

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1949-50

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Brown, Martin, Fairchild, Gehl	1	<i>Western Industries v. Vilter Mfg. Co.</i>
Hughes, Brown, Martin, Fritz	1	<i>Stone v. Wisconsin Dep't of Taxation</i>
Brown, Fairchild, Fritz, Rosenberry	1	<i>Shaw v. Wisconsin Power & Light Co.</i>
Hughes, Martin, Fritz, Gehl	1	<i>Scheeler v. Dewerd</i>

4-3 Membership in the Majority

Justice	Votes
Hughes	2
Brown	3
Broadfoot	0
Martin	3
Fairchild	2
Fritz	3
Rosenberry	1
Gehl	2

4-3 Majority Opinions Authored

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

Decisions by Vote Split¹

7-0 (or 6-0, 5-0) 178/208 (86%)	6-1 (or 5-1) 20/208 (10%)	5-2 (or 4-2) 6/208 (3%)	4-3 4/208 (2%)
<i>Ziebarth v. Fidelity & Guaranty Fire Corp.</i>	<i>State ex rel. Fairchild v. McCarthy</i>	<i>Thomas v. Appleton</i>	<i>Western Industries v. Vilter Mfg. Co.</i>
<i>Young v. Grosnick</i>	<i>Rule v. Jones</i>	<i>Ritterbusch v. Sexmith</i>	<i>Stone v. Wisconsin Dep't of Taxation</i>
<i>Wyman v. Utech</i> [May 2, 1950]	<i>Ross v. Kunkel</i>	<i>In re Montgomery's Estate</i>	<i>Shaw v. Wisconsin Power & Light Co.</i>
<i>Wyman v. Utech</i> [December 30, 1949]	<i>Rhodes v. Shawano Transfer Co.</i>	<i>Hughes v. Fetter</i>	<i>Scheeler v. Dewerd</i>
<i>Wisconsin Tel. Co. v. Matson</i>	<i>Oshogay v. Schultz</i>	<i>Bethke v. Duwe</i>	
<i>Wisconsin Employment Relations Board v. Journeymen Barbers, etc., International Union</i>	<i>Oshkosh v. Lloyd</i>	<i>Evangelical Lutheran Church v. Shawano County</i> (4-2)	
<i>Wisconsin Employment Relations Board v. Amalgamated Ass'n of Street, etc., Employees</i>	<i>Morrill v. Komasinski</i>		
<i>Winslow v. Winslow</i>	<i>Meier v. Madison</i>		
<i>Wilson-Hurd Mfg. Co. v. Karr Machine Corp.</i>	<i>Lang v. Chicago & N. W. R. Co.</i>		
<i>White v. Tillotson</i>	<i>Himebauch v. Ludtke</i>		
<i>Werner v. Riemer</i>	<i>Heimerl v. Ozaukee County</i>		
<i>Wenzel v. Werch</i>	<i>Harrington v. Shorewood</i>		
<i>Wendlandt v. Industrial Com.</i>	<i>Gullickson v. State</i>		
<i>Wamser v. Wamser</i>	<i>Fricke v. Fricke</i>		
<i>Walton v. Blauert</i>	<i>De Rousseau v. Chicago, S. P., M. & O. R. Co.</i>		
<i>Waller v. Door County Mut. Ins. Co.</i>	<i>Culton v. Van Beek</i>		
<i>Walker v. Joint School Dist.</i>	<i>Buzzell v. Berndt</i>		
<i>Voss v. Lenerz</i>	<i>Sehlin v. State</i> (5-1)		
<i>United Electrical, etc., Workers v. Allen-Bradley Co.</i>	<i>Koepfel v. Clements</i> (5-1)		
<i>Uihlein v. Rosenberg</i>	<i>Albion v. Trask</i> (5-1)		
<i>Traeger v. Sperberg</i>			
<i>Townsend v. State</i>			
<i>Townsend v. La Crosse Trailer Corp.</i>			
<i>Tollefson v. Green Bay Packers</i>			
<i>Thompson v. Whitefish Bay</i>			
<i>Teske v. State</i>			
<i>Tatreau v. Buecher</i>			
<i>Tarman v. Birchbauer</i>			
<i>Sullivan v. Sullivan</i>			
<i>Strnad v. Co-operative Ins. Mut.</i>			
<i>Stoiber v. Miller Brewing Co.</i>			
<i>Stephens v. Cutsforth</i>			
<i>State v. Hoebel</i>			
<i>State v. Harris</i>			

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¹ 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>State v. Hackbarth</i>			
<i>State v. Graves</i>			
<i>State v. Garbe</i>			
<i>State v. Fransisco</i>			
<i>State v. Clack</i>			
<i>State v. Bishop</i>			
<i>State v. Adams</i>			
<i>State ex rel. Watawa v. Manitowoc Public Library Board</i>			
<i>State ex rel. Ullrich v. Giese</i>			
<i>State ex rel. Tessler v. Kubiak</i>			
<i>State ex rel. Tegt v. Circuit Court for Rock County</i>			
<i>State ex rel. Schroedel v. Pagels</i>			
<i>State ex rel. Schmidt v. Krull</i>			
<i>State ex rel. Murray v. Reis</i>			
<i>State ex rel. Kowaleski v. Kubiak</i>			
<i>State ex rel. Beloit Iron Works v. Beloit</i>			
<i>State ex rel. Arthur v. Superior Court of Dane County</i>			
<i>State Dep't of Public Welfare v. Schmidt</i>			
<i>St. Mary's Hospital v. Industrial Com.</i>			
<i>Skibb v. J. I. Case Co.</i>			
<i>Skelly Oil Co. v. Peterson</i>			
<i>Singerhouse v. Minnesota Farmers Mut. Casualty Ins. Co.</i>			
<i>Shevel v. Warter</i>			
<i>Shannon v. Hoffman</i>			
<i>Schultz v. Schultz</i>			
<i>Schultz v. Kenosha Motor Coach Lines</i>			
<i>Schoenberg v. Berger</i>			
<i>Schleif v. Defnet</i>			
<i>Schild v. Forbes</i>			
<i>Safe Way Motor Coach Co. v. Two Rivers</i>			
<i>Ryan v. Berger</i>			
<i>Rock County Sav. & Trust Co. v. Hamilton</i>			
<i>Roberts v. Jeidy</i>			
<i>Richards v. Pickands-Mather Co.</i>			
<i>Reuhl v. Uszler</i>			
<i>Plotkin v. Milwaukee Metal Working Co.</i>			
<i>Peterson v. Lake Superior Dist. Power Co.</i>			
<i>Peter Propsom & Son v. Schnuck</i>			
<i>Perma-Stone Corp. v. Merkel</i>			
<i>Perfect Seal Rock Wool Mfg. Co. v. Industrial Com.</i>			
<i>Pengra Bros. v. Peter Nelson & Sons</i>			
<i>Northern Supply Co. v. Milwaukee</i>			
<i>Nitka v. Van Camp</i>			
<i>Neumann v. Industrial Com.</i>			

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<i>Neitge v. Severson</i>			
<i>Moser v. Kyle Corp.</i>			
<i>Minton v. Farmers Mut. Auto. Ins. Co.</i>			
<i>Milwaukee v. Milwaukee County</i>			
<i>Milwaukee County v. Milwaukee Yacht Club</i>			
<i>McGeoch Bldg. Co. v. Dick & Reuteman Co.</i>			
<i>McCarthy v. Thompson</i>			
<i>May v. Lathers</i>			
<i>Masanz v. Farmers Mut. Auto. Ins. Co.</i>			
<i>Margolis Produce Co. v. Industrial Com.</i>			
<i>Madigan v. Onalaska</i>			
<i>Lofgren v. Preferred Acc. Ins. Co.</i>			
<i>Link Wholesale Grocery v. Krause</i>			
<i>Leusink v. O'Donnell</i>			
<i>Lemke v. Lemke</i>			
<i>Lazich v. Arsenovich</i>			
<i>Lake v. Milwaukee</i>			
<i>Kuntz v. Werner Flying Service</i>			
<i>Kubista v. State Annuity & Inv. Board</i>			
<i>Koonz v. Joint School Dist.</i>			
<i>Kirkpatrick v. Jackson</i>			
<i>Kaestner v. Preferred Acci. Ins. Co.</i>			
<i>Joannes v. Rahr Green Bay Brewing Corp.</i>			
<i>Jandrt v. Milwaukee Auto Ins. Co.</i>			
<i>In re Wnuk's Will</i>			
<i>In re Williams' Will</i>			
<i>In re Van Schaick's Estate</i>			
<i>In re Svendso's Estate</i>			
<i>In re Skorczynski's Will</i>			
<i>In re Ratkowski's Will</i>			
<i>In re Nielsen's Will</i>			
<i>In re Knaak</i>			
<i>Ideal Packing Co. v. Marachowsky Stores Co.</i>			
<i>Hunter v. Neuville</i>			
<i>Hotel Hay Corp. v. Milner Hotels</i>			
<i>Hill v. Hill</i>			
<i>Heimlich v. Kees Appliance Co.</i>			
<i>Heimlich v. Harvey</i>			
<i>Haueter v. Budlow</i>			
<i>Hanus v. Jankowski</i>			
<i>Hamm v. Miller</i>			
<i>Grell v. Ganser</i>			
<i>Greinke v. Midland Improvement Co.</i>			
<i>Green Bay-Wausau Lines v. Mangel</i>			
<i>Grant v. Christensen</i>			
<i>Gould v. Jackson</i>			

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<i>Glendenning Motorways v. Green B. & W. R. Co.</i>			
<i>Gimbel v. Goldman</i>			
<i>Gibeau v. Pratt</i>			
<i>General Acc. Fire & Life Assurance Corp. v. Cosgrove</i>			
<i>Garcia v. Chicago & N. W. R. Co.</i>			
<i>Galvin v. Lovell</i>			
<i>Foulkes v. Chicago, S. P. M. & O. R. Co.</i>			
<i>Fiedler v. Kapsa</i>			
<i>Faust v. Dawes</i>			
<i>Extrom v. Tomahawk</i>			
<i>Estate of White</i>			
<i>Estate of Kalitzky</i>			
<i>Estate of Audley</i>			
<i>Elmer v. Chicago & N. W. R. Co.</i>			
<i>Elder v. Sage</i>			
<i>East Wisconsin Trustee Co. v. O'Neil</i>			
<i>Dishno v. Home Mut. Ins. Co.</i>			
<i>Dietz v. Goodman</i>			
<i>Dettmer v. Swanson</i>			
<i>Dean Milk Co. v. Madison</i>			
<i>Conlin v. Agner</i>			
<i>Cohen v. Bridges</i>			
<i>City Lumber & Supply Co. v. Fisher</i>			
<i>Christnovich v. Industrial Com.</i>			
<i>Chitek v. Horn</i>			
<i>Carr v. Chicago & N. W. R. Co.</i>			
<i>Carlsen v. Hardware Mut. Casualty Co.</i>			
<i>Burt Bros. v. Industrial Com.</i>			
<i>Brickley v. Neuling</i>			
<i>Brandt v. Matson</i>			
<i>Besinger v. McLoughlin</i>			
<i>Berlin v. Ruehle</i>			
<i>Berkemeyer v. Milwaukee Auto. Ins. Co.</i>			
<i>Benz v. Zobel</i>			
<i>Belanger v. Local Div. No. 1128</i>			
<i>Belanger v. Amalgamated Ass'n of Street, Etc, Employees</i>			
<i>Battice v. Michaelis</i>			
<i>Baryenbruch v. State</i>			
<i>B. F. Goodrich Co. v. Wisconsin Auto Sales</i>			
<i>Anderson v. Andy Darling Pontiac</i>			
<i>Amalgamated Ass'n of Street, etc., Employees v. Wisconsin Employment Relations Board</i>			
<i>Aero Motive Sales Corp. v. Wausan Motor Parts Co.</i>			
<i>Aamodt v. Bergren</i>			
<i>In re Miller's Estate (per curiam, 7-0)</i>			
<i>Thoni v. Bancroft Dairy Co. (6-0)</i>			

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WISCONSIN SUPREME COURT DECISIONS, 1949-50

<i>Petersen v. Pilgrim Village</i> (6-0)			
<i>La Duke v. Northern States Power Co.</i> (6-0)			
<i>Kontominas v. Popp</i> (6-0)			
<i>Haefner v. Batz Seed Farms</i> (6-0)			
<i>Garfield Inv. Co. v. Oconomowoc</i> (6-0)			
<i>State v. Retail Gasoline Dealers Ass'n</i> (5-0)			
<i>State v. Golden Guernsey Dairy Cooperative</i> (5-0)			
<i>State ex rel. Stearns v. Zimmerman</i> (5-0)			
<i>Liner v. Mittelstadt</i> (5-0)			

Frequency in the Majority

These tables display how frequently each justice voted in the majority. 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
Hughes	197	206	96%
Brown	200	205	98%
Broadfoot	190	203	94%
Martin	203	204	99.5%
Fairchild	200	207	97%
Fritz	202	208	97%
Rosenberry	82	84	98%
Gehl	120	121	99%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Hughes	21	30	70%
Brown	25	30	83%
Broadfoot	16	29	55%
Martin	27	28	96%
Fairchild	23	30	77%
Fritz	24	30	80%
Rosenberry	10	12	83%
Gehl	16	17	94%

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, 5-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
Hughes	27	4	0	1
Brown	28	1	3	0
Broadfoot	25	1	1	0
Martin	26	1	1	0
Fairchild	23	3	1	2
Fritz	23	5	0	0
Rosenberry	11	2	0	0
Gehl	14	3	0	1

Opinion Author	Concurring Opinions	Dissenting Opinions
Hughes	0	4
Brown	0	2
Broadfoot	0	5
Martin	0	0
Fairchild	0	5
Fritz	0	3
Rosenberry	0	0
Gehl	0	0

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
Hughes	32	31
Brown	32	28
Broadfoot	27	31
Martin	28	29
Fairchild	29	32
Fritz	28	28
Rosenberry	13	35
Gehl	17	29