

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1956-57

Four-to-Three Decisions

4-3 Alignments<sup>1</sup>

Justices	Total	Case Names
Currie, Broadfoot, Martin, T. Fairchild	2	<i>State v. Public Service Com. and Mayr v. Milwaukee &amp; Suburban Transport Corp.</i>
Currie, Brown, Broadfoot, Martin	1	<i>Ball v. Madison</i>
Wingert, Brown, Martin, Steinle	1	<i>Heine v. Oswald Jaeger Baking Co.</i>
Brown, Martin, Steinle, T. Fairchild	1	<i>State ex rel. Badtke v. School Board of Joint Common School Dist.</i>
Wingert, Brown, Broadfoot, Martin	1	<i>Subrt v. Subrt</i>

4-3 Membership in the Majority

Justice	Votes
Wingert	2
Currie	3
Brown	4
Broadfoot	4
Martin	6
Steinle	2
E. Fairchild	--
T. Fairchild	3

4-3 Majority Opinions Authored

	Opinions
Wingert	1
Currie	0
Brown	2
Broadfoot	0
Martin	1
Steinle	0
E. Fairchild	--
T. Fairchild	2
<b>Total</b>	<b>6</b>

<sup>1</sup> Justice Edward Fairchild did not participate in any 4-3 decisions.

Decisions by Vote Split<sup>2</sup>

<b>7-0 (or 6-0)</b>	<b>6-1</b>	<b>5-2</b>	<b>4-3</b>
<b>216/249 (87%)</b>	<b>17/249 (7%)</b>	<b>10/249 (4%)</b>	<b>6/249 (2%)</b>
<i>Cutts v. Department of Public Welfare</i>	<i>Baeten v. Kaukauna Dairy Co.</i>	<i>Barry Cartage, Inc. v. Industrial Comm.</i>	<i>Ball v. Madison</i>
<i>In re Estate of Dodge</i>	<i>Schimmel v. Dundon</i>	<i>Blooming Grove v. Madison</i> [275 Wis. 342]	<i>State v. Public Service Com.</i>
<i>In re Estate of Thomas</i>	<i>Larson v. Superior Auto Parts, Inc.</i>	<i>Greenebaum v. Wisconsin Dep't of Taxation</i>	<i>Heine v. Oswald Jaeger Baking Co.</i>
<i>Richardson v. Industrial Com.</i>	<i>Vanderhei v. Carlson</i>	<i>Marathon County v. Milwaukee County</i>	<i>State ex rel. Badtke v. School Board of Joint Common School Dist.</i>
<i>Cram v. Bach</i>	<i>Barker Lumber Co. v. Genoa City</i>	<i>Laughnan v. Aetna Casualty &amp; Surety Co.</i>	<i>Subrt v. Subrt</i>
<i>Kelley Lumber Co. v. Woelfel</i>	<i>Kruger v. Wesner</i>	<i>State ex rel. McIntyre v. Board of Election Comm'rs AND State ex rel. Witte v. Board of Election Comm'rs</i>	<i>Mayr v. Milwaukee &amp; Suburban Transport Corp.</i>
<i>Maier v. Racine County</i>	<i>Bronk v. Mijal</i>	<i>Vidakovic v. Campbell</i>	
<i>William G. Tannhaeuser Co. v. Holiday House, Inc.</i>	<i>Omer v. Risch</i>	<i>Fullerton Lumber Co. v. Torborg</i>	
<i>Clark v. Mutual Auto. Ins. Co.</i>	<i>Wauwatosa Realty Co. v. Paar</i>	<i>Watry v. Carmelite Sisters of Divine Heart of Jesus</i>	
<i>Kasten v. Markham</i>	<i>McCarthy v. Behnke</i>	<i>Hales v. City of Wauwatosa</i>	
<i>May v. Rische Const. Co.</i>	<i>Ruby v. Farmers Mut. Auto. Ins. Co.</i>		
<i>Pavelski v. Roginski</i>	<i>Prochnow v. Prochnow</i>		
<i>Boek v. Wagner</i>	<i>Ross v. Ebert</i>		
<i>Skinner v. Mueller</i>	<i>State ex rel. Tuttle v. Hanson</i>		
<i>American Motors Corp. v. Industrial Comm.</i>	<i>Olson v. Milwaukee Auto. Ins. Co.</i>		
<i>Blooming Grove v. Madison</i> [275 Wis. 328]	<i>Albrent v. Spencer</i>		
<i>Douglas County v. Industrial Com.</i>	<i>American Motors Corp. v. Kenosha</i>		
<i>Drott Tractor Co. v. Kehrein</i>			
<i>Gibson v. Prudential Ins. Co.</i>			
<i>Hansen v. Hansen</i>			
<i>Heimbach v. Hagen</i>			
<i>In re Estate of Zellmer</i>			
<i>Jeske v. General Acci. Fire &amp; Life Assurance Corp.</i>			
<i>Madison v. State</i>			
<i>Midwest Broadcasting Co. v. Dolero Hotel Co.</i>			

(continued on following page)

<sup>2</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>Milwaukee County v. State Dep't of Public Welfare</i>			
<i>Mueller v. Novelty Dye Works</i>			
<i>Parks Engineering, Inc. v. Wisconsin Steel Treating &amp; Blasting Co.</i>			
<i>Rascop v. Rascop</i>			
<i>Rohr v. Schoemer</i>			
<i>Sciano v. Hengle</i>			
<i>State ex rel. Evansville Mercantile Asso. v. Evansville</i>			
<i>State v. Kroening</i>			
<i>Will v. Jessen</i>			
<i>Wilson v. State</i>			
<i>Albert v. Home Fire &amp; Marine Ins. Co.</i>			
<i>Barnes v. West Allis</i>			
<i>Bell v. Duesing</i>			
<i>Blaisdell v. Allstate Ins. Co.</i>			
<i>Fleischhacker v. State Farm Mut. Auto. Ins. Co.</i>			
<i>Gilbert v. Ludtke</i>			
<i>Greenfield v. Milwaukee</i>			
<i>Hemmingway v. Janesville</i>			
<i>Heyroth v. State</i>			
<i>In re Estate of Cordes</i>			
<i>In re Estate of Fredericksen</i>			
<i>In re Estate of Steck</i>			
<i>In re Petition for Racine Metropolitan Sewerage Dist.</i>			
<i>Jewell v. Schmidt</i>			
<i>Johnson v. Smitz</i>			
<i>Jones v. Krueger</i>			
<i>Kleinschmidt v. Aluminum &amp; Bronze Foundry, Inc.</i>			
<i>Lange v. Andrus</i>			
<i>Mewhorter v. Integrity Mut. Casualty Co.</i>			
<i>Mueller v. Milwaukee</i>			
<i>Pugnier v. Ramharter</i>			
<i>Ryan v. Schmit</i>			
<i>Schultz v. Rudie</i>			
<i>Schwarz v. Strache</i>			
<i>Spang v. Schroeder</i>			
<i>St. Paul Mercury Indem. Co. v. Somers</i>			
<i>Stanley v. Milwaukee Auto. Ins. Co.</i>			
<i>State v. Kerndt</i>			
<i>State v. Major</i>			
<i>Stearns v. State of Wisconsin Committee on Water Pollution</i>			
<i>Wadzinski v. Cities Service Oil Co.</i>			
<i>Wonder-Rest Corp. v. Galina</i>			

(continued on following page)

<i>Behr v. Larson</i>			
<i>Biddle v. Biddle</i>			
<i>Birkholz v. Cheese Makers Mut. Casualty Co.</i>			
<i>Brookfield v. Brookfield</i>			
<i>Brown Deer v. Milwaukee</i>			
<i>Cassel v. Newark Ins. Co.</i>			
<i>Champeau v. Little Chute</i>			
<i>Estate of Eannelli v. Eannelli</i>			
<i>Froemming v. Amity Leather Products Co.</i>			
<i>Grinley v. Eau Galle</i>			
<i>In re Estate of Fuller</i>			
<i>In re Estate of Horkan</i>			
<i>In re Estate of Vican</i>			
<i>In re Will of Rosnow</i>			
<i>Keating v. Chicago &amp; N. R. Co.</i>			
<i>Kluth v. Crosby</i>			
<i>Krejci v. Lojeski</i>			
<i>Matteson v. Johnson</i>			
<i>Metz v. Rath</i>			
<i>Neuenschwander v. Hornof</i>			
<i>Pedek v. Wegemann</i>			
<i>Polley v. Boehck Equipment Co.</i>			
<i>Sanderson v. Frawley</i>			
<i>Smee v. Checker Cab Co.</i>			
<i>Touchett v. Sutherland</i>			
<i>Weihert v. Piccione</i>			
<i>Wisconsin Motor Corp. v. Wisconsin Employment Relations Board</i>			
<i>Wm. H. Heinemann Creameries, Inc. v. Kewaskum</i>			
<i>Ackley v. Farmers Mut. Auto. Ins. Co.</i>			
<i>Arndt Bros. Minkery v. Medford Fur Foods, Inc.</i>			
<i>Behringer v. State Farm Mut. Auto. Ins. Co.</i>			
<i>Berger v. Alan Realty Co.</i>			
<i>Blom v. Kumbier</i>			
<i>Burling v. Burling</i>			
<i>Cargill Coal Co. v. Valentine</i>			
<i>Carlson v. Dorsch</i>			
<i>Chicago &amp; N. W. R. Co. v. Public Service Com.</i>			
<i>Henthorn v. M. G. C. Corp.</i>			
<i>Hribar v. Johnson</i>			
<i>Hyland v. GCA Tractor &amp; Equipment Co.</i>			
<i>Jeffers v. Peoria-Rockford Bus Co.</i>			
<i>Kienbaum v. Haberny</i>			
<i>Klump v. Cybulski</i>			

(continued on following page)

<i>Knuth v. Fidelity &amp; Casualty Co.</i>			
<i>Prisuda v. General Casualty Co.</i>			
<i>Schlotthauer v. Krenzelok</i>			
<i>Schwartz v. Schwartz</i>			
<i>Smith v. Smith</i>			
<i>State ex rel. West Allis v. Dieringer</i>			
<i>State ex rel. West Allis v. Zawerschnik</i>			
<i>Transcontinental Ins. Co. v. Hartung Motors Co.</i>			
<i>Vieth v. Dorsch</i>			
<i>West Allis v. West Milwaukee</i>			
<i>Behling v. Wisconsin Hydro Electric Co.</i>			
<i>De Byle v. Roberts</i>			
<i>Donohue v. Fox Point</i>			
<i>Ellerbe &amp; Co. v. Hudson</i>			
<i>Elliott v. Regan</i>			
<i>Employers Mut. Liability Ins. Co. v. Mueller</i>			
<i>Frankovis v. Klug &amp; Smith Co.</i>			
<i>Frion v. Craig</i>			
<i>George v. Oswald</i>			
<i>Heath v. Madsen</i>			
<i>Hull v. Hull</i>			
<i>In re Estate of Braasch</i>			
<i>In re Estate of Bradbury</i>			
<i>In re Estate of Schwarten</i>			
<i>In re Will of Hopkins</i>			
<i>Kanzenbach v. S. C. Johnson &amp; Son, Inc.</i>			
<i>Mackowski v. Milwaukee Auto. Mut. Ins Co.</i>			
<i>Miller v. Belanger</i>			
<i>Perlick v. Country Mut. Cas. Co.</i>			
<i>Peters v. Zimmerman</i>			
<i>Scholle v. Home Mut. Casualty Co.</i>			
<i>Schroeder v. Drees</i>			
<i>Twist v. Aetna Casualty &amp; Surety Co.</i>			
<i>Walley v. Patake</i>			
<i>Wisconsin Power &amp; Light Co. v. Berlin Tanning &amp; Mfg. Co. AND Wisconsin Power &amp; Light Co. v. Berlin Laundry Co.</i>			
<i>Yorkville v. Fonk</i>			
<i>Burmeister v. Damrow</i>			
<i>Ebenreiter v. Freeman</i>			
<i>In re Estate of Fulton</i>			

(continued on following page)

<i>New York Shipbuilding Corp. v. Wolinsky Iron &amp; Metal Co.</i>			
<i>Topel v. Correz</i>			
<i>Bank of Ashippun v. Ells</i>			
<i>Fish Creek Park Co. v. Bayside</i>			
<i>Hyman-Michaels Co. v. Ashmus Equipment Sales Corp.</i>			
<i>International Union, UAW v. Le Roi Div., Westinghouse Air Brake Co.</i>			
<i>Schade v. Schade</i>			
<i>Gohr v. Spaete</i>			
<i>Hermann v. Lake Mills</i>			
<i>In re Estate of Evans</i>			
<i>Massachusetts Bonding &amp; Ins. Co. v. Industrial Com.</i>			
<i>Northwest Bank &amp; Trust Co. v. Minor</i>			
<i>Wells v. Dairyland Mut. Ins. Co.</i>			
<i>Becker v. First Wisconsin Trust Co.</i>			
<i>Berning v. Giese</i>			
<i>First Wisconsin Trust Co. v. Perkins</i>			
<i>In re Estate of Hoyt</i>			
<i>Madison Aerie No. 623 Fraternal Order of Eagles v. Madison</i>			
<i>Miller v. Kujak</i>			
<i>Nitardy v. Thayer</i>			
<i>Northern P. R. Co. v. Wise</i>			
<i>Pattenge v. Wagner Iron Works</i>			
<i>Spiegel v. Silver Lake Beach Enterprises, Inc.</i>			
<i>Cross v. Leuenberger</i>			
<i>In re Estate of Bobo</i>			
<i>Vandenack v. Crosby</i>			
<i>Wadoz v. United Nat'l Indem. Co.</i>			
<i>Wisconsin Electric Power Co. v. Milwaukee [275 Wis. 436]</i>			
<i>Wittig v. Kepler</i>			
<i>Chicago, M., S. P. &amp; P. R. Co. v. Bluemound Oil Co.</i>			
<i>Hale v. Hale</i>			
<i>In re Estate of Knutson</i>			
<i>Paulson v. Madison Newspapers, Inc.</i>			
<i>Spalding v. Williams</i>			
<i>Stadele v. Resnick</i>			
<i>Wisconsin Dep't of Taxation v. Aluminum Goods Mfg. Co.</i>			
<i>Wojciechowski v. Baron</i>			
<i>Continental Casualty Co. v. Pogorzelski</i>			
<i>In re Guardianship of Barnes</i>			

(continued on following page)

<i>Peyer v. Jacobs</i>			
<i>State ex rel. Ampco Metal, Inc. v. O'Neill</i>			
<i>Zander v. Holly</i>			
<i>Barrows v. Kenosha County</i>			
<i>First Nat'l Sav. Foundation v. Samp</i>			
<i>Wisconsin Tel. Co. v. Lehmann</i>			
<i>In re Estate of Silverthorn</i>			
<i>State ex rel. Steeps v. Hanson</i> (7-0 per curiam)			
<i>Wisconsin Electric Power Co. v. Milwaukee</i> [275 Wis. 121] (7-0 per curiam)			
<i>State v. Brill</i> (6-0)			
<i>Blong v. Ed. Schuster &amp; Co.</i> (6-0)			
<i>Carroll v. Wisconsin Power &amp; Light Co.</i> (6-0)			
<i>Home Fire &amp; Marine Ins. Co. v. Farmers Mut. Auto. Ins. Co.</i> (6-0)			
<i>Melli v. Industrial Com.</i> (6-0)			
<i>Padway v. Goldberg</i> (6-0)			
<i>White House Milk Co. v. Thomson</i> (6-0)			
<i>Shymanski v. Industrial Com.</i> (6-0)			
<i>Wisconsin Power &amp; Light Co. v. Dean</i> (6-0)			
<i>Britz v. Chilsen</i> (6-0)			
<i>Madison v. Tiedeman</i> (6-0)			
<i>Neblett v. Neblett</i> (6-0)			
<i>State v. Josefsberg</i> (6-0)			
<i>Roelvink v. Milwaukee</i> (6-0)			
<i>Gotz v. Gotz</i> (6-0)			
<i>Gerbitz v. Joint County School Committee</i> (6-0)			
<i>Johnson v. Shell Oil Co.</i> (6-0)			
<i>Holton &amp; Hunkel Greenhouse Co. v. State</i> (6-0)			
<i>Wagner v. Industrial Com.</i> (6-0)			

Frequency in the Majority

These tables display how frequently each justice voted in the majority in decisions filed during the 1956-57 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
Wingert	237	245	<b>97%</b>
Currie	235	246	<b>96%</b>
Brown	242	246	<b>98%</b>
Broadfoot	238	249	<b>96%</b>
Martin	247	249	<b>99%</b>
Steinle	234	243	<b>96%</b>
E. Fairchild	101	103	<b>98%</b>
T. Fairchild	135	143	<b>94%</b>

## Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Wingert	25	33	<b>76%</b>
Currie	22	33	<b>67%</b>
Brown	29	33	<b>88%</b>
Broadfoot	22	33	<b>67%</b>
Martin	31	33	<b>94%</b>
Steinle	24	33	<b>73%</b>
E. Fairchild	11	13	<b>85%</b>
T. Fairchild	12	20	<b>60%</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)	6-1	5-2	4-3
Wingert	32	1	2	1
Currie	28	3	1	0
Brown	26	4	3	2
Broadfoot	35	1	0	0
Martin	33	3	0	1
Steinle	30	5	1	0
E. Fairchild	14	0	1	0
T. Fairchild	16	0	2	2

Opinion Author	Concurring Opinions	Dissenting Opinions
Wingert	0	3
Currie	1	5
Brown	0	2
Broadfoot	0	4
Martin	0	0
Steinle	1	2
E. Fairchild	0	0
T. Fairchild	1	6



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>
Wingert	35	29
Currie	32	30
Brown	35	28
Broadfoot	36	29
Martin	37	29
Steinle	36	30
E. Fairchild	15	29
T. Fairchild	20	27