</i>			
<i>Thies v. MacDonald</i>			
<i>Tills v. Elmbrook Memorial Hospital</i>			
<i>Triplett v. State</i>			
<i>Underwood v. Strasser</i>			
<i>United Auto., Aircraft &amp; Agricultural Implement Workers v. Scofield</i>			
<i>Utica Mut. Ins. Co. v. Ripon Cooperative</i>			
<i>Wagner v. Springaire Corp.</i>			
<i>Warrix v. State</i>			
<i>Wasley v. Kosmatka</i>			
<i>Watchmaking Examining Bd. v. Husar</i>			
<i>Wauwatosa v. King</i>			
<i>Weichman v. Weichman</i>			
<i>West Milwaukee v. Area Board of Vocational, etc.</i>			
<i>Western Casualty &amp; Surety Co. v. De Smidt</i>			
<i>Whalen v. State Farm Mut. Auto. Ins. Co.</i>			
<i>Williams v. State</i>			
<i>Williams v. Williams</i>			
<i>Wisconsin Employment Relations Com. v. Atlantic Richfield Co.</i>			
<i>Young v. State</i>			
<i>Younger v. Rosenow Paper &amp; Supply Co.</i>			
<i>Zebrowski v. State</i>			
<i>Associates Financial Services Co. v. Eisenberg (6-0)</i>			
<i>Balaam v. Balaam (6-0)</i>			
<i>Foregger v. Foregger (6-0)</i>			
<i>State ex rel. Gutbrod v. Wolke (6-0)</i>			
<i>State v. Chippewa Cable Co. (6-0)</i>			
<i>Brookfield v. Groppi (per curiam, 7-0)</i>			
<i>Wyman v. State (per curiam, 7-0)</i>			



Frequency in the Majority

These tables display how frequently each justice voted in the majority in decisions filed during the 1970-71 term.<sup>3</sup> The first table includes all cases in which a justice voted, while the second table includes only cases decided by split votes.

## All Cases

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Wilkie	289	294	<b>98%</b>
Hallows	287	295	<b>97%</b>
Heffernan	286	294	<b>97%</b>
Beilfuss	293	294	<b>99.7%</b>
C. Hansen	292	294	<b>99%</b>
Hanley	290	294	<b>99%</b>
R. Hansen	284	294	<b>97%</b>

## Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Wilkie	15	20	<b>75%</b>
Hallows	12	20	<b>60%</b>
Heffernan	12	20	<b>60%</b>
Beilfuss	19	20	<b>95%</b>
C. Hansen	18	20	<b>90%</b>
Hanley	15	19	<b>79%</b>
R. Hansen	10	20	<b>50%</b>

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<sup>3</sup> *State v. Smith* is excluded.

Opinions Authored

The first table indicates how many majority/lead opinions a justice authored in cases decided by each of the four possible majority vote totals. The second table shows how many concurrences and dissents each justice wrote.<sup>4</sup>

Opinion Author	7-0 (or 6-0)	6-1 (or 5-1)	5-2	4-3
Wilkie	38	1	0	2
Hallows	38	2	3	0
Heffernan	38	1	2	0
Beilfuss	39	0	0	1
C. Hansen	40	2	0	0
Hanley	39	1	1	1
R. Hansen	41	1	0	2

Opinion Author	Concurring Opinions	Dissenting Opinions
Wilkie	3	3
Hallows	4	5
Heffernan	0	5
Beilfuss	1	0
C. Hansen	2	1
Hanley	0	0
R. Hansen	6	8

<sup>4</sup> *Per curiam* decisions are not included; nor is *State v. Smith*. In *Cudahy v. De Luca*, Justices Beilfuss and C. Hansen appear to have jointly authored a concurrence, which I have counted for both justices in the second table.

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.<sup>5</sup> The first table covers all decisions; the second table narrows its focus to decisions that were not unanimous. When reading the *second* table, for instance, one finds that Justices Wilkie and Beilfuss voted together in 70% of the decisions, while the figure for Justices Hallows and R. Hansen was 30%.

Agreement Between Pairs of Justices—All Decisions

	Hallows	Heffernan	Beilfuss	C. Hansen	Hanley	R. Hansen
Wilkie	287/294=98%	288/293=98%	287/293=98%	286/293=98%	284/293=97%	280/293=96%
	Hallows	282/294=96%	285/294=97%	284/294=97%	284/294=97%	280/294=95%
		Heffernan	286/293=98%	283/293=97%	283/293=97%	281/293=96%
			Beilfuss	290/293=99%	288/293=98%	284/293=97%
				C. Hansen	287/293=98%	283/293=97%
					Hanley	288/293=98%
						R. Hansen

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Hallows	Heffernan	Beilfuss	C. Hansen	Hanley	R. Hansen
Wilkie	13/20=65%	15/20=75%	14/20=70%	13/20=65%	10/19=53%	7/20=35%
	Hallows	8/20=40%	11/20=55%	10/20=50%	9/19=47%	6/20=30%
		Heffernan	13/20=65%	10/20=50%	9/19=47%	8/20=40%
			Beilfuss	17/20=85%	14/19=74%	11/20=55%
				C. Hansen	13/19=68%	10/20=50%
					Hanley	14/19=74%
						R. Hansen

<sup>5</sup> *State v. Smith* is excluded.

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.<sup>6</sup> 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. (Of course, the table does not include *per curiam* decisions and the cases that were submitted on briefs.)

	Number of Majority/Lead Opinions Authored in Cases that Included Oral Argument	Ave. No. of Days From Oral Argument to Opinion Filing
Wilkie	42	34
Hallows	40	33
Heffernan	39	37
Beilfuss	37	30
C. Hansen	42	28
Hanley	40	30
R. Hansen	44	29

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<sup>6</sup> This table includes the decision authored by Justice Wilkie in *State v. Smith*.