

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1954-55

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Broadfoot, Martin, Steinle, Gehl	2	<i>In re Will of Emmerick; Kuhl Motor Co. v. Ford Motor Co.</i>
Currie, Brown, Broadfoot, Martin	2	<i>Dodge v. Dodge; Sommerfeld v. Board of Canvassers</i>
Brown, Broadfoot, Fairchild, Gehl	1	<i>California Packing Co. v. Industrial Com.</i>
Brown, Broadfoot, Steinle, Gehl	1	<i>Sweet v. Department of Taxation</i>
Brown, Martin, Fairchild, Gehl	1	<i>State v. Seely</i>
Brown, Martin, Steinle, Gehl	1	<i>Ozaukee Finance Co. v. Cedarburg Lime Co.</i>
Currie, Broadfoot, Martin, Fairchild	1	<i>Worachek v. Stephenson Town School Dist.</i>
Currie, Brown, Martin, Gehl	1	<i>Graebner v. Industrial Com.</i>

4-3 Membership in the Majority

Justice	Votes
Currie	4
Brown	7
Broadfoot	7
Martin	8
Steinle	4
Fairchild	3
Gehl	7

4-3 Majority Opinions Authored

	Opinions
Currie	1
Brown	1
Broadfoot	2
Martin	2
Steinle	0
Fairchild	1
Gehl	3
Total	10

Decisions by Vote Split¹

7-0 (or 6-0)	6-1 (or 5-1)	5-2	4-3
214/241 (89%)	12/241 (5%)	5/241 (2%)	10/241 (4%)
<i>Anderson v. Byers</i>	<i>Bachmann v. Bollig</i>	<i>Marshfield Clinic v. Doege</i>	<i>California Packing Co. v. Industrial Com.</i>
<i>Anderson v. Tri-State Home Improv. Co.</i>	<i>Donahue v. Western Casualty & Surety Co.</i>	<i>Sponholz v. Meyer</i>	<i>Dodge v. Dodge</i>
<i>Arledge v. Scherer Freight Lines</i>	<i>Edwards v. Edwards</i>	<i>State ex rel. Hannon v. Eisler</i>	<i>Graebner v. Industrial Com.</i>
<i>Atkinson v. Huber</i>	<i>Fullerton Lumber Co. v. Torborg</i>	<i>State v. Selbach</i>	<i>In re Will of Emmerick</i>
<i>Auster v. Zaspel</i>	<i>Nyka v. State</i>	<i>Toman v. Lake</i>	<i>Kuhl Motor Co. v. Ford Motor Co.</i>
<i>Bailey v. Zwirowski</i>	<i>Taylor v. Western Casualty & Surety Co.</i>		<i>Ozaukee Finance Co. v. Cedarburg Lime Co.</i>
<i>Barth v. Milwaukee Auto. Ins. Co.</i>	<i>Walter v. Shemon</i>		<i>Sommerfeld v. Board of Canvassers</i>
<i>Bay v. Roos</i>	<i>Waukesha v. Plumbers & Gas Fitters</i>		<i>State v. Seely</i>
<i>Bayside v. Milwaukee</i>	<i>Wing v. Deppe</i>		<i>Sweet v. Department of Taxation</i>
<i>Bloss v. Rural Mut. Casualty Ins. Co.</i>	<i>Home Sav. Bank v. Gertenbach (5-1)</i>		<i>Worachek v. Stephenson Town School Dist.</i>
<i>Bockemuhl v. Jordan</i>	<i>Mayer v. Boynton Cab Co. (5-1)</i>		
<i>Bohn v. Sauk County</i>	<i>Weber v. Walters (5-1)</i>		
<i>Brehmer v. Chicago & N. W. R. Co.</i>			
<i>Bulova Watch Co. v. Anderson</i>			
<i>Burkhalter v. Hartford Acci. & Ind. Ins. Co.</i>			
<i>Bush v. Hadley</i>			
<i>Callan v. Wick</i>			
<i>Carazalla v. State</i> [May 3, 1955]			
<i>Carazalla v. State</i> [June 28, 1955]			
<i>Casey v. Trecker</i>			
<i>Catura v. Romanofsky</i>			
<i>Celon Co. v. Wisconsin Dep't of Taxation</i>			
<i>Cernohorsky v. Northern Liquid Gas Co.</i>			
<i>Chicago, M., S. P. & P. R. Co. v. Public Service Com.</i>			
<i>Conrad v. Evans</i>			
<i>Culligan, Inc. v. Rheume</i> [269 Wis. 242]			

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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>Culligan, Inc., v. Rheume</i> [268 Wis. 298]			
<i>Czap v. Czap</i>			
<i>David Jeffrey Co. v. Milwaukee</i>			
<i>Davis v. Lindau</i>			
<i>De Witz v. Northern States Power Co.</i>			
<i>Dinkin v. American Ins. Co.</i>			
<i>Dukat v. De Boer Motors</i>			
<i>Dziengel v. Dziengel</i>			
<i>Erickson v. Pugh</i>			
<i>Fels v. Industrial Com.</i>			
<i>Fidelity & Deposit Co. v. Peoples Exchange Bank</i>			
<i>Flynn v. Palmer</i>			
<i>Frankland v. Peterson</i>			
<i>Frenzel v. First Nat'l Ins. Co.</i>			
<i>Froncek v. Milwaukee</i>			
<i>Fyksen v. Fyksen</i>			
<i>Gallenberg v. Industrial Com.</i>			
<i>Gordon v. Gordon</i>			
<i>Green Bay & W. R. Co. v. Public Service Com.</i>			
<i>Greenlawn Memorial Park v. Neenah Town Bd. of Supervisors</i>			
<i>Groling v. Goltz</i>			
<i>Grosberg v. Grosberg</i>			
<i>Guptill v. Roemer</i>			
<i>Guzzo v. Guzzo</i>			
<i>Hamachek v. Hamachek</i>			
<i>Hearden v. Standard Acci. Ins. Co.</i>			
<i>Hoffman v. Hoffman</i>			
<i>Holty v. Landauer</i>			
<i>Hott v. Warner</i>			
<i>Huffman v. Reinke</i>			
<i>Implement Credit Corp. v. Elsinger</i>			
<i>In re Aronson</i>			
<i>In re Draheim's Will</i>			
<i>In re Estate of Borzych</i>			
<i>In re Estate of Brzowsky</i>			
<i>In re Estate of Eannelli</i>			
<i>In re Estate of Gooding</i>			
<i>In re Estate of Jafuta</i>			
<i>In re Estate of Kirsh</i>			
<i>In re Estate of Koos</i>			
<i>In re Estate of Uihlein</i>			
<i>In re Folsom</i>			
<i>In re Klinkert's Will</i>			
<i>In re Knierim's Will</i>			
<i>In re Will of Mattes</i>			
<i>In re Will of Schneider</i>			
<i>Jaster v. Miller</i>			
<i>Kassien v. Menako</i>			
<i>Katt v. Sturtevant</i>			

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<i>Kelberger v. First Federal Sav. & Loan Asso.</i>			
<i>Kleiner v. Milwaukee</i>			
<i>Klinger v. Garvey</i>			
<i>Kranjec v. West Allis</i>			
<i>Kreft v. Charles</i>			
<i>Kundert v. Johnson</i>			
<i>L. G. Arnold, Inc. v. Industrial Com.</i>			
<i>Laack v. Laack</i>			
<i>Laehn Coal & Wood Co. v. Clintonville Sales Corp.</i>			
<i>Larson v. Splett</i>			
<i>Lawson v. Housing Authority of Milwaukee</i>			
<i>Loser v. Libal</i>			
<i>Luck v. Hardware Mut. Casualty Co.</i>			
<i>Madison v. Madison</i>			
<i>Mahnke v. Ahles</i>			
<i>Makarewicz v. McEvoy</i>			
<i>Marshall & Ilsley Bank v. De Wolf</i>			
<i>Masino v. Sechrest</i> [268 Wis. 101]			
<i>Masino v. Sechrest</i> [268 Wis. 112]			
<i>Maslow Cooperage Corp. v. Weeks Pickle Co.</i>			
<i>Mattice v. Equitable Life Assurance Soc.</i>			
<i>McCauley v. International Trading Co.</i>			
<i>Men's Hall Stores v. Dane County</i>			
<i>Merkle v. Behl</i>			
<i>Meyers v. Matthews</i>			
<i>Meyers v. St. Bernard's Congregation</i>			
<i>Milwaukee Boston Store Co. v. American Federation of Hosiery Workers</i>			
<i>Milwaukee v. Public Service Com.</i>			
<i>Milwaukee v. Richards</i>			
<i>Milwaukee v. Sewerage Com. of Milwaukee</i>			
<i>Milwaukee v. Utech</i>			
<i>Missionaries of Our Lady of La Salette v. Whitefish Bay</i>			
<i>Mogen David Wine Corp. v. Borenstein</i>			
<i>Morris v. Resnick</i>			
<i>Muehlenbeck v. Fitchett</i>			
<i>Mutual Auto. Ins. Co. v. State Farm Mut. Auto. Ins. Co.</i>			
<i>Nechodomu v. Lindstrom</i>			
<i>Neinfeldt v. Schultz</i>			
<i>Nelsen v. Cairo</i>			

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<i>Nelson v. Nelson</i>			
<i>Nickel v. Hardware Mut. Casualty Co.</i>			
<i>Olson v. Johnson</i>			
<i>Olson v. Williams</i>			
<i>Omer v. Risch</i>			
<i>Paulson v. Paulson</i>			
<i>Pedrick v. First Nat'l Bank</i>			
<i>Pelikan v. Russell</i>			
<i>Pelton Steel Casting Co. v. Wisconsin Dep't of Taxation</i>			
<i>Peterson Cutting Die Co. v. Bach Sales Co.</i>			
<i>Peterson v. Industrial Com.</i>			
<i>Pflugradt v. Neth</i>			
<i>Plain v. Harder</i>			
<i>Potter v. Kenosha</i>			
<i>Princeton v. Public Service Com.</i>			
<i>Putman v. Deinhamer</i>			
<i>Rasmussen v. Miller</i>			
<i>Raube v. Christenson</i>			
<i>Reading v. Reading</i>			
<i>Riske v. National Casualty Co.</i>			
<i>Roddis Plywood Corp. v. Dorchester Furniture Co.</i>			
<i>Rucinski v. Kuehl</i>			
<i>Ryan v. Cameron</i>			
<i>Sandley v. Pilsner</i>			
<i>Schaff v. Hipke</i>			
<i>Scherg v. Puetz</i>			
<i>Schill v. Meers</i>			
<i>Schmidt v. Dorn</i>			
<i>Schmitz v. Schuh</i>			
<i>Schwartz v. Schneuriger</i>			
<i>Schweidler v. Caruso</i>			
<i>Shanahan v. Midland Coach Lines</i>			
<i>Simhiser v. Farber</i>			
<i>Simon v. Van De Hey</i>			
<i>Snyder v. Oakdale Co-op. Electrical Ass'n</i>			
<i>St. Francis v. Public Service Com.</i>			
<i>State ex rel. Enterprise Realty Co. v. Swiderski</i>			
<i>State ex rel. Ignasiak v. Franklin</i>			
<i>State ex rel. Mattison v. Baudhuin</i>			
<i>State ex rel. Parks v. Gross</i>			
<i>State ex rel. Roelvink v. Zeidler</i>			
<i>State ex rel. Rogers v. Milligan</i> [267 Wis. 549]			
<i>State ex rel. Rogers v. Milligan</i> [269 Wis. 565]			
<i>State ex rel. Saveland Park Holding Corp. v. Wieland</i>			

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<i>State ex rel. Syarto v. Barber</i>			
<i>State v. Berres</i>			
<i>State v. Joe Must Go Club</i>			
<i>State v. Laven</i>			
<i>State v. Perlin</i>			
<i>Steuber v. Conway</i>			
<i>Stevens v. Farmers Mut. Auto. Ins. Co.</i>			
<i>Superior Steel Products Corp. v. Zbytoniewski</i>			
<i>Szymon v. Johnson</i>			
<i>Tetzlaff v. Pilot Press, Inc.</i>			
<i>Thelen v. MacHotka</i>			
<i>Thiel v. Damrau</i>			
<i>Thomas v. Tesch</i>			
<i>Thompson v. Eau Claire</i>			
<i>Thompson v. Roberts</i>			
<i>Thornton v. Loiselle</i>			
<i>Tilsen v. Rubin</i>			
<i>Tomek v. Farmers Mut. Auto. Ins. Co.</i>			
<i>Touchett v. E Z Paintr Corp.</i>			
<i>Turck v. Seefeldt</i>			
<i>Turner v. Industrial Com.</i>			
<i>Umentum v. Arendt</i>			
<i>Vlasis v. Cheese Makers Mut. Casualty Co.</i>			
<i>Vogt, Inc. v. International Brotherhood of Teamsters</i>			
<i>Vredenburg v. Safety Devices Corp.</i>			
<i>W. H. Hobbs Supply Co. v. Ernst</i>			
<i>Walker v. Green Lake County</i>			
<i>Waunakee Canning Corp. v. Industrial Com.</i>			
<i>Weber v. Interstate Light & Power Co.</i>			
<i>Weber v. John Hancock Mut. Life Ins. Co.</i>			
<i>Werlein v. Milwaukee E. R. & T. Co.</i>			
<i>Williams v. Miles</i>			
<i>Wisconsin Appleton Co. v. Industrial Com.</i>			
<i>Wisconsin Bridge & Iron Co. v. Industrial Com.</i>			
<i>Wm. H. Heinemann Creameries v. Milwaukee Auto. Ins. Co.</i>			
<i>Wolf v. United Shipping Co.</i>			
<i>Zache v. West Bend</i>			
<i>Zutter v. Kral</i>			
<i>Zweig v. Industrial Com.</i>			
<i>State ex rel. A. Hynek & Sons Co. v. Board of Appeals (7-0, per curiam)</i>			
<i>Adoption of Morrison (6-0)</i>			
<i>Bond v. Wojahn (6-0)</i>			

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<i>In re Brown Deer</i> (6-0)			
<i>Joint School Dist. v. Boyd</i> (6-0)			
<i>Kamke v. Clark</i> (6-0)			
<i>Marathon Electric Mfg. Corp. v. Industrial Com.</i> (6-0)			
<i>Powless v. Powless</i> (6-0)			
<i>Schroeder v. Kissling</i> (6-0)			
<i>Sheehan v. 535 North Water Street</i> (6-0)			
<i>State ex rel. Lund v. Seramur</i> (6-0)			
<i>State v. Vinson</i> (6-0)			
<i>Streeter v. Industrial Com.</i> (6-0)			
<i>Weiss v. Milwaukee</i> (6-0)			
<i>Wisconsin Employment Relations Board v. Chauffeurs, Teamsters & Helpers</i> (6-0)			
<i>Wisconsin Employment Relations Board v. United Auto., etc.</i> (6-0)			
<i>Wisconsin Power & Light Co. 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 1954-55 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	223	237	94%
Brown	237	241	98%
Broadfoot	234	240	98%
Martin	237	241	98%
Steinle	219	228	96%
Fairchild	231	240	96%
Gehl	235	241	98%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Currie	13	27	48%
Brown	23	27	85%
Broadfoot	21	27	78%
Martin	23	27	85%
Steinle	15	24	63%
Fairchild	18	27	67%
Gehl	21	27	78%

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 (or 5-1)	5-2	4-3
Currie	32	2	0	1
Brown	33	2	0	1
Broadfoot	30	1	2	2
Martin	30	4	0	2
Steinle	30	2	2	0
Fairchild	32	0	0	1
Gehl	26	1	1	3

Opinion Author	Concurring Opinions	Dissenting Opinions
Currie	2	11
Brown	0	0
Broadfoot	0	1
Martin	0	1
Steinle	0	2
Fairchild	0	4
Gehl	1	4

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 Gehl voted together in 26% of the decisions, while the figure for Justices Brown and Fairchild was 67%.

Agreement Between Pairs of Justices—All Decisions

	Brown	Broadfoot	Martin	Steinle	Fairchild	Gehl
Currie	223/237=94%	222/236=94%	223/237=94%	211/224=94%	223/236=94%	217/237=92%
	Brown	230/240=96%	233/241=97%	217/228=95%	231/240=96%	235/241=98%
		Broadfoot	230/240=96%	216/227=95%	228/239=95%	228/240=95%
			Martin	217/228=95%	229/240=95%	231/241=96%
				Steinle	215/227=95%	220/228=96%
					Fairchild	229/240=95%
						Gehl

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Brown	Broadfoot	Martin	Steinle	Fairchild	Gehl
Currie	13/27=48%	13/27=48%	13/27=48%	11/24=46%	14/27=52%	7/27=26%
	Brown	17/27=63%	19/27=70%	13/24=54%	18/27=67%	21/27=78%
		Broadfoot	17/27=63%	13/24=54%	16/27=59%	15/27=56%
			Martin	13/24=54%	16/27=59%	17/27=63%
				Steinle	12/24=50%	16/24=67%
					Fairchild	16/27=59%
						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	34	29
Brown	36	28
Broadfoot	35	31
Martin	36	29
Steinle	34	31
Fairchild	33	29
Gehl	31	28