STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1965-66

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Hallows, Heffernan, Beilfuss, Gordon	2	Hanz Trucking v. Harris Brothers; State ex rel. Gaynon v. Krueger
Wilkie, Heffernan, Fairchild, Currie	1	J & N Corp. v. Green Bay Div. of Bldg. Inspection
Wilkie, Heffernan, Beilfuss, Currie	1	Merkley v. Schramm
Wilkie, Fairchild, Currie, Gordon	1	State v. Milwaukee Braves
Wilkie, Hallows, Fairchild, Currie	1	State v. Shoffner

4-3 Membership in the Majority

Justice	Votes
Wilkie	4
Hallows	3
Heffernan	4
Beilfuss	3
Fairchild	3
Currie	4
Gordon	3

4-3 Majority Opinions Authored

	Opinions
Wilkie	2
Hallows	1
Heffernan	0
Beilfuss	1
Fairchild	2
Currie	0
Gordon	0
Total	6

Decisions by Vote Split¹

7-0 (or 6-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
248/275 (91%)	11/275 (4%)	10/275 (4%)	6/275 (2%)
Acme Equipment Corp. v. Montgomery Co-op. Creamery Ass'n	Chrislaw v. Clinton	Delaney v. Prudential Ins. Co.	Hanz Trucking, Inc. v. Harris Bros. Co.
Alston v. State	Howard v. Preston	Drabek v. Sabley	J & N Corp. v. Green Bay Div. of Bldg. Inspection
Anheuser Busch, Inc. v. Industrial Com.	Jordan v. Menomonee Falls	Druml Co. v. Capitol Machinery Sales & Service Co.	Merkley v. Schramm
Ausman v. Ausman	Ministers Life & Casualty Union v. Haase	Larson v. Larson	State ex rel. Gaynon v. Krueger
Bachhuber v. Rundhammer	P. C. Monday Tea Co. v. Milwaukee County Expressway Com.	Metcalf v. Consolidated Badger Cooperative	State v. Milwaukee Braves, Inc.
Banach v. Milwaukee	Rivera v. Wollin	Schrab v. State Highway Com.	State v. Shoffner
Bayside v. Berthiaume	Shaw v. Wuttke	State ex rel. Foster v. Uttech	
Beghin v. State Personnel Board	State ex rel. Reiss v. Board of Review	State v. Reynolds	
Behling v. Lohman	West Milwaukee v. West Allis	Zelof v. Capital City Transfer, Inc.	
Bellart v. Martell	Willenbring v. Borkenhagen	Conley v. Industrial Comm. (4-2)	
Bendorf v. Darlington	Volunteers of America, Inc. v. Industrial Com. (5-1)		
Bihlmire v. Hahn			
Bischoff v. First Wisconsin Trust Co.			
Boehck Constr. Equipment Corp. v. O'Brien			
Bosket v. State			
Bratt v. Peterson			
Brown v. State			
Buckley v. Park Bldg. Corp.			
Bunkfeldt v. County Mut. Ins. Co. Burlison v. Janssen			
Burner v. Wille			
Casey v. Industrial Com.			
Casimere v. Herman			
(continued on following page)	<u> </u>	<u>l</u>	<u> </u>

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.

Chevrolet Div., General Motors		
Corp. v. Industrial Com.		
Clark Oil & Refining Corp. v.		
Tomah		
Collier v. State		
Columbia Stamping & Mfg. Co.		
v. Reich		
Conrad Milwaukee Corp. v.		
Wasilewski		
Cook v. Industrial Com.		
De Lap v. Institute of America,		
Inc.		
De Marco v. Braund		
De Toro v. Di-La-Ch, Inc.		
De Vougas v. State		
Doern v. Crawford		
Don Ganser & Associates, Inc. v.		
MHI, Inc.		
Drane v. State		
Drivers, Warehouse & Dairy		
Employees Union v. Wisconsin		
Employees Onton v. wisconsin Employment Relations Board		
Dunwiddie v. Rock County		
E. M. Boerke, Inc. v. Williams		
Ertl v. Ertl		
Eskra v. State		
Fink v. Reitz		
Fischer v. Fischer		
Fontaine v. Milwaukee County		
Expressway Com.		
Foote v. Douglas County		
Ford Motor Credit Co. v. Amodt		
Forest Home Dodge, Inc. v.		
Karns		
Frinzi v. Hanson		
Frye v. Angst		
Gauthier v. State		
Gebhardt Bros., Inc. v. Brimmel		
Gelencser v. Industrial Com.		
Giese v. Karstedt		
Ginkowski v. Ginkowski		
Goetz v. State Farm Mut. Auto.		
Ins. Co.		
Goodman v. Karns		
Gradinjan v. Boho		
Gray v. Wisconsin Tel. Co.		
Guilbeau v. State		
Harris v. State		
Hartwig v. Bitter		
Hastings Realty Corp. v. Texas		
Co.		
Hawkins v. State		
Heater v. Fireman's Fund Ins.		
Co.		
Heckendorf v. J. C. Penney Co. Hein v. State Farm Mut. Auto.		
Ins. Co.		
Helmin v. Student Transp. Co.		
(continued on following page)		

Hilboldt v. Wisconsin Real Estate		
Brokers' Board		
Holschbach v. Holschbach		
Huber Glass Co. v. First Nat'l		
Bank		
Hughes v. State		
Huss v. Vande Hey		
Icke Constr. Co. v. Industrial		
Com.		
In re Elmwood Park		
In re Estate of Berry		
In re Estate of Helgert		
In re Estate of Jankewicz		
In re Estate of King		
In re Estate of Mayer		
In re Estate of Meehan		
In re Estate of Mory		
In re Estate of Radocay		
In re Estate of Raulf		
In re Estate of Rogers		
In re Estate of Rogers In selection of the series of the		
In re Estate of Staniszewski		
In re Iron River Grade School		
Dist.		
In re Trust Created in Last Will		
& Testament of McDowell		
In re Will of Adler		
In re Will of Cooper		
Ivers & Pond Piano Co. v.		
Peckham		
Jackson v. State		
Jacobson v. Greyhound Corp.		
Kallenbach v. Lake Publications,		
Inc.		
Kamrowski v. State		
Kenosha County Court House,		
Afscme v. Kenosha County		
Ketterer v. Maerker		
King v. King		
Klotz v. Wathen		
Koczka v. Hardware Dealers		
Mut. Fire Ins. Co.		
Kohls v. Glassman		
Krueger v. Herman Mut. Ins. Co.		
Krueger v. Steffen		
Landt v. Wisconsin Dells		
Lane v. Collins		
Lathan v. Journal Co.		
Leszczynski v. Surges		
Lingott v. Bihlmire		
Lock v. State		
Lother v. Keller		
Luedtke v. Luedtke		
Luke v. Northwestern Nat'l		
Casualty Co.		
Lundquist v. Western Casualty &		
Surety Co.		
Lyf-Alum, Inc. v. C & M		
Aluminum Supply Corp.		

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Frequency in the Majority

These tables display how frequently each justice voted in the majority in decisions filed during the 1965-66 term. 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	262	265	99%
Hallows	262	272	96%
Heffernan	269	273	99%
Beilfuss	266	274	97%
Fairchild	270	275	98%
Currie	265	274	97%
Gordon	263	273	96%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Wilkie	22	25	88%
Hallows	17	27	63%
Heffernan	23	27	85%
Beilfuss	19	27	70%
Fairchild	22	27	81%
Currie	18	27	67%
Gordon	17	27	63%

Opinions Authored

The first table indicates how many majority 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.²

Opinion Author	7-0 (or 6-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
Wilkie	37	1	4	2
Hallows	36	3	3	1
Heffernan	39	0	0	0
Beilfuss	37	1	2	1
Fairchild	22	4	1	2
Currie	37	2	0	0
Gordon	39	0	0	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Wilkie	2	1
Hallows	1	9
Heffernan	0	2
Beilfuss	1	6
Fairchild	0	2
Currie	5	5
Gordon	2	7

 $^{^2}$ The unanimous *per curiam* decision (*State v. Randolph*) does not figure in this table. When two or more justices co-authored a separate opinion, I credited each of them.

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 275 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 Heffernan voted together in 72% of the decisions, while the figure for Justices Hallows and Currie was 30%.

Agreement Between Pairs of Justices—All Decisions

	Hallows	Heffernan	Beilfuss	Fairchild	Currie	Gordon
Wilkie	249/262= 95%	256/263= 97%	253/264= 96%	262/265= 99%	259/264= 98%	251/263= 95%
	Hallows	260/270= 96%	257/271= 95%	259/272= 95%	252/271= 93%	254/270= 94%
		Heffernan	266/272= 98%	264/273= 97%	259/272= 95%	259/271= 96%
			Beilfuss	261/274= 95%	258/273= 95%	262/272= 96%
		·		Fairchild	266/274= 97%	260/273= 95%
					Currie	259/272= 95%
						Gordon

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Hallows	Heffernan	Beilfuss	Fairchild	Currie	Gordon
Wilkie	12/25= 48%	18/25= 72%	14/25= 56%	22/25= 88%	20/25=80%	13/25= 52%
	Hallows	17/27= 63%	13/27= 48%	14/27= 52%	8/27= 30%	11/27= 41%
		Heffernan	21/27= 78%	18/27= 67%	14/27= 52%	15/27= 56%
			Beilfuss	14/27= 52%	12/27= 44%	17/27= 63%
				Fairchild	19/27= 70%	14/27= 52%
					Currie	14/27= 52%
						Gordon

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.

	Number of Majority/Lead Opinions Authored in Cases that Included Oral Argument	Ave. No. of Days From Oral Argument to Opinion Filing
Wilkie	44	28
Hallows	42	30
Heffernan	38	29
Beilfuss	41	31
Fairchild	29	41
Currie	39	29
Gordon	39	28