# STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1951-52

## Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Brown, Broadfoot, Martin, Gehl	2	Andreski v. Industrial Com.; Eiden v. Hovde
Brown, Martin, Fairchild, Gehl	1	Estate of King
Brown, Martin, Fairchild, Fritz	1	Wagner v. Peiffer

Justice	Votes
Currie	0
Brown	4
Broadfoot	2
Martin	4
Fairchild	2
Gehl	3
Fritz	1

# 4-3 Membership in the Majority 4-3 Majority Opinions Authored

	Opinions
Currie	0
Brown	2
Broadfoot	0
Martin	1
Fairchild	1
Gehl	0
Fritz	0
Total	4

## Decisions by Vote Split<sup>1</sup>

7-0 (or 6-0, 5-0)	6-1 (or 5-1)	5-2	4-3
195/218 (89%)	11/218 (5%)	8/218 (4%)	4/218 (2%)
Joint Union Free High School	Kimball v. Antigo Bldg.	Jaeger v. Jaeger	Estate of King
Dist. v. Union Free High School	Supply Co.		
Archer-Daniels-Midland Co. v.	State ex rel. Broughton v.	State ex rel. Thomson v.	Andreski v. Industrial
Anthony	Zimmerman	Giessel	Com.
Charles v. Umentum	Estate of Schefe	Estate of Landauer	Eiden v. Hovde
Cohan v. Associated Fur Farms,	Bengston v. Estes	State ex rel. New Lisbon	Wagner v. Peiffer
Inc.		State Bank v. New Lisbon	
Des Jardin v. Greenfield	Umnus v. Wisconsin Public Service Corp.	Hanson v. Binder	
Du Bois v. De Bauche	Egan v. Wege	Throm v. Koepke Sand & Gravel Co.	
Estate of Maxcy	Merton Lbr. Co. v. Industrial Com.	In re Adoption of Morrison	
Hirsch v. Smith	In re Holcombe's Estate	United Electrical, Radio & Machine Workers v. Allen- Bradley Co.	
Jacobi v. Cielinski	Rosenberg v. Gilson		
Lepak v. Farmers Mut. Auto.	State ex rel. White v.		
Ins. Co.	District Court [5-1]		
McClone v. Mulvaney	Timm v. State [5-1]		
Munson v. Furrer			
Plasa v. Logan			
Rietbrock v. Studds			
Rucktenwald v. Chicago, M., S.			
P. & P. R. Co.			
State ex rel. Baker Mfg. Co. v. Evansville			
State v. Sensenbrenner			
State v. Wrosch			
Union Trust Co. v. Matthews			
Wear v. N. States Power Co.			
Williams v. Larson			
Rasmussen v. Milwaukee E. R. & T. Co.			
Bauman v. Midland Union Ins. Co.			
Chernin v. International Oil Co. [261 Wis. 308]			
Doering v. Knudsen			
Estate of Atkinson v. Department			
of Taxation			
Estate of Miller v. Naze			
Estate of Schaefer			
In re Preble			
In re Roehl's Will			
Lemke v. Anders			

<sup>&</sup>lt;sup>1</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.

Luening v. Public Service Com.  Muench v. Public Service Com.  O'Brien v. State  Smith v. Benjamin  State Bank of Viroqua v. Incksom Stikt v. Williams  Watland Farmers Mut. Auto. Ins. Co.  Vorwkey-Bissell Corp. v. Langlade Alexander v. Meyers  Catholic Knights of Wisconisn v. Levy Chernin v. International Oil Co. [261 Wis. 543]  Devint v. Milwankee  Engle v. Peters  Homeland Ins. Co. v. Carolina Ins. Co.  U. Smith & Co. v. Romadka Leach v. Leoch Ley, Bornstein Lew, Smith Sill Williams  Negaraf v. Patrow O'Ggers v. Minneapolis, S. P. & S. S. M. R. Co. Pocquette v. Carpiax  Sill V. Williams  Nell Will			
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## Frequency in the Majority

These tables display how frequently each justice voted in the majority in decisions filed during the 1951-52 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	203	216	94%
Brown	210	213	99%
Broadfoot	210	216	97%
Martin	215	215	100%
Fairchild	202	208	97%
Gehl	211	215	98%
Fritz	211	218	97%

#### Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Currie	10	23	43%
Brown	20	23	87%
Broadfoot	17	23	74%
Martin	23	23	100%
Fairchild	15	21	71%
Gehl	19	23	83%
Fritz	16	23	70%

## 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.

<b>Opinion Author</b>	7-0 (or 6-0, 5-0)	6-1 (or 5-1)	5-2	4-3
Currie	30	2	1	0
Brown	26	4	1	2
Broadfoot	28	0	0	0
Martin	32	1	0	1
Fairchild	18	0	1	1
Gehl	30	4	1	0
Fritz	31	0	4	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Currie	4	10
Brown	0	1
Broadfoot	0	0
Martin	0	0
Fairchild	0	4
Gehl	0	3
Fritz	0	0

#### 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 Fairchild voted together in 38% of the decisions, while the figure for Justices Brown and Gehl was 87%.

#### Agreement Between Pairs of Justices—All Decisions

	Brown	Broadfoot	Martin	Fairchild	Gehl	Fritz
Currie	197/211= <b>93%</b>	203/214= <b>95%</b>	200/213= <b>94%</b>	193/206= <b>94%</b>	200/213= <b>94%</b>	202/216= <b>94%</b>
	Brown	202/211= <b>96%</b>	207/210= <b>99%</b>	194/203= <b>96%</b>	207/210= <b>99%</b>	203/213= <b>95%</b>
		Broadfoot	209/215= <b>97%</b>	194/206= <b>94%</b>	205/213= <b>96%</b>	205/216= <b>95%</b>
			Martin	199/205= <b>97%</b>	208/212= <b>98%</b>	208/215= <b>97%</b>
				Fairchild	195/205= <b>95%</b>	203/208= <b>98%</b>
					Gehl	204/215= <b>95%</b>
						Fritz

#### Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Brown	Broadfoot	Martin	Fairchild	Gehl	Fritz
Currie	9/23= <b>39%</b>	12/23= <b>52%</b>	10/23= <b>43%</b>	8/21= <b>38%</b>	10/23= <b>43%</b>	9/23= <b>39%</b>
	Brown	14/23= <b>61%</b>	20/23=87%	12/21= <b>57%</b>	20/23= <b>87%</b>	13/23= <b>57%</b>
		Broadfoot	17/23= <b>74%</b>	9/21=43%	15/23= <b>65%</b>	12/23= <b>52%</b>
			Martin	15/21= <b>71%</b>	19/23= <b>83%</b>	16/23= <b>70%</b>
				Fairchild	11/21= <b>52%</b>	16/21= <b>76%</b>
					Gehl	12/23= <b>52%</b>
						Fritz

### 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	33	31
Brown	33	30
Broadfoot	28	30
Martin	34	29
Fairchild	20	31
Gehl	35	29
Fritz	35	29