

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1955-56

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Martin, Steinle, Fairchild, Gehl	1	<i>Fitzpatrick v. Rice</i>
Currie, Broadfoot, Fairchild, Gehl	1	<i>Garvey v. Wenzel</i>
Brown, Broadfoot, Fairchild, Gehl	1	<i>In re Oconomowoc Lake</i>
Currie, Brown, Martin, Steinle	1	<i>Smith v. Brookfield</i>
Currie, Broadfoot, Martin, Steinle	1	<i>State ex rel. Holmes v. Krueger</i>
Currie, Steinle, Fairchild, Gehl	1	<i>Wodill v. Sullivan</i>

4-3 Membership in the Majority

Justice	Votes
Currie	4
Brown	2
Broadfoot	3
Martin	3
Steinle	4
Fairchild	4
Gehl	4

4-3 Majority Opinions Authored

	Opinions
Currie	0
Brown	0
Broadfoot	1
Martin	2
Steinle	0
Fairchild	3
Gehl	0
Total	6

Decisions by Vote Split¹

7-0 (or 6-0)	6-1	5-2	4-3
200/226 (88%)	12/226 (5%)	8/226 (4%)	6/226 (3%)
<i>Alan Realty Co. v. Fair Deal Inv. Co.</i>	<i>Appleton v. Sauer</i>	<i>Braatz v. Continental Cas. Co.</i>	<i>Fitzpatrick v. Rice</i>
<i>Albrecht v. Tradewell</i>	<i>Bino v. Hurley</i>	<i>Laughnan v. Griffiths</i>	<i>Garvey v. Wenzel</i>
<i>Aluminum Goods Mfg. Co. v. Wisconsin Employment Relations Board</i>	<i>Brunette v. Bierke</i>	<i>Leiterman v. Burnette</i>	<i>In re Oconomowoc Lake</i>
<i>Ameche v. Ameche</i>	<i>Chapman v. Zakzaska</i>	<i>Menne v. Fond Du Lac</i>	<i>Smith v. Brookfield</i>
<i>Anhalt v. Estate of Kessler</i>	<i>Dostal v. Magee</i> [272 Wis. 509]	<i>Rose Manor Realty Co. v. Milwaukee</i>	<i>State ex rel. Holmes v. Krueger</i>
<i>Application of Peterson</i>	<i>Draheim v. Rawson</i>	<i>Siler v. Read Inv. Co.</i>	<i>Wodill v. Sullivan</i>
<i>Arctic Engineering Corp. v. Harrison</i>	<i>Manitowoc Co. v. Industrial Com.</i>	<i>State v. Hall</i>	
<i>Arkens v. Bykowski</i>	<i>Niske v. Nackman</i>	<i>Wood v. Indemnity Ins. Co.</i>	
<i>Ashmus v. Donohoe</i>	<i>Paulus v. Truskowski</i>		
<i>Ayala v. Farmers Mut. Auto. Ins. Co.</i>	<i>Rainer v. Holmes</i>		
<i>Bahr v. Bahr</i>	<i>State v. Industrial Com.</i>		
<i>Banta v. Riley</i>	<i>Vogt, Inc. v. Int'l Bhd. of Teamsters, Local 695</i>		
<i>Barron v. Covey</i>			
<i>Beiler v. Krnak</i>			
<i>Berger v. Berger</i>			
<i>Bergman v. Bernsdorf</i>			
<i>Bitker & Gerner Co. v. Green Inv. Co.</i>			
<i>Borden Co. v. Minneapolis, S. P. & S. S. M. R. Co.</i>			
<i>Brice v. Milwaukee Auto. Ins. Co.</i>			
<i>Bulman v. Bulman</i>			
<i>Bush v. Mahlkuch</i>			
<i>Callaway v. Evanson</i>			
<i>Carlton v. State Dep't of Public Welfare</i>			
<i>Center Street Fuel Co. v. Hanover Fire Ins. Co.</i>			
<i>Colson v. Salzman</i>			
<i>Commerce Ins. Co. v. Merrill Gas Co.</i>			
<i>Dane Cty. Humane Socy. v. Union Trust Co.</i>			
<i>Delta Oil Co. v. Industrial Com.</i>			
<i>Denning v. Green Bay</i>			
<i>Diersen v. Staven</i>			
<i>Dostal v. Magee</i> [273 Wis. 228]			

(continued on following page)

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>Edwards v. Cutler-Hammer, Inc.</i>			
<i>Eickstedt v. Seifert</i>			
<i>Employers Mut. Liability Ins. Co. v. De Bruin</i>			
<i>Engel v. Dunn County</i>			
<i>Estate of Cyborowski v. Cyborowski</i>			
<i>Estate of Engelhardt v. Buhrandt</i>			
<i>Estate of James v. Fowell</i>			
<i>Estate of Latimer v. Lackey</i>			
<i>Estate of Morey v. Morey</i>			
<i>Estate of O'Brien v. O'Brien</i>			
<i>Estate of Pearce v. Boville</i>			
<i>Estate of Reichenberger v. Binder</i>			
<i>Estate of Stewart v. Stewart</i>			
<i>Estate of Wallace v. Manthei</i>			
<i>Fish Creek Park Co. v. Bayside</i>			
<i>Fond Du Lac v. Empire</i>			
<i>Frey v. Dick</i>			
<i>Frisch v. Howard</i>			
<i>Ft. Howard Paper Co. V Ft. Howard Corp.</i>			
<i>Funke v. Joint County School Committee</i>			
<i>Gabe v. Lake</i>			
<i>Georgiades v. Glickman</i>			
<i>Giant Grip Mfg. Co. v. Industrial Com.</i>			
<i>Giese v. Hanni</i>			
<i>Gowan v. Homestead Mut. Ins. Co.</i>			
<i>Greenfield v. Milwaukee [272 Wis. 388]</i>			
<i>Greenfield v. Milwaukee [272 Wis. 610]</i>			
<i>Greenfield v. West Milwaukee</i>			
<i>Gunnison v. Kaufman</i>			
<i>Harnett v. St. Mary's Congregation</i>			
<i>Havlik v. Bitmer</i>			
<i>Heagney v. Sellen</i>			
<i>Heibel v. Voth</i>			
<i>Heuer v. Wiese</i>			
<i>Hinkson v. Sauthoff</i>			
<i>Holtz v. Fogarty</i>			
<i>Huhnke v. Wischer</i>			
<i>Hyman-Michaels Co. v. Ashmus Equipment Sales Corp.</i>			
<i>In re Appeal of Greenfield</i>			
<i>In re Estate of Olson</i>			
<i>In re Fehlhaber's Will</i>			
<i>In re Guardianship of Barnes</i>			
<i>In re Guardianship of Dach</i>			
<i>In re Guardianship of Sykora</i>			

(continued on following page)

<i>In re Henderson's Will</i>			
<i>In re Parker's Will</i>			
<i>In re Strahlendorf's Will</i>			
<i>In re Winnemann's Will</i>			
<i>Institute of Commercial Art v. Maurice</i>			
<i>Investors Diversified Services v. Diggles</i>			
<i>Johann v. Milwaukee Electric Tool Corp.</i>			
<i>Johnson v. Green Bay Packers</i>			
<i>Joint School Dist. v. Waupaca, Winnebago & Outgamie County School Committees</i>			
<i>Joseph Mann Library Ass'n v. Two Rivers</i>			
<i>Kaiser v. Prudential Ins. Co.</i>			
<i>Kaukauna v. Public Service Com.</i>			
<i>Keller v. Industrial Com.</i>			
<i>Klassa v. Milwaukee Gas Light Co.</i>			
<i>Kluge v. Tesch</i>			
<i>Kohler Co. v. Industrial Com. of Wisconsin</i>			
<i>Krcmar v. Wisconsin River Power Co.</i>			
<i>Lake Beulah Protective & Improv. Ass'n v. Christenson</i>			
<i>Larson v. Superior Auto Parts</i>			
<i>Leuchtenberg v. Hoeschler</i>			
<i>Ligman v. Bitker</i>			
<i>Lind v. Allen</i>			
<i>Linker v. Batavian Nat'l Bank</i>			
<i>London & Lancashire Indem. Co. v. Allen</i>			
<i>Ludwig v. John Hancock Mut. Life Ins. Co.</i>			
<i>MacNaughton v. United Motor Sales</i>			
<i>Marshall Drainage Dist. v. Festge</i>			
<i>Mattek v. Hoffmann</i>			
<i>Maynard Electric Steel Casting Co. v. Industrial Com.</i>			
<i>Meyer v. Carman</i>			
<i>Miller v. Welworth Theatres of Wisconsin</i>			
<i>Minocqua Resort Asso. v. Stack</i>			
<i>Mlinar v. Olson Transp. Co.</i>			
<i>Modl v. National Farmers Union Property & Casualty Co.</i>			
<i>Montalto v. Fond Du Lac County</i>			
<i>Nechodomu v. Lindstrom</i>			
<i>Nemojeski v. Bubolz Mut. Town Fire Ins. Co.</i>			

(continued on following page)

<i>Neumann v. Evans</i>			
<i>Niedfeldt v. Evans</i>			
<i>Nielsen v. Marshall & Ilsley Bank</i>			
<i>Nissen v. Donohue</i>			
<i>Northland Greyhound Lines v. Blinco</i>			
<i>Oelke v. Earle</i>			
<i>Olson v. Industrial Com.</i>			
<i>Otterson v. Fraser</i>			
<i>Paul v. Hodd</i>			
<i>Peck v. Peck</i>			
<i>Pedek v. Wegemann</i>			
<i>Pelitsie v. National Sur. Corp.</i>			
<i>Peterson v. Magnus</i>			
<i>Phillips Petroleum Co. v. Taggart</i>			
<i>Pollock v. Pollock</i>			
<i>Polsfuss v. Price</i>			
<i>Prisuda v. General Casualty Co.</i>			
<i>Racine v. Smith</i>			
<i>Rieman v. Hansen</i>			
<i>Robinson v. Briggs Transp. Co.</i>			
<i>Russell Dairy Stores v. Chippewa Falls</i>			
<i>Savage v. Pratt</i>			
<i>Schaefer v. Bednarski</i>			
<i>Schatzman v. Greenfield</i>			
<i>Schiro v. Oriental Realty Co.</i>			
<i>Schley v. Estate of Schley</i>			
<i>Schneider v. Wisconsin Life Ins. Co.</i>			
<i>Schroeder v. Stampfel</i>			
<i>Schuler v. Cobeen</i>			
<i>Schwarz v. Winter</i>			
<i>Severin v. Luchinske</i>			
<i>Sheehan v. Industrial Com.</i>			
<i>Slabosheske v. Chikowske</i>			
<i>Smith v. Journal Co.</i>			
<i>Smith v. Wisconsin Rapids</i>			
<i>Sparish v. Zappa</i>			
<i>Staats v. Rural Mut. Casualty Ins. Co.</i>			
<i>State ex rel. Brill v. Spieker</i>			
<i>State ex rel. Durando v. State Athletic Com.</i>			
<i>State ex rel. Fieldhack v. Gregorski</i>			
<i>State ex rel. Nelson v. Rock County</i>			
<i>State ex rel. Thomson v. Peoples State Bank</i>			
<i>State v. Desimowich</i>			
<i>State v. Godsey</i>			
<i>State v. Goodchild</i>			
<i>State v. Greco</i>			
<i>State v. Stortecky</i>			

(continued on following page)

<i>Stearns v. Robertson</i>			
<i>Strahota v. Strahota</i>			
<i>Strehlow v. Industrial Com.</i>			
<i>Strong v. Fromm Laboratories, Inc.</i>			
<i>Sturm v. Simpson's Garment Co.</i>			
<i>Swartz v. Sommerfeldt</i>			
<i>Sweeney v. Stenjem</i>			
<i>Syver v. Hahn</i>			
<i>Teegarden Co-operative Cheese Co. v. Heckman</i>			
<i>Thomas v. Clear Lake</i>			
<i>Thompson v. Princeton</i>			
<i>Universal Rundle Corp. v. Industrial Com.</i>			
<i>Voelz v. Milgram Contracting Co.</i>			
<i>Vuchetich v. General Casualty Co.</i>			
<i>Waddell v. Mamat</i>			
<i>Walley v. Patake</i>			
<i>Webster v. Wimmer</i>			
<i>Weis v. A. T. Hipke & Sons</i>			
<i>Western Casualty & Surety Co. v. Dairyland Mut. Ins. Co.</i>			
<i>Williams v. Monroe County</i>			
<i>Wisconsin Bridge & Iron Co. v. Industrial Com.</i>			
<i>Wisconsin Electric Power Co. v. Milwaukee</i>			
<i>Wisconsin Employment Relations Board v. Journeymen Barbers, etc. [272 Wis. 84]</i>			
<i>Wisconsin Employment Relations Board v. Journeymen Barbers, etc. [272 Wis. 94]</i>			
<i>Witt v. Witt</i>			
<i>Yellow Mfg. Acceptance Corp. v. Britz</i>			
<i>Yoeckel v. Samonig</i>			
<i>Youngerman v. Thiede</i>			
<i>Zawerschnik v. Joint County School Committee</i>			
<i>Ziino v. Milwaukee E. R. & T. Co.</i>			
<i>Colla v. Mandella (6-0)</i>			
<i>Conrardy v. Sheboygan County (6-0)</i>			
<i>Endeavor-Oxford Union Free High Sch. Dist. v. Walters (6-0)</i>			
<i>Hermansen v. Lake Geneva (6-0)</i>			
<i>Kelley v. Ellis (6-0)</i>			
<i>Milwaukee County v. State Dep't of Public Welfare (6-0)</i>			

(continued on following page)

WISCONSIN SUPREME COURT DECISIONS, 1955-56

<i>Molinaro v. Industrial Com.</i> (6-0)			
<i>Mullen v. Stoffield</i> (6-0)			
<i>State v. Buss</i> (6-0)			
<i>Wagner v. Falbe & Co.</i> (6-0)			
<i>Wisconsin Employment Relations Board v. United Auto. A. & A. I. W.</i> (6-0)			

Frequency in the Majority

These tables display how frequently each justice voted in the majority in decisions filed during the 1955-56 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
Currie	211	223	95%
Brown	221	226	98%
Broadfoot	218	226	96%
Martin	221	224	99%
Steinle	216	223	97%
Fairchild	216	224	96%
Gehl	222	225	99%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Currie	14	26	54%
Brown	21	26	81%
Broadfoot	18	26	69%
Martin	23	26	88%
Steinle	19	26	73%
Fairchild	18	26	69%
Gehl	23	26	88%

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
Currie	33	1	2	0
Brown	33	0	0	0
Broadfoot	32	0	1	1
Martin	29	1	1	2
Steinle	26	4	1	0
Fairchild	18	1	2	3
Gehl	29	5	1	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Currie	2	7
Brown	0	1
Broadfoot	0	2
Martin	0	0
Steinle	0	3
Fairchild	0	4
Gehl	3	2

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 decisions; the second table narrows its focus to decisions that were not unanimous. When reading the *second* table, for instance, one finds that Justices Currie and Broadfoot voted together in 38% of the decisions, while the figure for Justices Brown and Gehl was 77%.

Agreement Between Pairs of Justices—All Decisions

	Brown	Broadfoot	Martin	Steinle	Fairchild	Gehl
Currie	208/223=93%	207/223=93%	208/221=94%	207/220=94%	205/221=93%	207=222=93%
	Brown	217/226=96%	220/224=98%	213/223=96%	215/224=96%	219/225=97%
		Broadfoot	215/224=96%	208/223=93%	210/224=94%	216/225=96%
			Martin	215/221=97%	211/222=95%	217/223=97%
				Steinle	208/221=94%	214/222=96%
					Fairchild	216/223=97%
						Gehl

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Brown	Broadfoot	Martin	Steinle	Fairchild	Gehl
Currie	11/26=42%	10/26=38%	13/26=50%	13/26=50%	10/26=38%	11/26=42%
	Brown	17/26=65%	22/26=85%	16/26=62%	17/26=65%	20/26=77%
		Broadfoot	17/26=65%	11/26=42%	12/26=46%	17/26=65%
			Martin	20/26=77%	15/26=58%	20/26=77%
				Steinle	13/26=50%	18/26=69%
					Fairchild	19/26=73%
						Gehl

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
Currie	36	29
Brown	33	30
Broadfoot	34	28
Martin	33	29
Steinle	31	28
Fairchild	24	28
Gehl	35	28