

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1960-61

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Hallows, Brown, Broadfoot, Martin	1	<i>American Ins. Co. v. Rural Mut. Casualty Ins. Co.</i>
Dieterich, Currie, Broadfoot, Martin	1	<i>Fulton Foundation v. Wisconsin Dep't of Taxation</i>
Hallows, Currie, Brown, Martin	1	<i>Gregory v. Anderson</i>
Fairchild, Brown, Broadfoot, Martin	1	<i>State ex rel. Reynolds v. Dinger</i>
Hallows, Dieterich, Fairchild, Broadfoot	1	<i>Union Cemetery v. Milwaukee</i>
Hallows, Dieterich, Fairchild, Brown	1	<i>Zehren v. F. W. Woolworth Co.</i>

4-3 Membership in the Majority

Justice	Votes
Hallows	4
Dieterich	3
Fairchild	3
Currie	2
Brown	4
Broadfoot	4
Martin	4

4-3 Majority Opinions Authored

	Opinions
Hallows	2
Dieterich	0
Fairchild	0
Currie	2
Brown	1
Broadfoot	0
Martin	1
<b>Total</b>	<b>6</b>

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

7-0 (or 6-0, 4-0)	6-1	5-2	4-3
211/235 (90%)	12/235 (5%)	6/235 (3%)	6/235 (3%)
<i>Ace Associates, Inc. v. Nagy</i>	<i>Branch v. Oconto County</i>	<i>Bauer v. Hardware Mut. Casualty Co.</i>	<i>American Ins. Co. v. Rural Mut. Casualty Ins. Co.</i>
<i>Aetna Casualty &amp; Surety Co. v. Lauerman</i>	<i>Fulton Foundation v. Wisconsin Dep't of Taxation</i>	<i>Becker v. La Crosse</i>	<i>Fulton Foundation v. Wisconsin Dep't of Taxation</i>
<i>Affett v. Milwaukee &amp; Suburban Transport Corp.</i>	<i>Glendale Development, Inc. v. Board of Regents</i>	<i>In re Trust Estate of Strass</i>	<i>Gregory v. Anderson</i>
<i>Aikins v. Peterson</i>	<i>Graff v. Denny</i>	<i>Malco, Inc. v. Midwest Aluminum Sales, Inc.</i>	<i>State ex rel. Reynolds v. Dinger</i>
<i>Andrews Lumber Co. v. Cheske</i>	<i>In re Estate of Baumgarten</i>	<i>State ex rel. Reynolds v. County Court of Kenosha County</i>	<i>Union Cemetery v. Milwaukee</i>
<i>Application of Duveneck</i>	<i>Nielsen v. Industrial Com.</i>	<i>White House Milk Co. v. Reynolds</i>	<i>Zehren v. F. W. Woolworth Co.</i>
<i>Asen v. Jos. Schlitz Brewing Co.</i>	<i>Rabinovitz v. Travelers Ins. Co.</i>		
<i>Asleson v. Hardware Dealers Mut. Fire Ins. Co.</i>	<i>Rosenthal v. Rosenthal</i>		
<i>Associated Hospital Service v. Milwaukee</i>	<i>Schaeffer v. Industrial Com.</i>		
<i>Baird v. Cornelius</i>	<i>Severson v. Hauck</i>		
<i>Ballas v. Superior Mut. Ins. Co.</i>	<i>State ex rel. Lake Drive Baptist Church v. Bayside Bd. of Trustees</i>		
<i>Bartell Broadcasters, Inc. v. Milwaukee Broadcasting Co.</i>	<i>Truesdill v. Roach</i>		
<i>Bartlett v. Joint County School Committee</i>			
<i>Bauman v. Gilbertson</i>			
<i>Beijer v. Beijer</i>			
<i>Bembinster v. Aero Auto Parts, Inc.</i>			
<i>Bino v. Hurley</i>			
<i>Blasi v. Drafz</i>			
<i>Bond v. Harrel</i>			
<i>Borum v. Industrial Com.</i>			
<i>Boulevard Builders, Inc. v. Snyder</i>			
<i>Brausen v. Daley</i>			

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<sup>1</sup> 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.

WISCONSIN SUPREME COURT DECISIONS, 1960-1961

<i>Brody v. Long</i>			
<i>Brown v. Farmers Mut. Auto. Ins. Co.</i>			
<i>Burmek v. Miller Brewing Co.</i>			
<i>Cady v. Alexander Constr. Co.</i>			
<i>Carney v. Farmers Mut. Auto. Ins. Co.</i>			
<i>Cary v. Klabunde</i>			
<i>Central Cheese Co. v. Marshfield</i>			
<i>Clements v. Mutual Service Ins. Co.</i>			
<i>Cobb v. Public Service Com.</i>			
<i>Cohn v. Zippel</i>			
<i>Consolidated School Dist. v. Frey</i>			
<i>Country Motors, Inc. v. Friendly Finance Corp.</i>			
<i>Cutler-Hammer, Inc. v. Industrial Com.</i>			
<i>Davis v. Skille</i>			
<i>Dennik v. Fox River Bus Lines, Inc.</i>			
<i>Diehl v. Dunn</i>			
<i>Drugsvold v. Small Claims Court</i>			
<i>Dykstra v. Cudahy Bros. Co.</i>			
<i>Enderby v. Industrial Com.</i>			
<i>Farmers Mut. Auto. Ins. Co. v. Safeguard Ins. Co.</i>			
<i>Fieldhouse Landscape, Inc. v. Gentile</i>			
<i>Francke v. West Bend</i>			
<i>Franckowiak v. Industrial Com.</i>			
<i>Frion v. Coren</i>			
<i>Gaspord v. Hecht</i>			
<i>Gerlat v. Christianson</i>			
<i>Gilberg v. Tisdale</i>			
<i>Gissing v. Gissing</i>			
<i>Glodowski v. Industrial Com.</i>			
<i>Goldenberg v. Daane</i>			
<i>Grana v. Summerford</i>			
<i>Grant v. Cronin</i>			
<i>Grunwaldt v. State Highway Com.</i>			
<i>Hahn v. County of Walworth</i>			
<i>Handy v. Holland Furnace Co.</i>			
<i>Hansen v. Oregon</i>			
<i>Hansen v. Schmidman Properties, Inc.</i>			
<i>Harding v. Industrial Com.</i>			
<i>Hintz v. Zion Evangelical United Brethren Church</i>			
<i>Howrahan v. Brandt</i>			
<i>Hub Dairy Co-op. v. Industrial Com.</i>			
<i>Hupf v. State Farm Mut. Ins. Co.</i>			
<i>Hyland Hall &amp; Co. v. Madison Gas &amp; Electric Co.</i>			
<i>In re Estate of Brandenburg</i>			
<i>In re Estate of Budd</i>			
<i>In re Estate of Cochrane</i>			

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WISCONSIN SUPREME COURT DECISIONS, 1960-1961

<i>In re Estate of Dobrecevich</i>			
<i>In re Estate of Elsinger</i>			
<i>In re Estate of Kaiman</i>			
<i>In re Estate of Kavanaugh</i>			
<i>In re Estate of Kemman</i>			
<i>In re Estate of Kitz</i>			
<i>In re Estate of Kuepper</i>			
<i>In re Estate of Schmidt</i>			
<i>In re Guardianship of Coolidge</i>			
<i>In re La Crosse Sand &amp; Gravel Co.</i>			
<i>In re Northway Wholesale, Inc.</i>			
<i>In re Will of Falk</i>			
<i>In re Will of Ganchoff</i>			
<i>In re Will of Wright</i>			
<i>Jackson v. Madison</i>			
<i>Jenkins v. State</i>			
<i>Jennings v. Safeguard Ins. Co.</i>			
<i>Jezeinski v. Lipinski</i>			
<i>Joerres v. Koscielniak</i>			
<i>Johns v. State</i>			
<i>Johnson v. Industrial Com.</i>			
<i>Joint School Dist. v. Joint City School Dist.</i>			
<i>Jolitz v. Graff [12 Wis. 2d 52]</i>			
<i>Jolitz v. Graff [13 Wis. 2d 190]</i>			
<i>Kennedy-Ingalls Corp. v. Meissner</i>			
<i>Kizewski v. Industrial Com.</i>			
<i>Kohler v. Dumke</i>			
<i>Kojis v. Doctors Hospital</i>			
<i>Konieczki v. Great American Indem. Co.</i>			
<i>Kraus v. Mueller</i>			
<i>Kuentzel v. State Farm Mut. Auto. Ins. Co.</i>			
<i>Kultgen v. State Highway Com.</i>			
<i>Lakeshore Development Corp. v. Plan Com. of Oconomowoc Lake</i>			
<i>Langland v. Joint County School Committee</i>			
<i>Lavo Co. of America v. Wisconsin Dep't of Taxation</i>			
<i>Lehmann Tire &amp; Supply, Inc. v. Mashuda Constr. Co.</i>			
<i>Lentz v. Northwestern Nat'l Casualty Co.</i>			
<i>Levin v. Perkins</i>			
<i>Lowenstine v. Land O'Lakes</i>			
<i>Lozoff v. Kaisershot</i>			
<i>Lubow v. Morrissey</i>			
<i>M. W. Martin, Inc. v. Industrial Com.</i>			
<i>Madison Bldg. &amp; Constr. Trades Council v. Wisconsin Employment Relations Board</i>			
<i>Madison v. Blooming Grove</i>			
<i>Madison v. Madison</i>			
<i>Main v. Cameron</i>			

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<i>Mancheski v. Derwae</i>			
<i>Marine Nat'l Exchange Bank v. Wisconsin Dep't of Taxation</i>			
<i>Maroney v. Allstate Ins. Co.</i>			
<i>Martell v. Klingman</i>			
<i>Maslowski v. Bitter</i>			
<i>Masters v. Masters</i>			
<i>McDonald v. Bituminous Casualty Corp.</i>			
<i>Mech v. Shawano Canning Co.</i>			
<i>Meyer v. Industrial Com.</i>			
<i>Meyer v. Mutual Service Casualty Ins. Co.</i>			
<i>Milwaukee &amp; Suburban Transport Corp. v. Public Service Comm'n</i>			
<i>Mondl v. F. W. Woolworth Co.</i>			
<i>Moore v. Industrial Com.</i>			
<i>Morris v. Morris</i>			
<i>Murphy v. Milwaukee</i>			
<i>Musil v. Barron Electrical Co-operative</i>			
<i>N. S. Koos &amp; Son Co. v. Tehan</i>			
<i>Nessler v. Nowicki</i>			
<i>Nichols v. United States Fidelity &amp; Guaranty Co.</i>			
<i>Nick v. State Highway Com.</i>			
<i>Nickel v. Voelker</i>			
<i>Niezbalski v. Cuchna</i>			
<i>O'Connor v. Brahmstead</i>			
<i>O'Donnell v. Pabst Brewing Co.</i>			
<i>Pagel v. Holewinski</i>			
<i>Paschong v. Hollenbeck</i>			
<i>Pasternak v. Pasternak</i>			
<i>Pelican Amusement Co. v. Pelican</i>			
<i>Pendzich v. Industrial Com.</i>			
<i>Peters v. Kell</i>			
<i>Peterson v. Peterson</i>			
<i>Petition of Anderson</i>			
<i>Pettit v. Olson</i>			
<i>Plesko v. Allied Inv. Co.</i>			
<i>Podoll v. Smith</i>			
<i>Rademan v. Rankin</i>			
<i>Rasmussen v. Garthus</i>			
<i>Reistad v. Manz</i>			
<i>Roze v. Architectural Bldg. Products, Inc.</i>			
<i>Rude v. Algiers</i>			
<i>Saletri v. Clark</i>			
<i>Sauk County v. Schmitz</i>			
<i>Scalzo v. Marsh</i>			
<i>Scheer v. Weis</i>			
<i>Schier v. Denny</i>			
<i>Seefluth v. Herman Mut. Ins. Co.</i>			
<i>Smedley v. Milwaukee Auto. Ins. Co.</i>			
<i>Sohns v. Jensen</i>			
<i>State ex rel. Damerow v. Behrens</i>			

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<i>State ex rel. Gresholdt v. Board of Appeals</i>			
<i>State ex rel. Kapusta v. Weir</i>			
<i>State ex rel. Mitchell v. Superior Court of Dane County</i>			
<i>State ex rel. Peterson v. County Court of Clark County</i>			
<i>State ex rel. Reynolds v. County Court of Chippewa County</i>			
<i>State ex rel. Riegert v. Koepke</i>			
<i>State Teachers' Retirement Board v. Giessel</i>			
<i>State v. Chobot</i>			
<i>State v. Donohue</i>			
<i>State v. Minneapolis, S. P. &amp; S. S. M. R. Co.</i>			
<i>State v. Welkos</i>			
<i>Steen v. Wolff</i>			
<i>Stippich v. Morrison</i>			
<i>Stone Bank Improv. Co. v. Vollriede</i>			
<i>Strack v. Strack</i>			
<i>Strong v. Herman Mut. Ins. Co.</i>			
<i>Strong v. Shawano Canning Co.</i>			
<i>Strupp v. Farmers Mut. Auto. Ins. Co.</i>			
<i>Swan Boulevard Development Corp. v. Cybulski</i>			
<i>Swedowski v. Westgor</i>			
<i>Thiel v. Bahr Constr. Co.</i>			
<i>Thompson v. Nee</i>			
<i>Uihlein v. Uihlein</i>			
<i>United Auto. etc., Workers v. Wisconsin Employment Relations Board</i>			
<i>Vishnevsky v. Vishnevsky</i>			
<i>Wagner v. Wagner</i>			
<i>Walker v. Baker</i>			
<i>Waters Motor Co. v. Grain Dealers Mut. Ins. Co.</i>			
<i>Weber v. Hurley</i>			
<i>Wellman v. Moes</i>			
<i>Winkler v. State Farm Mut. Auto. Ins. Co.</i>			
<i>Wisconsin Dep't of Taxation v. Blatz Brewing Co.</i>			
<i>Wisconsin Dep't of Taxation v. La Crosse</i>			
<i>Wisconsin Dep't of Taxation v. O. H. Kindt Mfg. Co.</i>			
<i>Wisconsin Employment Relations Board v. International Asso. of Machinists</i>			
<i>Wojciuk v. United States Rubber Co.</i>			
<i>Zezblatt v. Sampson</i>			
<i>Zschock v. Industrial Com.</i>			

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WISCONSIN SUPREME COURT DECISIONS, 1960-1961

<i>Consolidated Apparel Co. v. Common Council of Milwaukee</i> (6-0)			
<i>Forsberg Paper Box Co. v. Wisconsin Dep't of Taxation</i> (6-0)			
<i>Gustafson v. Bertschinger</i> (6-0)			
<i>Hall v. Banking Review Board</i> (6-0)			
<i>Jacobs v. General Acci. Fire &amp; Life Assurance Corp.</i> (6-0)			
<i>Klatt v. Zera</i> (6-0)			
<i>Merchandising Corp. v. Marine Nat'l Exchange Bank</i> (6-0)			
<i>Ottinger v. Falkenberg</i> (6-0)			
<i>Stark v. Gigante</i> (6-0)			
<i>State Bank of Drummond v. Nuesse</i> (4-0)			

Frequency in the Majority

These tables display how frequently each justice voted in the majority in decisions filed during the 1960-61 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
Hallows	225	232	<b>97%</b>
Dieterich	227	233	<b>97%</b>
Fairchild	222	233	<b>95%</b>
Currie	226	233	<b>97%</b>
Brown	229	233	<b>98%</b>
Broadfoot	229	234	<b>98%</b>
Martin	233	235	<b>99%</b>

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Hallows	17	24	<b>71%</b>
Dieterich	18	24	<b>75%</b>
Fairchild	13	24	<b>54%</b>
Currie	17	24	<b>71%</b>
Brown	20	24	<b>83%</b>
Broadfoot	19	24	<b>79%</b>
Martin	22	24	<b>92%</b>



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.<sup>2</sup>

Opinion Author	7-0 (or 6-0, 4-0)	6-1	5-2	4-3
Hallows	24	5	3	2
Dieterich	28	1	2	0
Fairchild	31	2	0	0
Currie	31	3	0	2
Brown	34	0	1	1
Broadfoot	33	0	0	0
Martin	30	1	0	1

Opinion Author	Concurring Opinions	Dissenting Opinions
Hallows	1	5
Dieterich	0	1
Fairchild	4	4
Currie	3	3
Brown	0	2
Broadfoot	1	0
Martin	0	0

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<sup>2</sup> 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 235 decisions; the second table narrows its focus to decisions that were not unanimous. When reading the *second* table, for instance, one finds that Justices Hallows and Fairchild voted together in 33% of the decisions, while the figure for Justices Currie and Martin was 79%.

Agreement Between Pairs of Justices—All Decisions

	Dieterich	Fairchild	Currie	Brown	Broadfoot	Martin
Hallows	221/230=96%	214/230=93%	218/230=95%	223/230=97%	219/231=95%	223/232=96%
	Dieterich	218/231=94%	222/231=96%	221/231=96%	223/232=96%	225/233=97%
		Fairchild	217/231=94%	220/231=95%	220/232=95%	220/233=94%
			Currie	223/232=96%	225/233=97%	228/233=98%
				Brown	224/233=96%	229/233=98%
					Broadfoot	229/234=98%
						Martin

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Dieterich	Fairchild	Currie	Brown	Broadfoot	Martin
Hallows	15/24=63%	8/24=33%	12/24=50%	17/24=71%	12/24=50%	15/24=63%
	Dieterich	11/24=46%	15/24=63%	14/24=58%	15/24=63%	16/24=67%
		Fairchild	10/24=42%	13/24=54%	12/24=50%	11/24=46%
			Currie	15/24=63%	16/24=67%	19/24=79%
				Brown	15/24=63%	20/24=83%
					Broadfoot	19/24=79%
						Martin

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.

	<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>
Hallows	32	29
Dieterich	31	29
Fairchild	32	30
Currie	33	29
Brown	35	29
Broadfoot	31	29
Martin	31	29