

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1962-63

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Wilke, Hallows, Currie, Brown	1	<i>Albers v. Herman Mut. Ins. Co.</i>
Wilkie, Hallows, Dieterich, Fairchild	2	<i>Borg-Warner Corp. v. Ostertag; Millay v. Milwaukee Auto. Mut. Ins. Co.</i>
Dieterich, Fairchild, Gordon, Brown	3	<i>Borowske v. Integrity Mut. Ins. Co.; Donahue v. Banner Mut. Ins. Co.; Erdmann v. Milwaukee Auto. Mut. Ins. Co.</i>
Wilkie, Fairchild, Currie, Brown	1	<i>California Wine Ass'n v. Wisconsin Liquor Co.</i>
Dieterich, Fairchild, Currie, Gordon	1	<i>Chase v. Chase</i>
Wilkie, Dieterich, Fairchild, Brown	1	<i>Heritage Mut. Ins. Co. v. Sheboygan County</i>
Wilkie, Dieterich, Fairchild, Gordon	1	<i>McCauley v. Tropic of Cancer</i>

4-3 Membership in the Majority

Justice	Votes
Wilkie	6
Hallows	3
Dieterich	8
Fairchild	9
Currie	3
Gordon	5
Brown	6

4-3 Majority Opinions Authored

	Opinions
Wilkie	1
Hallows	0
Dieterich	4
Fairchild	4
Currie	0
Gordon	0
Brown	1
Total	10

Decisions by Vote Split¹

7-0 (or 6-0) 182/219 (83%)	6-1 (or 5-1, 4-1) 16/219 (7%)	5-2 (or 4-2) 11/219 (5%)	4-3 10/219 (5%)
<i>Akan v. Kanable</i>	<i>Grant County Service Bureau, Inc. v. Treweek</i>	<i>Associated Hospital Service v. Milwaukee</i>	<i>Albers v. Herman Mut. Ins. Co.</i>
<i>Alberts v. Rzepiejewski</i>	<i>Haase v. Sawicki</i>	<i>Bastian v. Le Roy</i>	<i>Borg-Warner Corp. v. Ostertag</i>
<i>American Casualty Co. v. Western Casualty & Surety Co.</i>	<i>Holt v. State</i>	<i>Blaser & Kammer v. Don Ganser & Associates, Inc.</i>	<i>Borowski v. Integrity Mut. Ins. Co.</i>
<i>American Motors Corp. v. Industrial Com.</i>	<i>Home Mut. Ins. Co. v. Insurance Co. of North America</i>	<i>Kagel v. Brugger</i>	<i>California Wine Ass'n v. Wisconsin Liquor Co.</i>
<i>Ashley v. American Auto. Ins. Co.</i>	<i>In re Estate of Alburn</i>	<i>Marshall v. Green Bay</i>	<i>Chase v. Chase</i>
<i>Auto Acceptance & Loan Corp. v. Kelm</i>	<i>In re Estate of Atkinson</i>	<i>Radloff v. National Food Stores, Inc.</i>	<i>Donahue v. Banner Mut. Ins. Co.</i>
<i>Baker v. Herman Mut. Ins. Co.</i>	<i>In re Estate of Boyd</i>	<i>Sachse v. Mayer</i>	<i>Erdmann v. Milwaukee Auto. Mut. Ins. Co.</i>
<i>BALSON v. JOINT CTY. SCH. COMM. OF FUND DU LAC CTY.</i>	<i>In re Estate of Thrun</i>	<i>Union Cent. Life Ins. Co. v. Balistrieri</i>	<i>Heritage Mut. Ins. Co. v. Sheboygan County</i>
<i>Barrett v. Pepoon</i>	<i>Milwaukee v. Bub</i>	<i>Conway v. Sauk County (4-2)</i>	<i>McCauley v. Tropic of Cancer</i>
<i>Ben-Hur Mfg. Co. v. Firemen's Ins. Co.</i>	<i>Milwaukee v. Piscuine</i>	<i>Schaaf v. Nortman (4-2)</i>	<i>Millay v. Milwaukee Auto. Mut. Ins. Co.</i>
<i>Bleyer v. Gross</i>	<i>Szep v. Robinson</i>	<i>Wisconsin Dairy Fresh, Inc. v. Steel & Tube Products Co. (4-2)</i>	
<i>Boehck Constr. Equipment Corp. v. H. Fuller & Sons, Inc.</i>	<i>Yelk v. Yelk</i>		
<i>Boschek v. Great Lakes Mut. Ins. Co.</i>	<i>In re Estate of Ehlen (5-1)</i>		
<i>Bublitz v. Lindstrom</i>	<i>State ex rel. Democrat Printing Co. v. Schmiege (5-1)</i>		
<i>Burke v. Madison</i>	<i>State ex rel. Irany v. Milwaukee County Civil Service Com. (5-1)</i>		
<i>Buss v. Clements</i>	<i>State ex rel. Polar Ware Co. v. Muuss (4-1)</i>		
<i>Cable v. Marinette County</i>			
<i>Campbell v. Wilson</i>			
<i>Chapnitsky v. McClone</i>			

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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.

<i>Conwell v. Milwaukee Auto. Mut. Ins. Co.</i>			
<i>Cordes v. Hoffman</i>			
<i>D'Angelo v. Cornell Paperboard Products Co.</i>			
<i>De Sombre v. Bickel</i>			
<i>Dottai v. Altenbach</i>			
<i>Duitman v. Liebelt</i>			
<i>Dwyer v. Jackson Co.</i>			
<i>Edlebeck v. Hooten</i>			
<i>Engstrom v. Dewitz</i>			
<i>F. Rosenberg Elevator Co. v. Goll</i>			
<i>Farmers Mut. Auto. Ins. Co. v. Gast</i>			
<i>Fee v. Heritage Mut. Ins. Co.</i>			
<i>Fehrman v. Smirl</i>			
<i>Fischer v. Mahlke</i>			
<i>Fjeseth v. New York Life Ins. Co.</i>			
<i>Ford v. Ford</i>			
<i>Geiger v. Calumet County</i>			
<i>Gilson v. Drees Bros.</i>			
<i>Goller v. White</i>			
<i>Graichen v. Graichen</i>			
<i>Grana v. Summerford</i>			
<i>Granger v. Mutual Service Casualty Ins. Co.</i>			
<i>Green Bay Warehouse Operators, Inc. v. Industrial Com.</i>			
<i>Grunwaldt v. Modern Wrecking Co.</i>			
<i>Gumz v. Chickering</i>			
<i>Halsted v. Kosnar</i>			
<i>Hanson v. Grand Lodge of Brotherhood of Locomotive Firemen & Enginemen</i>			
<i>Harry Crow & Son, Inc. v. Industrial Com.</i>			
<i>Hartenstein v. Hartenstein</i>			
<i>Hennington v. Valuch</i>			
<i>Hernke v. Northern Ins. Co.</i>			
<i>Hernke v. Northern Ins. Co.</i>			
<i>Hett v. Ploetz</i>			
<i>Hintz v. Darling Freight, Inc.</i>			
<i>Hunt v. Oakwood Hills Civic Asso.</i>			
<i>In re Adams Machinery, Inc.</i>			
<i>In re Andresen</i>			
<i>In re ESTATE of CHMIELEWSKI</i>			
<i>In re Estate of Ford</i>			
<i>In re Estate of Greenwald</i>			
<i>In re ESTATE of KESKE</i>			
<i>In re Estate of McDonald</i>			
<i>In re Estate of Rooney</i>			
<i>In re Estate of Schmitz</i>			
<i>In re Estate of Slama</i>			
<i>In re Estate of Spenner</i>			
<i>In re Estate of Starer</i>			

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<i>In re Estate of Traver</i>			
<i>In re Estate of Voss</i>			
<i>In re Estate of Weinert</i>			
<i>In re Petition for Organization of Spread Eagle</i>			
<i>In re Trust Estate of Bohnsack</i>			
<i>Indianhead Truck Lines, Inc. v. Industrial Com.</i>			
<i>Ingalls v. Commercial Ins. Co.</i>			
<i>International Ass'n of Machinists v. Nickel</i>			
<i>Iowa Sheet Metal Contractors, Inc. v. Knab Co.</i>			
<i>Isaksen v. Chesapeake Instrument Corp.</i>			
<i>James v. Industrial Com.</i>			
<i>Jansa v. Milwaukee Auto. Mut. Ins. Co.</i>			
<i>Jezo v. Jezo</i>			
<i>Klapinski v. Polewski</i>			
<i>Kraft v. Wodill</i>			
<i>Kreyer v. Farmers' Cooperative Lumber Co.</i>			
<i>La Vallie v. General Ins. Co.</i>			
<i>Lang v. Cumberland</i>			
<i>Langlois v. Wis. Nat'l Life Ins. Co.</i>			
<i>Larson v. Smith</i>			
<i>Last v. Puehler</i>			
<i>Laurin v. Wyroski</i>			
<i>Lee v. Junkans</i>			
<i>Lee v. Milwaukee Gas Light Co.</i>			
<i>Liberski v. Jonas</i>			
<i>Liddicoat v. Kenosha City Bd. of Education</i>			
<i>Lindahl v. Lindahl</i>			
<i>Lindsay v. Housing Authority of Milwaukee</i>			
<i>LISOWSKI v. MILWAUKEE AUTO. MUT. INS. CO.</i>			
<i>Lubner v. Peerless Ins. Co.</i>			
<i>Lucas v. State Farm Mut. Auto. Ins. Co.</i>			
<i>Mack Trucks, Inc. v. Sunde</i>			
<i>Madison v. Frank Lloyd Wright Foundation</i>			
<i>Mainz v. Lund</i>			
<i>Mann v. Erie Mfg. Co.</i>			
<i>Meyer v. Briggs</i>			
<i>Mueller v. American Indem. Co.</i>			
<i>Muskego v. Vernon</i>			
<i>Mustas v. Inland Const., Inc.</i>			
<i>Northwest Sand & Gravel Co. v. Schlieper</i>			
<i>O'Brien v. State Farm Mut. Auto. Ins. Co.</i>			
<i>Ochiltree v. Kaiser</i>			
<i>Odelberg v. Kenosha</i>			
<i>Olson v. Augsburgberger</i>			

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<i>O'Neill v. O'Neill</i>			
<i>Oosterwyk v. Corrigan</i>			
<i>Outgamie County v. Brooklyn</i>			
<i>Pabst v. Wisconsin Dep't of Taxation</i>			
<i>Patrick v. Patrick</i>			
<i>Peoples Trust & Sav. Bank v. Standard Printing Co.</i>			
<i>Pingel v. Thielman</i>			
<i>Plesko v. Milwaukee</i>			
<i>Pollack v. Olson</i>			
<i>Rock County Sav. & Trust Co. v. London Assurance Co.</i>			
<i>Roddis v. Roddis</i>			
<i>Rogers v. Adams</i>			
<i>Ryan v. Friede</i>			
<i>Schmidt v. West Bend Board of Canvassers</i>			
<i>Schneck v. Mutual Service Casualty Ins. Co.</i>			
<i>Schober v. Milwaukee</i>			
<i>School Board of Joint Dist. v. State Superintendent of Public Instruction</i>			
<i>Schumacher v. Klabunde</i>			
<i>Sell v. Milwaukee Auto. Ins. Co.</i>			
<i>Shawano County v. Wendt</i>			
<i>Snorek v. Boyle</i>			
<i>Sonotone Corp. v. Ladd</i>			
<i>State Dep't of Public Welfare v. Central Standard Life Ins. Co.</i>			
<i>State Dep't of Public Welfare v. Le Mere</i>			
<i>State ex rel. Jackson v. Coffey</i>			
<i>State ex rel. McCormack v. Foley</i>			
<i>State ex rel. Sarnowski v. Fox</i>			
<i>State v. Fish</i>			
<i>State v. Gecht</i>			
<i>State v. Herwig</i>			
<i>State v. McDonald Lumber Co.</i>			
<i>State v. Rodell</i>			
<i>Theisen v. Milwaukee Auto. Mut. Ins. Co.</i>			
<i>Thomas v. Waukesha</i>			
<i>Union Free High School v. Joint School Dist.</i>			
<i>United States Fidelity & Guaranty Co. v. Milwaukee & Suburban Transport Corp.</i>			
<i>Upper Lakes Shipping, Ltd. v. Seafarers' International Union</i>			
<i>Valeo v. J. I. Case Co.</i>			
<i>W. R. Arthur & Co. v. Wisconsin Dep't of Taxation</i>			
<i>Wauwatosa v. Grunewald</i>			
<i>Widuk v. John Oster Mfg. Co.</i>			
<i>Wisconsin Power & Light Co. v. Columbia County</i>			
<i>Witt v. Realist, Inc.</i>			

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<i>Wojciuk v. United States Rubber Co.</i>			
<i>Asplund v. Fisher</i> (6-0)			
<i>Basic Products Corp. v. Wisconsin Dep't of Taxation</i> (6-0)			
<i>Clark v. Moru</i> (6-0)			
<i>Fuller v. Fiedler</i> (6-0)			
<i>General Automotive Mfg. Co. v. Singer</i> (6-0)			
<i>Globe-Union Inc. v. Wisconsin Dep't of Taxation</i> (6-0)			
<i>Hibner v. Lindauer</i> (6-0)			
<i>HURST v. HUNGERFORD</i> (6-0)			
<i>Jonas v. State</i> (6-0)			
<i>Klein v. State Farm Mut. Auto. Ins. Co.</i> (6-0)			
<i>Lee v. Preiss</i> (6-0)			
<i>Lentz v. Northwestern Nat'l Casualty Co.</i> (6-0)			
<i>Lies v. Tuttle</i> (6-0)			
<i>Presser v. Siesel Constr. Co.</i> (6-0)			
<i>Raskin v. Hack</i> (6-0)			
<i>Rondesvedt v. Running</i> (6-0)			
<i>Sharp v. Milwaukee & Suburban Transport Corp.</i> (6-0)			
<i>Springen v. Ager Plumbing & Heating, Inc.</i> (6-0)			
<i>State ex rel. O'Neil v. Hallie</i> (6-0)			
<i>State v. Weinman</i> (6-0)			
<i>Stuesser v. Ebel</i> (6-0)			
<i>Turk v. H. C. Prange Co.</i> (6-0)			
<i>Tyler v. State Dep't of Public Welfare</i> (6-0)			
<i>Widell v. Holy Trinity Catholic Church</i> (6-0)			
<i>Widemshek v. Fale</i> (6-0)			
<i>Wisconsin Power & Light Co. v. Gerke</i> (6-0)			
<i>Yurmanovich v. Johnston</i> (6-0)			
<i>Ziegler v. Wonn</i> (6-0)			

Frequency in the Majority

These tables display how frequently each justice voted in the majority in decisions filed during the 1962-63 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	186	193	96%
Hallows	207	218	95%
Dieterich	208	219	95%
Fairchild	210	219	96%
Currie	202	216	94%
Gordon	205	214	96%
Brown	212	219	97%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Wilkie	26	33	79%
Hallows	25	36	69%
Dieterich	26	37	70%
Fairchild	28	37	76%
Currie	22	36	61%
Gordon	27	36	75%
Brown	30	37	81%

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, 41)	5-2 (or 4-2)	4-3
Wilkie	23	3	3	1
Hallows	31	2	2	0
Dieterich	23	3	0	4
Fairchild	28	1	2	4
Currie	28	3	1	0
Gordon	30	4	0	0
Brown	19	0	3	1

Opinion Author	Concurring Opinions	Dissenting Opinions
Wilkie	0	4
Hallows	0	8
Dieterich	1	7
Fairchild	1	7
Currie	6	8
Gordon	1	8
Brown	1	5

² When two or more justices co-authored a separate opinion, I credited each of them. In *State ex rel. Polar Ware Co. v. Muus*, Justice Fairchild wrote the majority opinion—but he also indicated that he dissented from one portion of it. Two justices, Wilkie and Currie, did not participate. I have classified this as a 4-1 rather than a 5-0 decision and will credit Justice Fairchild with both a majority opinion and a dissenting opinion.

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 219 decisions; the second table narrows its focus to decisions that were not unanimous. When reading the *second* table, for instance, one finds that Justices Wilkie and Brown voted together in 73% of the decisions, while the figure for Justices Dieterich and Currie was 36%.

Agreement Between Pairs of Justices—All Decisions

	Hallows	Dieterich	Fairchild	Currie	Gordon	Brown
Wilkie	183/192=95%	177/193=92%	178/193=92%	176/191=92%	173/188=92%	184/193=95%
	Hallows	200/218=92%	199/218=91%	204/215=95%	197/213=92%	204/218=94%
		Dieterich	201/219=92%	193/216=89%	202/214=94%	201/219=92%
			Fairchild	198/216=92%	201/214=94%	203/219=93%
				Currie	195/211=92%	201/216=93%
					Gordon	204/214=95%
						Brown

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Hallows	Dieterich	Fairchild	Currie	Gordon	Brown
Wilkie	23/32=72%	17/33=52%	18/33=55%	18/33=55%	17/32=53%	24/33=73%
	Hallows	18/36=50%	17/36=47%	24/35=69%	19/35=54%	22/36=61%
		Dieterich	19/37=51%	13/36=36%	24/36=67%	19/37=51%
			Fairchild	18/36=50%	23/36=64%	21/37=57%
				Currie	19/35=54%	21/36=58%
					Gordon	26/36=72%
						Brown

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	30	29
Hallows	35	32
Dieterich	30	29
Fairchild	33	33
Currie	30	29
Gordon	34	30
Brown	23	34