

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1963-64

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Wilkie, Dieterich, Fairchild, Gordon	2	<i>Anderson v. Joint School Dist.</i> ; <i>Combs v. Peters</i>
Hallows, Dieterich, Gordon, Brown	1	<i>Ashwaubenon v. Public Service Com.</i>
Dieterich, Fairchild, Gordon, Brown	1	<i>Fields v. Creek</i>
Hallows, Dieterich, Currie, Beilfuss	1	<i>In re Will of Clarenbach</i>
Wilkie, Fairchild, Currie, Beilfuss	1	<i>Nuesse v. Home Loan Co.</i>
Dieterich, Currie, Gordon, Beilfuss	1	<i>Racine v. Unified School Dist.</i>

4-3 Membership in the Majority

Justice	Votes
Wilkie	3
Hallows	2
Dieterich	6
Fairchild	4
Currie	3
Gordon	5
Beilfuss	3
Brown	2

4-3 Majority Opinions Authored

	Opinions
Wilkie	1
Hallows	0
Dieterich	1
Fairchild	1
Currie	0
Gordon	4
Beilfuss	0
Brown	0
Total	7

Decisions by Vote Split¹

7-0 (or 6-0)	6-1 (or 5-1, 4-1)	5-2 (or 4-2)	4-3
248/293 (85%)	23/293 (8%)	15/293 (5%)	7/293 (2%)
Adams v. Jarvis	Boodry v. Byrne	Drake v. Farmers Mut. Auto. Ins. Co.	Anderson v. Joint School Dist.
Albers v. Shapiro	Brook v. State	Duvick v. Industrial Com.	Ashwaubenon v. Public Service Com.
Allen v. Bonnar	Eau Claire County v. Milwaukee County	Felkl v. Classified Risk Ins. Corp.	Combs v. Peters
Alsteen v. Gehl	Erb v. Mutual Service Casualty Co.	Flippin v. Turlock	Fields v. Creek
Amalgamated Assn., etc. Employees v. Danielson	Glassner v. Medical Realty, Inc. [22 Wis. 2d 344]	Monahan v. Wisconsin Dep't of Taxation	In re Will of Clarenbach
Arrowhead Farms, Inc. v. Dodge County	Hei v. Durand	Mount Pleasant, County of Racine v. Racine County of Racine	Nuesse v. Home Loan Co.
B. D. C. Corp. v. Public Service Com.	In re Estate of Hoyt	Ponath on behalf of Outagamie County Dep't of Public Welfare v. Hedrick	Racine v. Unified School Dist.
Babbitt v. State	In re Estate of Sieben	Rossow v. Lathrop	
Baker v. Northwestern Nat'l Cas. Co.	In re Trust Estate of Tantilto	Schneck v. Mutual Service Casualty Ins. Co.	
Barnes v. Lozoff	Jacobi v. Podevels	Smazal v. Estate of Dassow	
Baumgarten v. Jones	Kleven v. Cities Service Oil Co.	State ex rel. Barth v. Burke	
Bear v. Kenosha County	Koenig v. Milwaukee Blood Center, Inc.	Tecumseh Products Co. v. Wisconsin Employment Relations Board	
Bey v. Transport Indem. Co.	Kuzel v. State Farm Mut. Auto. Ins. Co.	Axel v. State Bar of Wisconsin, (<i>per curiam</i> , 5-2)	
Binsfeld v. Curran	Ohio Casualty Ins. Co. v. Holz & Holz, Inc.	Milwaukee, v. Milwaukee Amusement, Inc. (4-2)	
Blahnik v. Dax	Poehling v. La Crosse Plumbing Supply Co.	Oakley v. State (4-2)	
Bousfield v. Hardware Dealers Mut. Fire Ins. Co.	Siskoy v. Walsh		
Bromund v. Holt	State v. Sanapaw		
Brunke v. Popp	Stefan Auto Body v. State Highway Com.		
Buenger v. Buenger	Tell v. Wolke		
Carothers v. Bauer	Tonjes v. Tonjes		
Cheese v. Industrial Comm'n	Voigt v. Voigt [22 Wis. 2d 573]		
Chrislaw v. Clinton	J. F. McNamara Corp. v. Industrial Com. (5-1)		

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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.

Clapp v. Joint School Dist.	State ex rel. Sullivan v. Boos (4-1)		
Clark v. London & Lancashire Indem. Co.			
Codept, Inc. v. More-Way North Corp.			
Cordova v. Gutierrez			
Corpron v. Safer Foods, Inc.			
Costas v. Fond Du Lac			
Cruis Along Boats, Inc. v. Standard Steel Products Mfg. Co.			
Dehnart v. Waukesha Brewing Co.			
Dodge v. Dobson			
Dombeck v. Chicago, M., S. P. & P. R. Co.			
Dombrowski v. Tomasino			
Donlea v. Carpenter			
Doolittle v. Western States Mut. Ins. Co.			
Dunlavy v. Dairyland Mut. Ins. Co.			
Earl Millikin, Inc. v. Allen			
ESTATE OF REYNOLDS			
Firemen's Annuity & Ben. Fund v. Krueger			
First Credit Corp. v. Wellnitz			
First Nat'l Bank v. Scieszinski			
Flambeau Plastics Corp. v. King Bee Mfg. Co.			
Fleischman v. Holz			
Fleming v. Barry			
Fond Du Lac, v. Fond Du Lac [22 Wis. 2d 533]			
Forbus v. La Crosse			
Ford v. Rothwell			
Frick v. Howard			
Fuchs v. Kupper			
Fullerton Lumber Co. v. Korth			
Galvan v. Peters			
Garot v. Garot			
General Drivers & Helpers Union v. Wisconsin Employment Relations Board			
Girtz v. Oman			
Glassner v. Detroit Fire & Marine Ins. Co.			
Glassner v. Medical Realty, Inc. [22 Wis. 2d 353]			
Godfrey Co. v. Crawford			
Goldman v. Home Mut. Ins. Co.			
Gorski v. Milwaukee			
Green Tree Estates, Inc. v. Furstenberg			
Greenlee v. Greenlee			
Gregory v. Madison Mobile Homes Park, Inc.			
Groth v. Farmers Mut. Auto. Ins. Co.			

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Grunwaldt v. Wisconsin State Highway Com.			
Haerter v. West Allis			
Hansen v. Firemen's Ins. of Newark			
Hardware Dealers Mut. Fire Ins. Co. v. Home Mut. Ins. Co.			
Hartley v. St. Francis Hospital			
Hemmis v. State			
Hribar Trucking, Inc. v. State			
Hutschenreuter v. Hutschenreuter			
Ide v. Wamser			
In re Cudahy's Trust			
In re Estate of Alburn			
In re Estate of Burns			
In re Estate of Culver			
In re Estate of Fischer			
In re Estate of Ford			
In re Estate of Korleski			
In re Estate of Lawrence			
In re Estate of Martin			
In re Estate of Robinson			
In re Estate of Von Wald			
In re Estate of Wanvig			
In re Guardianship of Breault			
In re Guardianship of Nelson			
In re Guardianship of Schott			
In re Northway Wholesale, Inc.			
In re Trust Estate of Martin			
In re Voluntary Assignment of Adams Machinery, Inc.			
James L. Callan, Inc. v. Estfred Corp.			
James v. State			
Jensen v. Heritage Mut. Ins. Co.			
Jezo v. Jezo			
Joint School Dist. v. Joint County School Committee			
Jolliffe v. East Troy			
Ken-Crete Products Co. v. State Highway Com.			
KEPLIN v. HARDWARE MUT. CAS. CO.			
Klingseisen v. Wisconsin State Highway Com.			
Knight v. Hasler			
Kopacka v. State			
Krebsbach v. Miller			
Kronforst v. Kronforst			
Kuranda v. O'Connor			
Latham v. Casey & King Corp.			
Lazarus v. American Motors Corp.			
Lingott v. Bihlmire			
M. Capp Mfg. Co. v. Moland			
Mack v. Decker			
Markham v. American Motors Corp.			
Marshfield v. Cameron, etc.			

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McLaughlin v. Chicago, M. S. P. & P. R. Co.			
Merlino v. Mutual Service Casualty Ins. Co.			
Miles Homes, Inc. v. Starrett			
Milwaukee Auto. Mut. Ins. Co. v. National Farmers Union Property & Casualty Co.			
Milwaukee Co. Dist., etc. v. Wisconsin Employment Relations Board			
Milwaukee Transformer Co. v. Industrial Com.			
Milwaukee v. Antczak			
Milwaukee v. Johnston			
Milwaukee, v. Industrial Com.			
Mueller v. Merz			
Murray v. Reidy			
Neff v. Industrial Com.			
Nehls v. Nehls			
Nicholas v. Nicholas			
Niedfelt v. Joint School Dist.			
Northwoods Development Corp. v. Klement			
Oremus v. Wynthoff			
P. C. Monday Tea Co. v. Milwaukee County Expressway Com.			
Paaske v. Perfex Corp.			
Pagel v. Kees			
Perlson v. Dairyland Mut. Ins. Co.			
Peterson v. Schmude			
Peterson v. Sinclair Refining Co.			
Petoskey v. Schmidt			
Pierringer v. Hoger			
Poff v. Lockhart			
Pulaski v. State [23 Wis. 2d 138]			
Pulaski v. State [24 Wis. 2d 450]			
Quinn v. New York Fire Ins. Co.			
Racine v. Povkovich			
Ralston Purina Co. v. Toycon Motors			
Ramminger v. State Highway Com.			
Richie v. Badger State Mut. Casualty Co.			
Riehl v. De Quaine			
Riteway Builders, Inc. v. First Nat'l Ins. Co.			
Ritter v. Coca-Cola Co.			
Robenson v. Preston			
Rogers v. Oconomowoc			
Ronzani v. State			
Schiller v. Keuffel & Esser Co.			
Schmidt v. Schmidt			
Seelandt v. Seelandt			
Shaurette v. Capitol Erecting Co.			
Simenstad v. Hagen			

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Smith v. Rural Mut. Ins. Co.			
Smith v. Shuda			
Snowberry v. Zellmer			
Spleas v. Milwaukee & Suburban Transport Corp.			
Sposito v. Zeitz			
State Bank of Medford v. Curran			
State ex rel. Burnett v. Burke			
State ex rel. Cities Service Oil Co. v. Board of Appeals			
State ex rel. Fredenberg v. Byrne			
State ex rel. Home Ins. Co. v. Burt			
State ex rel. Jenkins v. Fayne			
State ex rel. Kuszewski v. Board of Fire & Police Comm'rs			
State ex rel. Linarys v. Dorwin			
State ex rel. Niedziejko v. Coffey			
State ex rel. Reynolds v. Smith			
State ex rel. Reynolds v. Zimmerman			
State ex rel. Siciliano v. Johnson			
State Medical Soc. v. Associated Hospital Service, Inc.			
State Medical Soc. v. Manson			
State v. Chippewa Cable Co.			
State v. Gipson			
State v. Grahm			
STATE v. KENNEY			
State v. Lake Geneva Lanes, Inc.			
State v. Payne			
State v. Richards			
State v. Seymour			
State v. State Fair Park, Inc.			
State v. Tuttle			
State v. Wrobel			
Stelloh v. Liban			
Stockinger v. Central Nat'l Ins. Co.			
Taxman v. McMahan			
Thorp Small Business Inv. Corp. v. Gass			
Travelers Ins. Co. v. Fidelity & Casualty Co.			
Underwood v. Karns			
Upper Lakes Shipping, Ltd. v. Seafarers' International Union [22 Wis. 2d 7]			
Upper Lakes Shipping, Ltd. v. Seafarers' International Union [23 Wis. 2d 494]			
Vasselos v. Greek Othodox Community			
Voelz v. Beck			
Voigt v. South Side Laundry & Dry Cleaners, Inc.			
Voigt v. Voigt [21 Wis. 2d 421]			
Vorpahl v. Gossman			
Waddell v. State			

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Wanserski v. State Farm Mut. Auto. Ins. Co.			
Wauwatosa v. County of Milwaukee			
Weaver v. Knudson			
Weeden v. Beloit			
Weihbrecht v. Linzmeyer			
Welker v. Welker			
Weller v. Simenstad			
Western Casualty & Surety Co. v. Industrial Com.			
Willenkamp v. Keeshin Transport System, Inc.			
Wisch v. Central Life Assurance Co.			
Wisconsin Dep't of Taxation v. Siegman			
Wisconsin Steel Treating & Blasting Co. v. Donlin			
Wohlleben v. Park Falls			
Worth v. Kelley Co.			
Wozny v. Basack			
Zeisler Corp. v. Page			
Zernia v. Capitol Court Corp.			
State ex rel. Hake v. Burke, (<i>per curiam</i> , 7-0)			
State ex rel. Rickli v. County Court for Dane County, (<i>per curiam</i> , 7-0)			
State v. Hoyt, (<i>per curiam</i> , 7-0)			
Browne v. State (6-0)			
Cheetham v. Piggly Wiggly Madison Co. (6-0)			
Davis v. Industrial Com. (6-0)			
Duncan Development Corp. v. Crestview Sanitary Dist. (6-0)			
Fond Du Lac, v. Fond Du Lac [22 Wis. 2d 525] (6-0)			
Green v. Jones (6-0)			
Hanna Mining Co. v. Marine Engineers Beneficial Asso., etc. (6-0)			
Herchelroth v. Mahar (6-0)			
In re Estate of Hatzl (6-0)			
In re Estate of Perssion (6-0)			
Killeen v. Parent (6-0)			
Kritzik v. Kritzik (6-0)			
McManus v. Donlin (6-0)			
Milwaukee Gas Light Co. v. Wisconsin Dep't of Taxation (6-0)			
Misiewicz v. Waters (6-0)			
Nick v. State Highway Com. (6-0)			
Northwestern Asbestos & Cork Co. v. Industrial Com. (6-0)			
Pollock v. Vilter Mfg. Corp. (6-0)			
Schafer v. Suckle (6-0)			

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Schlueter v. Grady (6-0)			
Schramm v. Dotz (6-0)			
Silverberg v. Industrial Com. (6-0)			
State ex rel. Neelen v. Lucas (6-0)			
State ex rel. Thompson v. Gibson (6-0)			
State v. Margoles (6-0)			
State v. Mutter (6-0)			
State v. Nutley (6-0)			
Tate v. Briggs & Stratton Corp. (6-0)			
State ex rel. Derber v. Skaff, (<i>per curiam</i> , 6-0)			

Frequency in the Majority

These tables display how frequently each justice voted in the majority in decisions filed during the 1963-64 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	270	280	96%
Hallows	276	292	95%
Dieterich	279	291	96%
Fairchild	283	293	97%
Currie	280	292	96%
Gordon	276	285	97%
Beilfuss	175	180	97%
Brown	103	103	100%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Wilkie	33	43	77%
Hallows	29	45	64%
Dieterich	33	45	73%
Fairchild	35	45	78%
Currie	33	45	73%
Gordon	35	44	80%
Beilfuss	21	26	81%
Brown	16	16	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.²

Opinion Author	7-0 (or 6-0)	6-1 (or 5-1, 4-1)	5-2 (or 4-2)	4-3
Wilkie	29	3	4	1
Hallows	39	3	0	0
Dieterich	35	3	3	1
Fairchild	38	3	1	1
Currie	36	7	3	0
Gordon	37	1	1	4
Beilfuss	21	2	1	0
Brown	9	1	1	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Wilkie	2	5
Hallows	2	6
Dieterich	0	6
Fairchild	2	4
Currie	2	6
Gordon	1	6
Beilfuss	0	3
Brown	0	0

² In *Schneck v. Mutual Service Casualty Ins. Co.* (23 Wis. 2d 649), Justice Beilfuss wrote the majority opinion but dissented from the result. I credited him with a majority opinion but counted his vote as a dissent. He did not write a *separate* dissenting opinion, but within the majority opinion he devoted a few paragraphs to explaining why he dissented. So, I will credit him with authoring a dissent as well.

When two or more justices co-authored a separate opinion, I credited each of them. Although *per curiam* decisions do not figure in the first table, the dissent written by Justice Gordon in *Axel v. State Bar of Wisconsin* is included in the second table, as is the concurrence written by Justice Wilkie in *State v. Hoyt*.

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	37	31
Hallows	42	34
Dieterich	42	29
Fairchild	43	31
Currie	46	28
Gordon	43	27
Beilfuss	24	30
Brown	11	26