

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1959-60

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Hallows, Brown, Broadfoot, Martin	1	<i>Gilbert v. Reid</i>
Hallows, Dieterich, Currie, Brown	1	<i>Kwosek v. State</i>
Hallows, Fairchild, Broadfoot, Martin	1	<i>State v. Johnson</i>

4-3 Membership in the Majority

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

4-3 Majority Opinions Authored

	Opinions
Hallows	1
Dieterich	0
Fairchild	0
Currie	0
Brown	2
Broadfoot	0
Martin	0
<b>Total</b>	<b>3</b>

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

7-0 (or 6-0, 5-0)	6-1 (or 5-1)	5-2	4-3
228/250 (91%)	14/250 (6%)	5/250 (2%)	3/250 (1%)
<i>Active Co. v. Slate</i>	<i>Brown Deer v. Milwaukee</i>	<i>Auseth v. Farmers Mut. Auto. Ins. Co.</i>	<i>Gilbert v. Reid</i>
<i>Ailport v. State</i>	<i>Clark v. Hein-Werner Corp.</i>	<i>Bendykowski v. Hall Chevrolet Co.</i>	<i>Kwosek v. State</i>
<i>Alden v. Matz</i>	<i>Farmers Mut. Auto. Ins. Co. v. Milwaukee Auto. Ins. Co.</i>	<i>In re Will &amp; Estate of Freitag</i>	<i>State v. Johnson</i>
<i>Andersen v. Andersen</i>	<i>Hirmer v. Hirmer</i>	<i>McMahon v. Bergeson</i>	
<i>Anderson v. Anderson</i>	<i>Kansas City Star Co. v. Wisconsin Dep't of Taxation</i>	<i>Muska v. Economy Block Co.</i>	
<i>Anderson v. Deerwestern</i>	<i>Kaufmann v. La Crosse City Board of Canvassers</i>		
<i>Appeal of Juneau Co. School Committee</i>	<i>Milwaukee v. Oak Creek</i>		
<i>Application of Hansis</i>	<i>Puhl v. Milwaukee Auto. Ins. Co.</i>		
<i>Arjay Inv. Co. v. Kohlmetz</i>	<i>Reserve Supply Co. v. Viner</i>		
<i>Baier v. Farmers Mut. Auto. Ins. Co.</i>	<i>Stohr v. Twin Lakes</i>		
<i>Bair v. Staats</i>	<i>Theisen v. Industrial Comm.</i>		
<i>Barker Barrell Co. v. Fisher</i>	<i>Weiss v. Chicago, N. S. &amp; W. Railroad</i>		
<i>Barrows v. Kenosha County</i>	<i>Evjen v. Packer City Trnasit Line, Inc. (5-1)</i>		
<i>Beacon Federal Sav. &amp; Loan Ass'n v. Panoramic Enterprises, Inc.</i>	<i>State v. Damms (5-1)</i>		
<i>Bean v. Kovacic</i>			
<i>Becker v. La Crosse</i>			
<i>Becker v. Milwaukee</i>			
<i>Beer v. Ozaukee County Highway Committee</i>			
<i>Bender v. Neillsville Bank of Neillsville</i>			
<i>Betehia v. Cape Cod Corp.</i>			
<i>Block v. Block</i>			
<i>Blooming Grove v. Madison</i>			
<i>Boden v. Milwaukee</i>			
<i>Bogust v. Iverson</i>			
<i>Borden Co. v. McDowell</i>			
<i>Boyle v. Industrial Com.</i>			
<i>Bradish v. British America Assurance Co.</i>			
<i>Bradley v. Bradley</i>			
<i>Brown v. Brown</i>			
<i>Brown v. Industrial Com.</i>			
<i>Burk v. Commissioner of Motor Vehicles</i>			
<i>Caley v. Flegenheimer</i>			
<i>Carlyle v. Karns</i>			
<i>Clarke Floor Machine Co. v. De Vere Chemical Co.</i>			

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<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.

<i>Collova v. Mutual Service Casualty Ins. Co.</i>			
<i>Condura Constr. Co. v. Milwaukee Bldg. &amp; Constr. Trades Council</i>			
<i>Coney v. Milwaukee &amp; Suburban Transport Corp.</i>			
<i>Cordula v. Dietrich</i>			
<i>Courtesy Cab Co. v. Johnson</i>			
<i>Crisp v. Checker Cab Co.</i>			
<i>Discher v. Industrial Comm.</i>			
<i>Eau Claire Electric Cooperative v. Industrial Comm.</i>			
<i>Erdmann v. Wolfe</i>			
<i>Essock v. Cold Spring</i>			
<i>Fairfield v. Wolter</i>			
<i>Feldstein v. Harrington</i>			
<i>Field v. Vinograd</i>			
<i>First Nat'l Bank v. Charles Henneman Co.</i>			
<i>Fitz v. Industrial Comm.</i>			
<i>Fray v. Amalgamated Meat Cutters &amp; Butcher Workmen</i>			
<i>Ft. Howard Paper Co. v. Ashwaubenon</i>			
<i>Fun-N-Fish, Inc. v. Parker</i>			
<i>Gall v. Robertson</i>			
<i>Gallagher v. Industrial Com.</i>			
<i>Garcia v. Samson's, Inc.</i>			
<i>Geis v. McKenna</i>			
<i>Giemza v. Allied American Mut. Fire Ins. Co.</i>			
<i>Goelz v. Milwaukee</i>			
<i>Gupton v. Wauwatosa</i>			
<i>Haase v. Ramsay</i>			
<i>Henry Uihlein Realty Co. v. Downtown Development Corp.</i>			
<i>Home Sav. Bank v. General Finance Corp.</i>			
<i>Hooker v. Hooker</i>			
<i>Household Finance Corp. v. Christian</i>			
<i>Idzik v. Reddick</i>			
<i>In re Estate of Buser</i>			
<i>In re Estate of Fillar</i>			
<i>In re Estate of Hertzfeld</i>			
<i>In re Estate of Kammerer</i>			
<i>In re Estate of Miller</i>			
<i>In re Estate of Riebs</i>			
<i>In re Estate of Rohde</i>			
<i>In re Estate of Russell</i>			
<i>In re Estate of Schubert</i>			
<i>In re Estate of Stone</i>			
<i>In re Estate of Woelz</i>			
<i>In re Guardianship of Hayes</i>			
<i>In re Incorporation of Elmwood Park</i>			
<i>In re Reorganization of Certain School Dist.</i>			
<i>In re Will of Quam</i>			
<i>Kamuchey v. Trzesniewski</i>			
<i>Kanios v. Frederick</i>			

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<i>Kelly v. Industrial Com.</i>			
<i>Kennedy-Ingalls Corp. v. Meissner</i>			
<i>Kimmel v. Kimmel</i>			
<i>Klabunde v. Emerling</i>			
<i>Korleski v. Lane</i>			
<i>Kornetzke v. Calumet County</i>			
<i>Koruc v. Schroeder</i>			
<i>Kranig v. State Farm Mut. Auto. Ins. Co.</i>			
<i>Krause v. Veterans of Foreign Wars</i>			
<i>Kuchenbecker v. Millhiser</i>			
<i>Kuehn v. Kuehn</i>			
<i>L. M. Bickett Co. v. Industrial Com.</i>			
<i>Laffey v. Milwaukee</i>			
<i>Lakeside Oil Co. v. Slusky</i>			
<i>Larsen Co. v. Industrial Com.</i>			
<i>Liberty v. Breault</i>			
<i>Limberg v. Limberg</i>			
<i>List v. Festge</i>			
<i>Locke v. Bort</i>			
<i>Luhman v. Evergreen Cemetery Ass'n</i>			
<i>Lumbermens Mut. Casualty Co. v. Royal Indem. Co.</i>			
<i>Madison v. Monona</i>			
<i>Marek v. Knab</i>			
<i>Massachusetts Bonding &amp; Ins. Co. v. Industrial Comm'n</i>			
<i>McDonald v. De Pere</i>			
<i>Meier v. Meurer</i>			
<i>Meiser v. Aetna Casualty &amp; Surety Co.</i>			
<i>Mendelson v. Blatz Brewing Co.</i>			
<i>Miner v. Miner</i>			
<i>Mork v. Schmidt</i>			
<i>Mrs. Drenk's Foods v. Industrial Comm'n</i>			
<i>Mullen v. Reischl</i>			
<i>Musha v. United States Fidelity &amp; Guaranty Co.</i>			
<i>Neas v. Siemens</i>			
<i>Nelson v. Hansen</i>			
<i>Oesterle v. Couch</i>			
<i>O'Keefe v. De Pere</i>			
<i>Olson v. Harnack</i>			
<i>Opitz v. Brawley</i>			
<i>Paster v. Mutual Auto Ins. Co.</i>			
<i>Patterson v. Silverdale Resort, Inc.</i>			
<i>Pipkorn v. Brown Deer</i>			
<i>Plante v. Jacobs</i>			
<i>Powers v. Allstate Ins. Co.</i>			
<i>Reedsburg Farmers Mut. Fire Ins. Co. v. Koenecke</i>			
<i>Reetz v. Werch</i>			
<i>Rensink v. Wallenfang</i>			
<i>Rico v. Industrial Com.</i>			
<i>Rodenkirch v. Johnson</i>			
<i>Romberg v. Nelson</i>			
<i>Rud v. McNamara</i>			
<i>Ruid v. Davis</i>			
<i>Schafer v. Schafer</i>			

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<i>Schier v. Denny</i>			
<i>Schinke v. Hartford Acc. &amp; Indem. Co.</i>			
<i>Schluckebier v. Arlington Mut. Fire Ins. Co.</i>			
<i>School Dist. v. Harding</i>			
<i>School Dist. v. Marine Nat'l Exchange Bank</i>			
<i>Schultz v. Vick</i>			
<i>Schultz v. Winther</i>			
<i>Schulze v. Kleeber</i>			
<i>Shellow v. Hagen</i>			
<i>Sicchio v. Alvey</i>			
<i>Singleton v. Kubiak &amp; Schmitt, Inc.</i>			
<i>Smith v. Cummings</i>			
<i>Smith v. Jefferson</i>			
<i>Smith v. Pershing</i>			
<i>Springfield Lumber, Feed &amp; Fuel Co. v. Industrial Com.</i>			
<i>St. Francis Hospital v. Wisconsin Employment Relations Board</i>			
<i>State Dep't of Public Welfare v. Sem</i>			
<i>State ex rel. Boroo v. Town Board of Barnes</i>			
<i>State ex rel. Brunkhorst v. Krenn</i>			
<i>State ex rel. City Bank &amp; Trust Co. v. Marshall &amp; Ilsley Bank</i>			
<i>State ex rel. Eyjue v. Seyberth</i>			
<i>State ex rel. Milwaukee County v. Boos</i>			
<i>State v. Allied Chemical &amp; Dye Corp.</i>			
<i>State v. Berg</i>			
<i>State v. Dunn</i>			
<i>State v. John</i>			
<i>State v. Lombardi</i>			
<i>State v. Naczas</i>			
<i>State v. Scherr</i>			
<i>Stevenson v. Barwineck</i>			
<i>Stockstad v. Rutland</i>			
<i>Stolper Steel Products Corp. v. Behrens Mfg. Co.</i>			
<i>Stolper Steel Products Corp. v. Behrens Mfg. Co.</i>			
<i>Sweet v. Farmers Ins. Exchange</i>			
<i>Tennies Corp. v. Wagner Iron Works</i>			
<i>Teubert v. Wisconsin Interscholastic Athletic Asso.</i>			
<i>Thomsen-Abbott Constr. Co. v. Wausau</i>			
<i>Trossen v. Burckhardt</i>			
<i>Tryba v. Petcoff</i>			
<i>Unruh v. Industrial Commn.</i>			
<i>Upper Third Street Dev. Corp. v. Milwaukee</i>			
<i>Voysey v. Labisky</i>			
<i>Waukesha Development Corp. v. Waukesha</i>			
<i>Webster v. Dane Corp.</i>			
<i>Werner v. Gimbel Bros., Inc.</i>			
<i>Wisconsin Bridge &amp; Iron Co. v. Industrial Comm'n</i>			

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<i>Wisconsin Valley Improv. Co. v. Public Service Com.</i>			
<i>Wright v. Industrial Comm.</i>			
<i>Zachman v. Zachman</i>			
<i>Zbichorski v. Thomas</i>			
<i>Zrimsek v. American Auto. Ins. Co.</i>			
<i>State v. McDonald Lumber Co. (per curiam, 7-0)</i>			
<i>Blumenfeld v. Eichenbaum (6-0)</i>			
<i>Eule v. Eule (6-0)</i>			
<i>Grob v. Nelson (6-0)</i>			
<i>Hardware Mut. Casualty Co. v. Mayer (6-0)</i>			
<i>Holton State Bank v. Greater Milwaukee Food Merchants Assn. (6-0)</i>			
<i>In re Estate of Bartels (6-0)</i>			
<i>In re Estate of Simonson (6-0)</i>			
<i>In re Johnson (6-0)</i>			
<i>Janiszewski v. Industrial Com. (6-0)</i>			
<i>Jensen v. Criter (6-0)</i>			
<i>Joosten v. Robinson (6-0)</i>			
<i>Kemmerer v. Roscher (6-0)</i>			
<i>Kielpinski v. Tomaro Contractors, Inc. (6-0)</i>			
<i>Klemens v. Badger Mut. Ins. Co. (6-0)</i>			
<i>Lathrop v. Donohue (6-0)</i>			
<i>Makowski v. Ehlenbach (6-0)</i>			
<i>Marx v. Industrial Com. (6-0)</i>			
<i>McGraw-Edison Co. v. Sewerage Com. of Milwaukee (6-0)</i>			
<i>Megal v. Kohlhardt (6-0)</i>			
<i>Michalski v. Wagner (6-0)</i>			
<i>Milwaukee v. Public Service Com. (6-0)</i>			
<i>Mittelsteadt v. Bovee (6-0)</i>			
<i>Nekoosa-Edwards Paper Co. v. Public Service Com. (6-0)</i>			
<i>Oshkosh v. Winnebago County School Committee (6-0)</i>			
<i>Park Bldg. Corp. v. Industrial Com. (6-0)</i>			
<i>Pindor v. Faust (6-0)</i>			
<i>Polar Mfg. Co. v. Integrity Mut. Ins. Co. (6-0)</i>			
<i>Potter v. Schleck (6-0)</i>			
<i>Rosenthal v. Farmers Store Co. (6-0)</i>			
<i>S. D. Realty Co. v. Milwaukee (6-0)</i>			
<i>Schwartz v. San Felippo (6-0)</i>			
<i>Schwenkhoff v. Farmers Mut. Auto. Ins. Co. (6-0)</i>			
<i>State v. Luczaj (6-0)</i>			
<i>Tarantino v. Griebel (6-0)</i>			
<i>Utech v. Milwaukee (6-0)</i>			
<i>Van Deven v. Harvey (6-0)</i>			
<i>Van Dyke v. Lauer (6-0)</i>			
<i>Yellow Mfg. Acceptance Corp. v. Britz (6-0)</i>			
<i>Zastrow v. Brown Deer (6-0)</i>			

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<i>Zillmer v. Zillmer</i> (6-0)			
<i>State ex rel. Madison v. Monona</i> (5-0)			

Frequency in the Majority

These tables display how frequently each justice voted in the majority in decisions filed during the 1959-60 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	234	236	<b>99%</b>
Dieterich	246	250	<b>98%</b>
Fairchild	238	249	<b>96%</b>
Currie	245	250	<b>98%</b>
Brown	247	249	<b>99%</b>
Broadfoot	243	248	<b>98%</b>
Martin	220	224	<b>98%</b>

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Hallows	20	22	<b>91%</b>
Dieterich	18	22	<b>82%</b>
Fairchild	11	22	<b>50%</b>
Currie	17	22	<b>77%</b>
Brown	20	22	<b>91%</b>
Broadfoot	17	22	<b>77%</b>
Martin	16	20	<b>80%</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.

Opinion Author	7-0 (or 6-0, 5-0)	6-1 (or 5-1)	5-2	4-3
Hallows	32	3	1	1
Dieterich	32	2	2	0
Fairchild	36	2	0	0
Currie	34	3	1	0
Brown	30	1	1	2
Broadfoot	31	2	0	0
Martin	32	1	0	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Hallows	1	0
Dieterich	0	2
Fairchild	3	8
Currie	3	2
Brown	0	1
Broadfoot	0	0
Martin	0	0

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 250 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 Broadfoot voted together in 68% of the decisions, while the figure for Justices Fairchild and Brown was 41%.

Agreement Between Pairs of Justices—All Decisions

	Dieterich	Fairchild	Currie	Brown	Broadfoot	Martin
Hallows	230/236=97%	225/236=95%	229/236=97%	231/235=98%	227/234=97%	204/210=97%
	Dieterich	236/249=95%	245/250=98%	245/249=98%	239/248=96%	219/224=98%
		Fairchild	235/249=94%	235/248=95%	235/247=95%	210/223=94%
			Currie	244/249=98%	238/248=96%	215/224=96%
				Brown	240/247=97%	218/223=98%
					Broadfoot	219/222=99%
						Martin

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Dieterich	Fairchild	Currie	Brown	Broadfoot	Martin
Hallows	16/22=73%	11/22=50%	15/22=68%	18/22=82%	15/22=68%	14/20=70%
	Dieterich	9/22=41%	17/22=77%	18/22=82%	13/22=59%	15/20=75%
		Fairchild	8/22=36%	9/22=41%	10/22=45%	7/20=35%
			Currie	17/22=77%	12/22=55%	11/20=55%
				Brown	15/22=68%	15/20=75%
					Broadfoot	17/20=85%
						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	37	29
Dieterich	35	29
Fairchild	37	31
Currie	38	29
Brown	34	31
Broadfoot	32	29
Martin	33	28