

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1964-65

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Wilke, Hallows, Beilfuss, Currie	1	<i>Aetna Casualty & Surety Co. v. Osborne-McMillan Elevator Co.</i>
Wilkie, Hallows, Heffernan, Currie	1	<i>Goldmann Trust v. Goldmann</i>
Wilkie, Heffernan, Fairchild, Gordon	1	<i>Houston v. Houston</i>
Wilkie, Beilfuss, Fairchild, Gordon	1	<i>Meyer v. State</i>
Wilkie, Hallows, Heffernan, Gordon	1	<i>Neumann v. Wisconsin Natural Gas Co.</i>
Heffernan, Beilfuss, Fairchild, Currie	2	<i>Pella Farmers Mut. Ins. Co. v. Hartland Richmond Town Ins. Co. and Schlicht v. Thesing</i>
Wilkie, Heffernan, Currie, Gordon	1	<i>Schmidt v. Chapman</i>
Wilkie, Heffernan, Fairchild, Currie	1	<i>State v. Fogle</i>

4-3 Membership in the Majority

Justice	Votes
Wilkie	7
Hallows	3
Heffernan	7
Beilfuss	4
Fairchild	5
Currie	6
Gordon	4

4-3 Majority Opinions Authored

	Opinions
Wilkie	4
Hallows	1
Heffernan	0
Beilfuss	0
Fairchild	1
Currie	1
Gordon	2
Total	9

Decisions by Vote Split¹

7-0 (or 6-0) 219/256 (86%)	6-1 (or 5-1) 14/256 (5%)	5-2 14/256 (5%)	4-3 9/256 (4%)
<i>Ada Enterprises, Inc. v. Thompson</i>	<i>Cahill v. Cahill</i>	<i>Ash Realty Corp. v. Milwaukee</i>	<i>Aetna Casualty & Surety Co. v. Osborne-McMillan Elevator Co.</i>
<i>Alexander v. Farmers Mut. Auto. Ins. Co.</i>	<i>Continental Casualty Co. v. Industrial Com.</i>	<i>Barnes v. State</i>	<i>Goldmann Trust v. Goldmann</i>
<i>American Motors Corp. v. Industrial Com.</i>	<i>Engel v. Bindel</i>	<i>Goebel v. General Bldg. Service Co.</i>	<i>Houston v. Houston</i>
<i>Application of Manson</i> (24 Wis. 2d 673)	<i>Grant County Service Bureau, Inc. v. Industrial Com.</i>	<i>Inter-Insurance Exchange v. Westchester Fire Ins. Co.</i>	<i>Meyer v. State</i>
<i>Application of Manson</i> (27 Wis. 2d 601)	<i>In re Estate of Ahern</i>	<i>MAAHS v. INDUSTRIAL COMMN.</i>	<i>Neumann v. Wisconsin Natural Gas Co.</i>
<i>Bailey v. Hagen</i>	<i>In re Estate of Ferguson</i>	<i>Millard v. Columbia County Highway Committee</i>	<i>Pella Farmers Mut. Ins. Co. v. Hartland Richmond Town Ins. Co.</i>
<i>Baker v. Northwestern Nat'l Casualty Co.</i>	<i>In re Estate of Southey</i>	<i>Moritz v. Allied American Mut. Fire Ins. Co.</i>	<i>Schlicht v. Thesing</i>
<i>Barnard v. Coates</i>	<i>Karis v. Kroger Co.</i>	<i>Olson v. Siordia</i>	<i>Schmidt v. Chapman</i>
<i>Barth v. State</i>	<i>Liebmann Packing Co. v. Industrial Com.</i>	<i>Platke v. John Hancock Mut. Life Ins. Co.</i>	<i>State v. Fogle</i>
<i>Baumgarten v. Jones</i>	<i>Peterson v. Greenway</i>	<i>Raszeja v. Brozek Heating & Sheet Metal Corp.</i>	
<i>Bie v. Ingersoll</i>	<i>State v. Givens</i>	<i>Schilling v. Stockel</i>	
<i>Boerschinger v. Elkay Enterprises, Inc.</i>	<i>State v. Stevens</i>	<i>State ex rel. American Oil Co. v. Bessent</i>	
<i>Borello v. Industrial Com.</i>	<i>Andritsch v. Henschel</i> (5-1)	<i>Strandberg v. Strandberg</i>	
<i>Borkin v. Alexander</i>	<i>State v. Conway</i> (5-1)	<i>Whitman v. Whitman</i>	
<i>Bornemann v. New Berlin</i>			
<i>Breitenbach v. Gerlach</i>			
<i>Brunette v. Dade</i>			
<i>Buckley v. Park Bldg. Corp.</i>			
<i>Bump v. Dahl</i>			
<i>Carr v. Industrial Com.</i>			
<i>Carter v. State</i>			
<i>Chandler v. Chandler</i>			

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¹ 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>Chicago & N. W. R. Co. v. La Follette</i>			
<i>Chimekas v. Marvin</i>			
<i>Cihlar v. Harvey</i>			
<i>Emelak v. Industrial Com.</i>			
<i>Continental Casualty Co. v. Industrial Com.</i>			
<i>Cook v. Thomas</i>			
<i>Cullen v. State</i>			
<i>Dahlke v. Dahlke</i>			
<i>Dakin v. Allis</i>			
<i>Dascenzo v. State</i>			
<i>Dombrowski v. Tomasino</i>			
<i>Ehrlich v. Racine</i>			
<i>Electric Stroage Battery Co. v. Black</i>			
<i>ESTATE of BLETSCH</i>			
<i>F. F. Mengel Co. v. North Fond Du Lac</i>			
<i>Fehrman v. Smirl</i>			
<i>Felger v. Kozlowski</i>			
<i>Firkus v. Rombalski</i>			
<i>First American State Bank v. Aetna Casualty & Surety Co.</i>			
<i>First Nat'l Bank v. Scieszinski</i>			
<i>Fisher v. Gibb</i>			
<i>Fogelberg v. Cassata</i>			
<i>Forde v. Industrial Commn.</i>			
<i>Foryan v. Firemen's Fund Ins. Co.</i>			
<i>Fringer v. Venema</i>			
<i>Fritz v. State</i>			
<i>Giffen v. Tigerton Lumber Co.</i>			
<i>Gleisner v. United States Fidelity & Guaranty Co.</i>			
<i>Goyer v. State</i>			
<i>Graf v. Gerber</i>			
<i>Guinther v. Schucht</i>			
<i>H. & R. Truck Leasing Corp. v. Allen</i>			
<i>Hain v. Biron</i>			
<i>Haislmaier v. Zache</i>			
<i>Hansen v. State</i>			
<i>Hausmann v. Wittemann</i>			
<i>Hawkins v. State</i>			
<i>Hennington v. Valuch</i>			
<i>Hietpas v. State</i>			
<i>Hoffman v. Red Owl Stores, Inc.</i>			
<i>Hope Acres, Inc. v. Harris</i>			
<i>Hurkman v. State</i>			
<i>Hutt v. Lamont's Service, Inc.</i>			
<i>In re Cudahy Trust</i>			
<i>In re Estate of Astrach</i>			
<i>In re Estate of Beat</i>			
<i>In re Estate of Fucela</i>			
<i>In re Estate of Gray</i>			
<i>In re Estate of Mayer</i>			
<i>In re Estate of Michaels</i>			
<i>In re Estate of Roth</i>			

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<i>In re Estate of Seliger</i>			
<i>In re Estate of Sykes</i>			
<i>In re Estate of Turer</i>			
<i>In re Hipke</i>			
<i>In re Spigner</i>			
<i>In re Trust of Mueller</i>			
<i>James Talcott, Inc. v. P & J Contracting Co.</i>			
<i>Jewell v. United Fire & Casualty Co.</i>			
<i>Johnson v. Bar-Mour, Inc.</i>			
<i>Joint School Dist. v. Joint County School Committee (26 Wis. 2d 437)</i>			
<i>Joint School Dist. v. Joint County School Committee (26 Wis. 2d 580)</i>			
<i>Kablitz v. Hoeft</i>			
<i>Karp v. Coolview of Wisconsin, Inc.</i>			
<i>Kenneth F. Sullivan Co. v. Industrial Com.</i>			
<i>Kilps v. Pawinski</i>			
<i>King v. King</i>			
<i>Kirchen v. Gottschalk</i>			
<i>Klapps v. American Ins. Co.</i>			
<i>Kopperud v. Chick</i>			
<i>Kraus v. Wisconsin Life Ins. Co.</i>			
<i>Krcmar v. Reichert</i>			
<i>Kuchinsky v. Empire Lounge, Inc.</i>			
<i>L. L. Freeman, Inc. v. Howell Plaza, Inc.</i>			
<i>La Favor v. Industrial Com.</i>			
<i>Laabs v. Bolger</i>			
<i>Lake Como Beach Property Owners Ass'n v. Giovannoni</i>			
<i>Le Mense v. Thiel</i>			
<i>Lee v. Threshermen's Mut. Ins. Co.</i>			
<i>Lemke v. Guse</i>			
<i>Madison v. Geier</i>			
<i>Manson v. Union Trust Life Ins. Co.</i>			
<i>Marshall v. Bellin</i>			
<i>Martell v. National Guardian Life Ins. Co.</i>			
<i>McCormick v. Kuhnly</i>			
<i>McDonald v. Chicago, M., S. P. & P. R. Co.</i>			
<i>McKenna v. State Highway Com.</i>			
<i>Mednis v. Industrial Com.</i>			
<i>Medved v. Medved</i>			
<i>Merten v. National Mfrs. Bank</i>			
<i>Milwaukee v. Milwaukee County</i>			
<i>Milwaukee v. Thompson</i>			
<i>Milwaukee v. Wuky</i>			
<i>Mixis v. Wisconsin Public Service Co.</i>			
<i>Moldenhauer v. Faschingbauer</i>			

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<i>Myartt v. State</i>			
<i>National Farmers Union Property & Casualty Co. v. Maca</i>			
<i>Nelson v. Boulay Bros. Co.</i>			
<i>Newberger v. Pokrass</i>			
<i>Parchia v. Parchia</i>			
<i>Pavalon v. Thomas Holmes Corp.</i>			
<i>Pavela v. Fliesz</i>			
<i>Petkus v. State Highway Com.</i>			
<i>Pire v. Wisconsin State Aeronautics Com.</i>			
<i>Plymouth v. Elsner</i>			
<i>Presti v. O'Donahue</i>			
<i>Queen Ins. Co. v. Kaiser</i>			
<i>Rachlin v. Drath</i>			
<i>Ramaker v. Cities Service Oil Co.</i>			
<i>Rice v. Gruetzmacher</i>			
<i>Ritchie v. Davis</i>			
<i>Robison v. Borkenhagen</i>			
<i>Schilz v. Walter Kassuba, Inc.</i>			
<i>Schmidt v. Hardware Dealers Mut. Fire Ins. Co.</i>			
<i>Schneider Fuel & Supply Co. v. Thomas H. Bentley & Son, Inc.</i>			
<i>Schoenfeldt v. Babcock</i>			
<i>Schwalbach v. Antigo Electric & Gas, Inc.</i>			
<i>Shearer v. Congdon</i>			
<i>Sparkman v. State</i>			
<i>St. Paul Fire & Marine Ins. Co. v. Burchard</i>			
<i>State ex rel. Burns v. Vernon</i>			
<i>STATE ex rel. CITY OF LA CROSSE v. ROTHWELL</i>			
<i>State ex rel. Dela Hunt v. Ward</i>			
<i>State ex rel. Dietrich v. Miller</i>			
<i>State ex rel. Elfers v. Olson</i>			
<i>State ex rel. Goodchild v. Burke</i>			
<i>State ex rel. Gudlin v. Civil Service Com.</i>			
<i>State ex rel. Humble Oil & Refining Co. v. Wahner</i>			
<i>State ex rel. Markdale Corp. v. Board of Appeals</i>			
<i>State ex rel. Sachtjen v. Festge</i>			
<i>State ex rel. Sonneborn v. Sylvester</i>			
<i>State ex rel. Thompson v. Nash</i>			
<i>State v. Brown</i>			
<i>State v. Klein</i>			
<i>State v. Lampe</i>			
<i>State v. Morrissy</i>			
<i>State v. Schmear</i>			
<i>State v. Strickland</i>			
<i>State v. Waters</i>			
<i>Stebane Nash Co. v. Campbellsport Mut. Ins. Co.</i>			
<i>Superior Plumbing Co. v. Tefs</i>			
<i>Tanberg v. Rydberg</i>			

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<i>Thompson v. Sloan</i>			
<i>Tiedeman v. Middleton</i>			
<i>Travelers Ins. Co. v. George McArthur & Sons</i>			
<i>Tully v. Fred Olson Motor Service Co.</i>			
<i>Tyrrell v. Industrial Com.</i>			
<i>Van Voorhis v. State</i>			
<i>Vollert v. Wisconsin Rapids</i>			
<i>Walker Mfg. Co. v. Industrial Com.</i>			
<i>Walter Laev Used Cars, Inc. v. Olkowski</i>			
<i>Walworth County v. Elkhorn</i>			
<i>Weather-Tite Co. v. Lepper</i>			
<i>Webb v. Wisconsin Southern Gas Co.</i>			
<i>Werlein v. Werlein</i>			
<i>West Allis v. Megna</i>			
<i>Weston v. State</i>			
<i>Wilcox v. Wilcox</i>			
<i>William O'Donnell, Inc. v. Wisconsin Employment Relations Bd.</i>			
<i>Wilmot Union High School Dist. v. Rothwell</i>			
<i>Withers v. Tucker</i>			
<i>Wulf v. Rebbun</i>			
<i>Zywicke v. Brogli</i>			
<i>State ex rel. Boulton v. Zimmerman, (per curiam, 7-0)</i>			
<i>State ex rel. Eastman v. Burke, ([25 Wis. 2d 676], per curiam, 7- 0)</i>			
<i>State ex rel. Eastman v. Burke ([28 Wis. 2d 170], per curiam, 7- 0)</i>			
<i>State ex rel. Kline v. Burke, (per curiam, 7-0)</i>			
<i>State ex rel. Sonneborn v. Sylvester, (per curiam, 7-0)</i>			
<i>Applied Power Industries, Inc. v. Wisconsin Dep't of Taxation (6-0)</i>			
<i>Balen v. Franklin (6-0)</i>			
<i>Barry Laboratories, Inc. v. Wisconsin State Board of Pharmacy (6-0)</i>			
<i>Belisle v. Belisle (6-0)</i>			
<i>Bradford v. Milwaukee & Suburban Transport Co. (6-0)</i>			
<i>Brink v. Industrial Com. (6-0)</i>			
<i>Calumet Cheese Co. v. Chas. Pfizer & Co. (6-0)</i>			
<i>Cathey v. Industrial Com. (6-0)</i>			
<i>Caygill v. Ipsen (6-0)</i>			
<i>Ehlers-Mann & Associates, Inc. v. Madison American Guaranty Ins. Corp. (6-0)</i>			

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<i>Gross Common Carrier v. Quick-N-Clean Corp.</i> (6-0)			
<i>Heffernan v. Heffernan</i> (6-0)			
<i>Horvath v. Industrial Com.</i> (6-0)			
<i>In re Estate of Evans</i> (6-0)			
<i>In re Estate of Rich</i> (6-0)			
<i>Josam Mfg. Co. v. State Bd. of Health</i> (6-0)			
<i>Kessler v. Industrial Com.</i> (6-0)			
<i>Kink v. Combs</i> (6-0)			
<i>Koehler v. Haechler</i> (6-0)			
<i>Mahoney v. State Personnel Board</i> (6-0)			
<i>National Guardian Life Ins. Co. v. Industrial Com.</i> (6-0)			
<i>Petition of Wisconsin Electric Power Co.</i> (6-0)			
<i>Philipp Lithographing Co. v. Babich</i> (6-0)			
<i>Sensenbrenner v. Keppler</i> (6-0)			
<i>Seymour v. Industrial Com.</i> (6-0)			
<i>Shelby Mut. Ins. Co. v. Home Mut. Ins. Co.</i> (6-0)			
<i>Sims v. Manson</i> (6-0)			
<i>Welsher v. State</i> (6-0)			
<i>Wolke v. Fleming</i> (6-0)			

Frequency in the Majority

These tables display how frequently each justice voted in the majority in decisions filed during the 1964-65 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	233	240	97%
Hallows	232	253	92%
Heffernan	252	255	99%
Beilfuss	239	251	95%
Fairchild	247	256	96%
Currie	249	254	98%
Gordon	240	252	95%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Wilkie	30	37	81%
Hallows	14	35	40%
Heffernan	34	37	92%
Beilfuss	25	37	68%
Fairchild	28	37	76%
Currie	32	37	86%
Gordon	25	37	68%

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	4-3
Wilkie	32	1	2	4
Hallows	32	3	1	1
Heffernan	27	1	2	0
Beilfuss	30	3	3	0
Fairchild	31	2	0	1
Currie	31	1	3	1
Gordon	31	3	3	2

Opinion Author	Concurring Opinions	Dissenting Opinions
Wilkie	4	5
Hallows	3	9
Heffernan	1	1
Beilfuss	2	7
Fairchild	2	1
Currie	2	2
Gordon	5	9

² The five *per curiam* decisions are not included. 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 256 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 73% of the decisions, while the figure for Justices Hallows and Currie was 49%.

Agreement Between Pairs of Justices—All Decisions

	Hallows	Heffernan	Beilfuss	Fairchild	Currie	Gordon
Wilkie	216/237=91%	229/239=96%	216/235=92%	226/240=94%	226/238=95%	225/236=95%
	Hallows	230/252=91%	232/248=94%	227/253=90%	233/251=93%	222/249=89%
		Heffernan	235/250=94%	245/255=96%	247/253=98%	238/251=95%
			Beilfuss	236/251=94%	236/249=95%	227/247=92%
				Fairchild	242/254=95%	239/252=95%
					Currie	233/250=93%
						Gordon

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Hallows	Heffernan	Beilfuss	Fairchild	Currie	Gordon
Wilkie	14/35=40%	27/37=73%	18/37=49%	23/37=62%	25/37=68%	26/37=70%
	Hallows	13/35=37%	19/35=54%	9/35=26%	17/35=49%	8/35=23%
		Heffernan	22/37=59%	27/37=73%	31/37=84%	24/37=65%
			Beilfuss	22/37=59%	24/37=65%	17/37=46%
				Fairchild	25/37=68%	24/37=65%
					Currie	20/37=54%
						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	39	29
Hallows	37	32
Heffernan	30	32
Beilfuss	36	29
Fairchild	34	32
Currie	36	29
Gordon	39	29