

## STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1951-52

### Four-to-Three Decisions

#### 4-3 Alignments

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

#### 4-3 Membership in the Majority

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

#### 4-3 Majority Opinions Authored

	Opinions
Currie	0
Brown	2
Broadfoot	0
Martin	1
Fairchild	1
Gehl	0
Fritz	0
<b>Total</b>	<b>4</b>

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

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<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.

<i>Luening v. Public Service Com.</i>			
<i>Mahrle v. Engle</i>			
<i>Muench v. Public Service Com.</i>			
<i>O'Brien v. State</i>			
<i>Smith v. Benjamin</i>			
<i>State Bank of Viroqua v. Jackson</i>			
<i>Stikl v. Williams</i>			
<i>Watland Farmers Mut. Auto. Ins. Co.</i>			
<i>Wheeler v. Rural Mut. Cas. Ins. Co.</i>			
<i>Yawkey-Bissell Corp. v. Langlade</i>			
<i>Alexander v. Meyers</i>			
<i>Catholic Knights of Wisconsin v. Levy</i>			
<i>Chernin v. International Oil Co.</i> [261 Wis. 543]			
<i>Devitt v. Milwaukee</i>			
<i>Engle v. Peters</i>			
<i>Homeland Ins. Co. v. Carolina Ins. Co.</i>			
<i>In re Hill's Will</i>			
<i>Ketay v. Gorenstein</i>			
<i>L. W. Smith &amp; Co. v. Romadka</i>			
<i>Leach v. Leach</i>			
<i>Lipinski v. Lipinski</i>			
<i>Nygaard v. Patrow</i>			
<i>Odgers v. Minneapolis, S. P. &amp; S. S. M. R. Co.</i>			
<i>Palmer v. Henry Disston &amp; Sons, Inc.</i>			
<i>Pocquette v. Carpiaux</i>			
<i>State v. Abdella</i>			
<i>Estate of Teasdale</i>			
<i>Allen v. Zabel</i>			
<i>Estate of Larson v. La Crosse Trust Co.</i>			
<i>Hephner v. Wolf</i>			
<i>Janura v. Fencil</i>			
<i>Knowles v. Stargel</i>			
<i>Leiner v. Kohl</i>			
<i>McFee v. Harker</i>			
<i>Milwaukee v. Schomberg</i>			
<i>Pressure Cast Products Corp. v. Page</i>			
<i>Schneeberger v. Dugan</i>			
<i>Smith v. Wisconsin Dep't of Taxation</i>			
<i>Tarczynski v. Chicago, M., S. P. &amp; P. R. Co.</i>			
<i>Wuesthoff v. Wisconsin Dep't of Taxation</i>			
<i>Dickson v. Industrial Com.</i>			
<i>Elmer v. Chicago &amp; N. W. R. Co.</i>			
<i>Hardware Mut. Casualty Co. v. Rasmussen Drug Co.</i>			

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<i>Holtan v. Bjornson</i>			
<i>Household Finance Corp. v. Wisconsin Dep't of Taxation</i>			
<i>In re Bean's Estate</i>			
<i>In re Blied's Estate</i>			
<i>In re Campbell's Estate</i>			
<i>In re Kort's Estate</i>			
<i>Jefferson County v. Timmel</i>			
<i>Kuecker v. Paasch</i>			
<i>Libby, McNeill &amp; Libby v. Wisconsin Dep't of Taxation</i>			
<i>Raffensperger v. Van Kooy</i>			
<i>Reber v. Hanson</i>			
<i>Retzlaff v. Soman Home Furnishings</i>			
<i>Schreiner v. Beghin</i>			
<i>Schulz v. Chicago, M. S. P. &amp; P. R. Co.</i>			
<i>State ex rel. Historical Soc. v. Carroll</i>			
<i>State ex rel. Reuss v. Giessel</i>			
<i>State v. Johnson</i>			
<i>State v. Kopacka</i> [261 Wis. 70]			
<i>Trempealeau County v. State</i>			
<i>Bast v. Marsden</i>			
<i>Bradach v. New York Life Ins. Co.</i>			
<i>Britten v. Eau Claire</i>			
<i>Dairy Queen of Wisconsin, Inc. v. McDowell</i>			
<i>Guse v. A. O. Smith Corp.</i>			
<i>Horel v. Horel</i>			
<i>In re Kuttig's Will</i>			
<i>In re Tulloch's Estate</i>			
<i>Johannsen v. Peter P. Woboril, Inc.</i>			
<i>McCune v. Industrial Com.</i>			
<i>Quady v. Sickl</i>			
<i>Regents of University v. Dane County Humane Soc.</i>			
<i>Rockwood Volunteer Fire Dep't v. Kossuth</i>			
<i>Rudolph Volunteer Fire Dep't v. Rudolph</i>			
<i>S. S. Kresge Co. v. Winkelman Realty Co.</i>			
<i>Schleif v. Karass</i>			
<i>State ex rel. Bornemann v. Schultz</i>			
<i>State ex rel. Oelke v. Doepke</i>			
<i>State v. Kopacka</i> [260 Wis. 505]			
<i>Surma v. State</i>			
<i>Wolfe v. Briggs</i>			
<i>Wyse v. Puchner</i>			
<i>Basche v. Vanden Heuvel</i>			
<i>Bentley v. Fayas</i>			
<i>Beranek v. Gohr</i>			
<i>Borg v. Fain</i>			
<i>Fredrickson v. Kabat</i>			

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<i>Garlin v. Garlin</i>			
<i>Hoffmann v. Pfingsten</i>			
<i>In re Baldwin's Will</i>			
<i>In re Dolph's Will</i>			
<i>In re Marotz' Estate</i>			
<i>In re Tousey's Will</i>			
<i>Leider v. Schmidt</i>			
<i>Madison Metropolitan Sewerage Dist. v. Committee on Water Pollution</i>			
<i>Metropolitan Cas. Ins. Co. v. Industrial Com.</i>			
<i>Paulson v. Scott</i>			
<i>Puccio v. Mathewson</i>			
<i>Roberts v. Knorr</i>			
<i>Roskom v. Bodart</i>			
<i>State v. Krause</i>			
<i>State v. Petroleum Transport, Inc.</i>			
<i>Trapino v. Trapino</i>			
<i>Western Printing &amp; Lithographing Co. v. Industrial Com.</i>			
<i>Augustin v. Milwaukee E. R. &amp; T. Co.</i>			
<i>Bell v. Personnel Board of Wisconsin</i>			
<i>Bolles v. Milwaukee</i>			
<i>Calhoun v. Western Casualty &amp; Surety Co.</i>			
<i>Greene v. Waters</i>			
<i>Held v. Draeger</i>			
<i>Hinch v. Industrial Com.</i>			
<i>In re Blackburn's Estate</i>			
<i>In re Bray's Will</i>			
<i>In re Gudde's Will</i>			
<i>In re Lindsay's Estate</i>			
<i>In re Zeimet's Estate</i>			
<i>Milwaukee County v. Milwaukee</i>			
<i>Milwaukee County v. Milwaukee Yacht Club</i>			
<i>Nalepinski v. Durner</i>			
<i>Olson v. Rink</i>			
<i>Petition of Bradt</i>			
<i>Quarles v. Nauert</i>			
<i>Shewalter v. Shewalter</i>			
<i>State v. Harrison</i>			
<i>State v. Pickett</i>			
<i>Delware v. Delware</i>			
<i>Dillenberg v. Carroll</i>			
<i>Employers Mut. Liability Ins. Co. v. Derfus</i>			
<i>Ernst v. Ernst</i>			
<i>Gustafson v. Engelman</i>			
<i>Hansen v. Hansen</i>			
<i>In re Bickner's Estate</i>			
<i>In re Friend's Will</i>			
<i>In re Ries' Estate</i>			
<i>Larson v. Lester</i>			

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<i>McAleavy v. Lowe</i>			
<i>Schall v. Schall</i>			
<i>State ex rel. Goldsmith Bldg. Co. v. Bolan</i>			
<i>State v. Marcus</i>			
<i>Wasikowski v. Chicago &amp; N. W. R. Co.</i>			
<i>Wojan v. Igl</i>			
<i>Blank v. National Cas. Co. [6-0]</i>			
<i>Estate of Ogg [6-0]</i>			
<i>Phillips v. Haring [6-0]</i>			
<i>Schroeder v. Schroeder [6-0]</i>			
<i>State v. Cotter [6-0]</i>			
<i>State v. King [6-0]</i>			
<i>Stohlman v. State Farm Mut. Auto. Ins. Co. [6-0]</i>			
<i>Thielman v. Lincoln County Highway Committee [6-0]</i>			
<i>Schneider v. Fromm Laboratories, Inc. [6-0]</i>			
<i>State v. Stelloh [6-0]</i>			
<i>Milwaukee E. R. &amp; T. Co. v. Public Service Com. [6-0]</i>			
<i>Hipke v. Industrial Comm'n [6-0]</i>			
<i>Dusevich v. Wisconsin Power &amp; Light Co. [6-0]</i>			
<i>State ex rel. Chinchilla Ranch, Inc. v. O'Connell [6-0]</i>			
<i>Leuch v. Egelhoff [6-0]</i>			
<i>Weber v. Weber [6-0]</i>			
<i>Chicago, M. S. P. &amp; P. R. Co. v. Public Service Com. [6-0]</i>			
<i>Wisconsin Chapter House Ass'n v. Sachtjen [6-0]</i>			
<i>In re Dawley's Estate [6-0]</i>			
<i>McKinnon v. Wisconsin Dep't of Taxation [5-0]</i>			
<i>Wisconsin Dep't of Taxation v. Ansul Chemical Co. [5-0]</i>			

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	<b>94%</b>
Brown	210	213	<b>99%</b>
Broadfoot	210	216	<b>97%</b>
Martin	215	215	<b>100%</b>
Fairchild	202	208	<b>97%</b>
Gehl	211	215	<b>98%</b>
Fritz	211	218	<b>97%</b>

## Non-Unanimous Decisions

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

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

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

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