# STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1961-62

# Four-to-Three Decisions

Justices	Total	Case Names
Hallows, Dieterich, Currie, Broadfoot	1	Copland v. Wisconsin Dep't of Taxation
Hallows, Currie, Broadfoot, Martin	1	Rice Lake Creamery Co. v. Industrial Com.
Fairchild, Brown, Gordon, Wilkie	1	State v. Esser
Dieterich, Currie, Brown, Martin	1	Weyauwega Tel. Co. v. Public Service Com.

# 4-3 Alignments

# 4-3 Membership in the Majority

Justice	Votes
Hallows	2
Dieterich	2
Fairchild	1
Currie	3
Brown	2
Gordon	1
Wilkie	1
Broadfoot	2
Martin	2

# 4-3 Majority Opinions Authored

	Opinions
Hallows	1
Dieterich	0
Fairchild	1
Currie	2
Brown	0
Gordon	0
Wilkie	0
Broadfoot	0
Martin	0
Total	4

7-0 (or 6-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
212/238 (89%)	12/238 (5%)	10/238 (4%)	4/238 (2%)
A. J. SWEET OF LA CROSSE,	Application of	Harweger v.	4/238 (2 /0) Copland v.
INC. v. INDUSTRIAL COMMN.	Application of Brandt	Wilcox	Wisconsin Dep't
of Wisconsin	Dranai	WILCOX	of Taxation
A. O. Smith Corp. v. Associated	Dahlke v. Roeder	In re ESTATE of	Rice Lake
Sales & Bag Co.		BEALE	Creamery Co. v.
0			Industrial Com.
Allstate Ins. Co. v. Charneski	First Nat'l Bank v.	In re Estate of	State v. Esser
	Motors Acceptance	Gibbs	
	Corp.		
Alsmeyer v. Norden	First Wisconsin	In re Estate of	Weyauwega Tel.
	Nat'l Bank v.	Phillips	Co. v. Public
	Rische	N. M.11	Service Com.
Anderson v. Saunders	Pembar, Inc. v.	Nutrena Mills,	
Arnold Joerns Co. v. Roberts	Knapp Pruitt v. State	Inc. v. Earle Rogers v.	
Arnola Joerns Co. V. Koberis	Prutti v. State	Oconomowoc	
Ashwaubenon v. Public Service	State v. Public	Russell v.	
Com.	Service Com.	Johnson	
Ashwaubenon v. State Highway	State v. Roggensack	State ex rel.	
Com.	State V. Hoggensach	Reynolds v.	
		Nusbaum	
Baier v. Farmers Mut. Ins. Co.	State v. Texaco,	Brown Deer v.	
	Inc.	Milwaukee (4-2)	
Bartz v. Braun	Strahlendorf v.	Hoene v.	
	Walgreen Co.	Milwaukee (4-2)	
Bauermeister v. Alden	Teufel v. Home		
	Indem. Co.		
Beardsley v. Darlington	In re Walker's Trust (5-1)		
	(3-1)		
Bethel Convalescent Home, Inc.			
v. Richfield			
Bielski v. Schulze			
Birnamwood Oil Co. v.			
Arrowhead Ass'n, Inc.			
Bliffert v. Bliffert			
Block v. Block			
Boehck Constr. Equip. Corp. v.			
Voigt			
Bohn v. Bohn			
Brodde v. Grosenick			
Bruno v. Golden Bell Dairy			
Buch v. State Highway Com.			
Burkhardt v. Smith Burris v. Karns			
C. Hennecke Co. v. Cardinal			
Boiler & Welding Corp.			
Capitol Lumber Co. v. Wisconsin			
Dep't of Taxation			
(continued on following page)			

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

<sup>1</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.

Carson v. Pape	
Carstensen v. Faber	
Chenow v. Aliota	
Clark v. London & Lancashire	
Indem. Co.	
Cochran v. Allyn	
Connor v. Michigan Wisconsin	
Pipe Line Co.	
Continental Casualty Co. v.	
Transport Indem. Co.	
Cooper's, Inc. v. Industrial Com.	
Crossman v. Gipp	
Dairyman's State Bank v.	
Tessman	
De Long v. Sagstetter	
Dehnart v. Waukesha Brewing	
Co.	
Devine v. McGowan	
Dick & Reuteman Co. v. Doherty	
Realty Co.	
Dull v. Curran	
Duncan v. Steeper Dunlop v. Laitsch	
Duniop v. Lattsch Dyer v. Hardware Mut. Casualty	
Co.	
Eloff v. Riesch	
Falke v. Industrial Com.	
Filipiak v. Plombon	
Fisher v. Simon	
Fjeseth v. New York Life Ins. Co.	
Foellmi v. Smith	
Fox v. Pettis	
Freuen v. Brenner	
Garcia v. Heritage Mut. Ins. Co.	
General Acci. Fire & Life	
Assurance Corp. v. Bergquist	
Gerruth Realty Co. v. Pire	
Gile v. Widholm	
Gogolewski v. Gust	
Griffith v. Harris	
Gullickson v. Western Casualty	
& Surety Co. Hansen v. Schmidman	
Properties, Inc.	
Harper v. Hartford Acci. &	
Indem. Co.	
Hayes v. Adams County	
Haynie v. Hanson	
Hellenbrand v. Bowar	
Hintz v. Mielke	
Holytz v. Milwaukee	
Huck v. Chicago, S. P. M. & O.	
<i>R. Co.</i>	
Huck v. Chicago, S. P., M. & O.	
R. Co.	
Hudiburg Chevrolet, Inc. v.	
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Huntley v. Donlevy	
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Schumski v. Hales Corners	
Schwanke v. Reid	
Schwenn v. Loraine Hotel Co.	
Scott v. Merrill	
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Seeger v. Weber	
Seybold v. Burke	
Sharp v. Milwaukee & Suburban	
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Lemere	
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State ex rel. Keehn v. Capelle	
State ex rel. Kern v. Capetre	
State ex rel. Reynolds v. Circuit	
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State ex rel. Unified School Dist.	
v. Janowski	
State ex rel. Wasilewski v. Board	
of School Directors	
State v. Baker	
State v. Chippewa Cable Co.	
State v. Dried Milk Products Co-	
<i>op.</i>	
State v. Fischer	
State v. Kennedy	
State v. Omernick	
State v. Ramsay	
State v. Wickstrom	
Steel v. Ritter	
Swonger v. Celentano	
Szuszka v. Milwaukee	
Templeton v. Crull	

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Townsend v. Milwaukee Ins. Co.		
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Mut. Ins. Co.		
Trczyniewski v. Milwaukee		
Tullgren v. School Dist. of		
Whitefish Bay		
Utschig v. McClone		
Van Erem v. Van Erem		
Van Wie v. Hill		
Vande Voort v. Stern		
Vick v. Haas		
Vogt v. S. M. Byrne Constr. Co.		
Wendel v. Little		
Whitney v. Wisconsin Dep't of		
Taxation		
Williams v. Madison		
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Pabst		
Wolfe v. Oliver Constr. Co.		
Yingling v. Tic		
Zajdel v. Zajdel		
Zeitlow v. Western Casualty &		
Surety Co.		
Zimmermann v. Thompson		
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Colson v. Rule (6-0)		
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Fuller v. Krogh (6-0)		
Herman Andrae Electrical Co. v.		
Packard Plaza, Inc. (6-0) In re Estate of Ohnstad (6-0)		
In re Spread Eagle (6-0)		
Jordan-Jefferson, Inc. v. Scheer		
(6-0)		
Knapmiller v. American Ins. Co.		
(6-0)		
Kramer v. Stewart (6-0)		
Kubiak v. General Acci. Fire &		
Life Assurance Corp. (6-0)		
Magin v. Bemis (6-0)		
McConville v. State Farm Mut.		
Auto. Ins. Co. (6-0)		
Milwaukee Western Bank v.		
Lienemann (6-0)		
Northern P. R. Co. v. Knauf &		
Tesch Co. (6-0)		
Oglebay Norton Co. v. Industrial		
<i>Com.</i> (6-0)		
Pollack v. Reserve Life Ins. Co.		
(6-0)		
Rivera v. Misericordia Hospital		
(6-0)		
State ex rel. H. A. Morton Co. v.		
Board of Review (6-0)		
Stommel v. Industrial Com. (6-0) (continued on following page)		

<i>Touchett v. E Z Paintr Corp.</i> (6-0)		
Trowbridge v. Trowbridge (6-0)		
Van Valin v. Industrial Com. (6-		
0)		
Yaeger v. Fenske (6-0)		

### Frequency in the Majority

These tables display how frequently each justice voted in the majority in decisions filed during the 1961-62 term. The first table includes all cases in which a justice voted, while the second table includes only cases decided by split votes.

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Hallows	227	238	95%
Dieterich	229	237	97%
Fairchild	226	236	96%
Currie	229	238	96%
Brown	233	236	99%
Gordon	130	131	99%
Wilkie	34	34	100%
Broadfoot	197	199	99%
Martin	89	89	100%

#### Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Hallows	15	26	58%
Dieterich	17	25	68%
Fairchild	16	26	62%
Currie	17	26	65%
Brown	23	26	88%
Gordon	13	14	93%
Wilkie	3	3	100%
Broadfoot	19	21	90%
Martin	12	12	100%

### **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>

<b>Opinion Author</b>	7-0 (or 6-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
Hallows	32	3	0	1
Dieterich	31	2	1	0
Fairchild	30	1	2	1
Currie	35	2	1	2
Brown	29	3	2	0
Gordon	16	0	2	0
Wilkie	2	0	0	0
Broadfoot	27	0	0	0
Martin	10	1	2	0

<b>Opinion Author</b>	Concurring Opinions	Dissenting Opinions
Hallows	4	4
Dieterich	0	6
Fairchild	3	5
Currie	3	8
Brown	0	1
Gordon	1	1
Wilkie	0	0
Broadfoot	1	1
Martin	1	0

<sup>&</sup>lt;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 238 decisions; the second table narrows its focus to decisions that were not unanimous. When reading the *second* table, for instance, one finds that Justices Fairchild and Gordon voted together in 79% of the decisions, while the figure for Justices Dieterich and Broadfoot was 55%.

	Dieterich	Fairchild	Currie	Brown	Gordon	Wilkie	Broadfoot	Martin
Hallows	223/237= <b>94%</b>	221/236= <b>94%</b>	228/238= <b>96%</b>	222/236= <b>94%</b>	123/231= <b>94%</b>	31/34= <b>91%</b>	192/199= <b>96%</b>	85/89= <b>96%</b>
	Dieterich	219/235= <b>93%</b>	225/237= <b>95%</b>	226/235= <b>96%</b>	123/130= <b>95%</b>	33/34= <b>97%</b>	189/198= <b>95%</b>	87/89= <b>98%</b>
		Fairchild	219/236= <b>93%</b>	225/234= <b>96%</b>	127/130= <b>98%</b>	32/33= <b>97%</b>	190/198= <b>96%</b>	82/88= <b>93%</b>
			Currie	224/236= <b>95%</b>	125/131= <b>95%</b>	32/34= <b>94%</b>	191/199= <b>96%</b>	85/89= <b>96%</b>
				Brown	131/131= <b>100%</b>	34/34= <b>100%</b>	194/197= <b>98%</b>	85/87= <b>98%</b>
					Gordon	33/33= <b>100%</b>	92/93= <b>99%</b>	
						Wilkie		
							Broadfoot	87/89= <b>98%</b>
								Martin

#### Agreement Between Pairs of Justices-All Decisions

### Agreement Between Pairs of Justices-Non-Unanimous Decisions

	Dieterich	Fairchild	Currie	Brown	Gordon	Wilkie	Broadfoot	Martin
Hallows	11/25= <b>44%</b>	11/26= <b>42%</b>	16/26= <b>62%</b>	12/26= <b>46%</b>	6/14= <b>43%</b>	0/3= <b>0%</b>	14/21= <b>67%</b>	8/12= <b>67%</b>
	Dieterich	9/25= <b>36%</b>	13/25= <b>52%</b>	16/25= <b>64%</b>	6/13= <b>46%</b>	2/3= <b>67%</b>	11/20= <b>55%</b>	10/12= <b>83%</b>
		Fairchild	9/26= <b>35%</b>	17/26= <b>65%</b>	11/14= <b>79%</b>	2/3= <b>67%</b>	13/21= <b>62%</b>	6/12= <b>50%</b>
			Currie	14/26= <b>54%</b>	8/14= <b>57%</b>	1/3= <b>33%</b>	13/21= <b>62%</b>	8/12= <b>67%</b>
				Brown	14/14= <b>100%</b>	3/3=100%	18/21= <b>86%</b>	10/12= <b>83%</b>
					Gordon	3/3=100%	8/9= <b>89%</b>	
						Wilkie		
							Broadfoot	10/12= <b>83%</b>
								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.

	Number of Majority/Lead Opinions Authored in Cases that Included Oral Argument	Ave. No. of Days From Oral Argument to Opinion Filing
Hallows	12	28
Dieterich	14	33
Fairchild	13	27
Currie	15	28
Brown	15	29
Gordon	0	
Wilkie	0	
Broadfoot	13	29
Martin	13	28