

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1953-54

Four-to-Three Decisions

4-3 Alignments¹

Justices	Total	Case Names
Brown, Martin, Gehl, Steinle	3	<i>Boutin v. Cardinal Theatre Co.</i> ; <i>Estate of Halverson v. Nelson</i> ; <i>Starry v. E. W. Wylie Co.</i>
Brown, Martin, Fairchild, Gehl	1	<i>Estate of Jorgensen v. Patri</i>
Currie, Broadfoot, Martin, Fairchild	1	<i>M. & M. Realty Co. v. Industrial Com.</i>
Broadfoot, Martin, Gehl, Steinle	1	<i>State ex rel. Doering v. Doering</i>
Brown, Broadfoot, Martin, Fairchild	1	<i>Bolick v. Gallagher</i>
Currie, Brown, Martin, Gehl	1	<i>Estate of Gray</i>

4-3 Membership in the Majority

Justice	Votes
Currie	2
Brown	6
Broadfoot	3
Martin	8
Fairchild	3
Gehl	6
Steinle	4
Fritz	--

4-3 Majority Opinions Authored

	Opinions
Currie	2
Brown	2
Broadfoot	0
Martin	2
Fairchild	2
Gehl	0
Steinle	0
Fritz	--
Total	8

¹ Justice Fritz did not participate in any 4-3 decisions.

Decisions by Vote Split²

7-0 (or 6-0) 207/235 (88%)	6-1 (or 5-1) 12/235 (5%)	5-2 8/235 (3%)	4-3 8/235 (3%)
<i>Bassil v. Fay</i>	<i>State ex rel. Thomson v. Giessel</i> [267 Wis. 331]	<i>Moore v. Milwaukee</i>	<i>Boutin v. Cardinal Theatre Co.</i>
<i>Cross v. Leuenberger</i>	<i>Dunphy Boat Corp. v. Wisconsin Employment Relations Board</i>	<i>State ex rel. Wisconsin Lutheran High School Conference v. Sinar</i>	<i>Estate of Halverson v. Nelson</i>
<i>Dane County v. Bloomfield</i>	<i>Employers Mut. Fire Ins. Co. v. Haucke</i>	<i>Roeske v. Schmitt</i>	<i>Starry v. E. W. Wylie Co.</i>
<i>Estate of James v. Kerley</i>	<i>Estate of Cheaney</i>	<i>Estate of Stevens</i>	<i>Estate of Jorgensen v. Patri</i>
<i>In re Adoption of Tschudy</i>	<i>Caledonia v. Racine Limestone Co.</i>	<i>Musselman v. Mutual Auto. Ins. Co.</i>	<i>M. & M. Realty Co. v. Industrial Com.</i>
<i>In re Gabel's Will</i>	<i>Grosso v. Wittemann</i>	<i>Leach v. Leach</i>	<i>State ex rel. Doering v. Doering</i>
<i>In re Incorporation of Elm Grove</i>	<i>In re Estate of Hafemann</i>	<i>Smith v. Congregation of St. Rose</i>	<i>Bolick v. Gallagher</i>
<i>Laehn Coal & Wood Co. v. Koehler</i>	<i>In re Hafemann's Will</i>	<i>Brennan v. Milwaukee</i>	<i>Estate of Gray</i>
<i>Lawrence v. E. W. Wylie Co.</i>	<i>Horne v. Kenosha Lincoln-Mercury, Inc.</i>		
<i>Milwaukee & Suburban Transport Corp. v. Public Service Com.</i>	<i>Green Bay Drop Forge Co. v. Industrial Com.</i>		
<i>Nolop v. Spettel</i>	<i>Williams v. Monroe County</i>		
<i>O'Connor v. Larrabee</i>	<i>State ex rel. Larson v. Giessel</i> (5-1)		
<i>Rosen v. Ihler</i>			
<i>Scarne's Challenge, Inc. v. M. D. Orum Co.</i>			
<i>Seeburger v. Citizens Mut. Fire Ins. Co.</i>			
<i>Smith v. Christopherson</i>			
<i>State ex rel. A. Hynek & Sons Co. v. Board of Appeals</i>			
<i>Tri-County Finance, Inc. v. Miller</i>			
<i>Udovc v. Ross</i>			
<i>Van Pool v. Industrial Com.</i>			
<i>Whirry v. Rural Mut. Casualty Ins. Co.</i>			
<i>Williams v. International Oil Co.</i>			
<i>Dittman v. Western Casualty & Surety Co.</i>			
<i>Estate of Cogan</i>			
<i>Estate of Nelson v. Hogie</i>			

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² As the result of rounding, the percentages do not add up to 100. 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>Estate of Niemczyk</i>			
<i>Estate of Shaver</i>			
<i>Gohr v. Beranek</i>			
<i>Heffernan v. Green Bay</i>			
<i>Jensen v. John Hancock Mut. Life Ins. Co.</i>			
<i>Mead v. Ringling</i>			
<i>Mistele v. Board of Education</i>			
<i>Ryan v. Zweck-Wollenberg Co.</i>			
<i>Schimke v. Mutual Auto. Ins. Co.</i>			
<i>Scholz v. Industrial Com.</i>			
<i>Scrafield v. Rudy</i>			
<i>Smuda v. Jefferson Dist. School Board</i>			
<i>State v. Bradley</i>			
<i>State v. First Wis. Trust Co.</i>			
<i>Wohlleben v. Home Mut. Cas. Co.</i>			
<i>Zombkowski v. Wisconsin River Power Co.</i>			
<i>Bachmann v. Chicago, M. S. P. & P. R. Co.</i>			
<i>De Pere v. Public Service Com.</i>			
<i>Engh v. Calvert Fire Ins. Co.</i>			
<i>Estate of Williams v. Gulbankian</i>			
<i>Farmers Mut. Auto. Ins. Co. v. Archambeault</i>			
<i>Ferry v. State</i>			
<i>Fredrickson v. Kabat</i>			
<i>Grabinski v. St. Francis Hospital</i>			
<i>Guschl v. Schmidt</i>			
<i>Hafemann v. Korinek</i>			
<i>In re Pettee's Will</i>			
<i>Leikness v. Prochaska</i>			
<i>Lewis v. Lewis</i>			
<i>Pokrajac v. Wade Motors, Inc.</i>			
<i>Rick v. Industrial Com.</i>			
<i>Saxby v. Cadigen</i>			
<i>Shaske v. Hron</i>			
<i>Siegel v. Clemons</i>			
<i>State v. Sawyer</i>			
<i>Swanson v. Maryland Cas. Co.</i>			
<i>Watters v. National Drive--In, Inc.</i>			
<i>Willing v. Porter</i>			
<i>Al Shallock, Inc. v. Zurich General Acci. & Liability Ins. Co.</i>			
<i>Employers Mut. Liability Ins. Co. v. Parker</i>			
<i>Estate of Eannelli</i>			
<i>Estate of Schmidt: Smith v. Seher</i>			
<i>Frings v. Donovan</i>			
<i>Ft. Howard Paper Co. v. Town Board of Ashwaubenon</i>			

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<i>Havens v. Havens</i>			
<i>Hicks v. New York Fire Ins. Co.</i>			
<i>Holmlund v. Zierke</i>			
<i>In re Eannelli's Estate</i>			
<i>In re Latimer's Will</i>			
<i>In re Walker's Will</i>			
<i>Kraskey v. Johnson</i>			
<i>Lind v. Lund</i>			
<i>Lund v. Thorne</i>			
<i>Madison v. Pierce</i>			
<i>Milwaukee v. Schomberg</i>			
<i>Otto v. Black Eagle Oil Co.</i>			
<i>Royal Transit v. West Milwaukee</i>			
<i>State ex rel. Smith v. Zimmerman</i>			
<i>Swenson v. Milwaukee County</i>			
<i>Voss v. Metropolitan Casualty Ins. Co.</i>			
<i>Weber v. Mayer</i>			
<i>Anderson v. Stricker</i>			
<i>Becker v. Spieker</i>			
<i>Bell v. Gray-Robinson Const. Co.</i>			
<i>Brady v. Chicago & N. W. R. Co.</i>			
<i>Brouwer Realty Co. v. Industrial Com.</i>			
<i>Datka v. State</i>			
<i>Fuller v. Spieker</i>			
<i>Good v. Farmers Mut. Ins. Co.</i>			
<i>Grady v. Hartford Steam Boiler Inspection & Ins. Co.</i>			
<i>Hemans v. Industrial Com.</i>			
<i>Hillside Transit Co. v. Larson</i>			
<i>In re Wright's Will</i>			
<i>Maus v. Bloss</i>			
<i>Nash-Kelvinator Corp. v. Industrial Com.</i>			
<i>Oldenburg v. Hartford Acci. & Indem. Co.</i>			
<i>Olson v. Milwaukee Auto. Ins. Co.</i>			
<i>Perkins v. Young</i>			
<i>Quin v. Hoffmann</i>			
<i>Raddant v. Tamminen</i>			
<i>Rowe v. Compensation Research Bureau</i>			
<i>Schneider v. Depies</i>			
<i>State v. Seraphine</i>			
<i>Statz v. Pohl</i>			
<i>Wauwatosa v. Milwaukee</i>			
<i>Brackob v. Brackob</i>			
<i>Davis v. Fay</i>			
<i>Doleys v. Arndt</i>			
<i>Else v. Cannon</i>			
<i>Estate of McCarthy v. Parfrey</i>			
<i>Estate of Miller v. Van Hogen</i>			
<i>Estate of Ogg</i>			

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<i>Froedtert Grain & Malting Co. v. Peter P. Woboril, Inc.</i>			
<i>Giessel v. Mutual Service Casualty Ins. Co.</i>			
<i>Hill-Behan Lumber Co. v. McDonald</i>			
<i>In re Hipsch's Will</i>			
<i>Kansas City Life Ins. Co. v. State</i>			
<i>Leonard v. Employers Mut. Liability Ins. Co.</i>			
<i>Milwaukee Hotel Wisconsin Co. v. Aldrich</i>			
<i>Paykel v. Rose</i>			
<i>Prochniak v. Wisconsin Screw Co.</i>			
<i>Schmidtkofer v. Industrial Com.</i>			
<i>Severson v. Milwaukee Auto. Ins. Co.</i>			
<i>St. Mary's Congregation v. Industrial Com.</i>			
<i>State ex rel. Hron Bros. Co. v. Port Washington</i>			
<i>State ex rel. Thomson v. Giessel [265 Wis. 558]</i>			
<i>Trobaugh v. Milwaukee</i>			
<i>Ubbink v. Herbert A. Nieman & Co.</i>			
<i>Weihert v. Weihert</i>			
<i>Wright v. St. Mary's Hospital</i>			
<i>Briggs Transfer Co. v. Farmers Mut. Auto. Ins. Co.</i>			
<i>Butler v. Industrial Com.</i>			
<i>Christie v. Lueth</i>			
<i>Commercial Credit Corp. v. Schneider</i>			
<i>Costello v. Schult</i>			
<i>Deaton v. Unit Crane & Shovel Corp.</i>			
<i>Erickson v. Clifton</i>			
<i>Kasper v. Enich</i>			
<i>Kerbet v. Behling</i>			
<i>Knuth v. Vogels</i>			
<i>Lakeland v. State Dep't of Public Welfare</i>			
<i>Lloyd v. Chippewa County</i>			
<i>Lowe v. Cheese Makers Mut. Cas. Co.</i>			
<i>Manninen v. Liss</i>			
<i>Menako v. Kassien</i>			
<i>Metropolitan Finance Corp. v. Matthews</i>			
<i>Mitchell v. Airline Reservations, Inc.</i>			
<i>Putman v. Deinhamer</i>			
<i>Shipley v. Krueger</i>			
<i>State ex rel. Michael v. McGill</i>			
<i>Tadin v. Industrial Com.</i>			

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<i>Timm v. Rahn</i>			
<i>Tonn v. Strehlau</i>			
<i>Wiese v. Swersinske</i>			
<i>American Nat'l Red Cross v. Banks</i>			
<i>Bank of America Nat'l Trust & Sav. Ass'n v. Burhans</i>			
<i>Beskidniak v. Masny</i>			
<i>Commerce Ins. Co. v. Badger Paint & Hardware Stores, Inc.</i>			
<i>De Witte v. Kearney & Trecker Corp.</i>			
<i>Engsberg v. Hein</i>			
<i>Estate of Gabler</i> [265 Wis. 126]			
<i>In re Donigian's Will</i>			
<i>Julien v. Julien</i>			
<i>Kinzfogel v. Greiner</i>			
<i>Koniecko v. Huffman</i>			
<i>McCarty v. Weber</i>			
<i>O'Brien v. Hessman</i>			
<i>Progressive Fine Art Co. v. Industrial Com.</i>			
<i>Schaefer v. Weber</i>			
<i>Schmidt v. Schabow</i>			
<i>State ex rel. Thomson v. Giessel</i> [265 Wis. 185]			
<i>State ex rel. Thomson v. Giessel</i> [265 Wis. 207]			
<i>Swanke v. Oneida County</i>			
<i>Wibbeler v. Reed</i>			
<i>Wisconsin Employment Relations Board v. Gateway Glass Co.</i>			
<i>Baldwin v. St. Peter's Congregation</i>			
<i>Carlson v. Craig</i>			
<i>Dobbert v. Dobbert</i>			
<i>Dunn & Stringer Inv. Co. v. Krauss</i>			
<i>Estate of Gabler</i> [265 Wis. 31]			
<i>Fessler v. Northwestern Nat'l Cas. Co.</i>			
<i>Hanlon v. St. Francis Seminary</i>			
<i>Harvey v. Hartwig</i>			
<i>Heuer v. Wiese</i>			
<i>Hoepner v. Eau Claire</i>			
<i>Juergens v. Hauser</i>			
<i>Kosteczko v. Industrial Com.</i>			
<i>Lasker v. Patrovsky</i>			
<i>Matczak v. Mathews</i>			
<i>Regling v. Schultz</i>			
<i>State ex rel. Thomson v. Zimmerman</i>			
<i>Stoughton v. Powers</i>			
<i>Vogel v. Vetting</i>			
<i>Wisconsin Axle Div. v. Industrial Com.</i> (7-0 per curiam)			

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WISCONSIN SUPREME COURT DECISIONS, 1953-54

<i>Kolehouse v. Connecticut Fire Ins. Co.</i> (6-0)			
<i>Musselman v. Service Fire Ins. Co.</i> (6-0)			
<i>Aldrich v. Skycoach Air Lines Agency</i> (6-0)			
<i>James v. Wisconsin Power & Light Co.</i> (6-0)			
<i>Galewski v. Noe</i> (6-0)			
<i>Pawlak v. Mayer</i> (6-0)			
<i>Wurth v. Affeldt</i> (6-0)			
<i>Mackey v. Trombetta</i> (6-0)			

Frequency in the Majority

These tables display how frequently each justice voted in the majority in decisions filed during the 1953-54 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	220	234	94%
Brown	230	234	98%
Broadfoot	226	235	96%
Martin	234	235	99.6%
Fairchild	225	234	96%
Gehl	228	235	97%
Steinle	126	132	95%
Fritz	95	97	98%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Currie	14	28	50%
Brown	24	28	86%
Broadfoot	19	28	68%
Martin	27	28	96%
Fairchild	19	28	68%
Gehl	21	28	75%
Steinle	15	21	71%
Fritz	4	6	67%

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. If a justice concurred or dissented without authoring an opinion, he is not credited.

Opinion Author	7-0 (or 6-0)	6-1 (or 5-1)	5-2	4-3
Currie	32	3	1	2
Brown	28	0	2	2
Broadfoot	33	2	0	0
Martin	27	3	1	2
Fairchild	28	0	1	2
Gehl	32	1	3	0
Steinle	17	3	0	0
Fritz	9	0	0	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Currie	1	8
Brown	0	1
Broadfoot	0	1
Martin	1	1
Fairchild	0	3
Gehl	0	7
Steinle	0	3
Fritz	0	1

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	38	30
Brown	32	30
Broadfoot	35	29
Martin	33	28
Fairchild	31	30
Gehl	36	29
Steinle	20	29
Fritz	9	27