

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1946-47

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Fairchild, Fritz, Barlow, Fowler	2	<i>Amalgamated Local, United Auto. Workers v. Wisconsin Employment Relations Board; International Union, etc. v. Wisconsin Employment Relations Board</i>
Fairchild, Rosenberry, Barlow, Fowler	1	<i>Estate of Britt</i>
Rosenberry, Barlow, Fowler, Rector	1	<i>Stocke v. Wisconsin Dep't of Taxation</i>
Wickhem, Barlow, Fowler, Rector	1	<i>Woodall v. Democrat Printing Co.</i>

4-3 Membership in the Majority

Justice	Votes
Wickhem	1
Fairchild	3
Fritz	2
Rosenberry	2
Barlow	5
Fowler	5
Rector	2

4-3 Majority Opinions Authored

	Opinions
Wickhem	0
Fairchild	1
Fritz	0
Rosenberry	0
Barlow	1
Fowler	3
Rector	0
<b>Total</b>	<b>5</b>

## Decisions by Vote Split

<b>7-0 (or 6-0)</b>	<b>6-1 (or 5-1)</b>	<b>5-2 (or 4-2)</b>	<b>4-3</b>
<b>167/190 (88%)</b>	<b>12/190 (6%)</b>	<b>6/190 (3%)</b>	<b>5/190 (3%)</b>
<i>Adolph Coors Co. v. Pursel</i>	<i>Biltchik v. Green Bay &amp; W. R. Co.</i>	<i>Brown v. Travelers Indem. Co.</i>	<i>Amalgamated Local, United Auto. Workers v. Wisconsin Employment Relations Board</i>
<i>Amnicon v. Kimmes</i>	<i>Estate of Peterson v. Travis</i>	<i>Dane County v. Barron County</i>	<i>Estate of Britt</i>
<i>Anderson v. Industrial Com.</i>	<i>Fairbanks v. Appleton</i>	<i>Leuch v. Campbell</i>	<i>International Union, etc. v. Wisconsin Employment Relations Board</i>
<i>Anderson v. Potts</i>	<i>Fischer v. Harmony Town Ins. Co.</i>	<i>Roberts v. Madison</i>	<i>Stocke v. Wisconsin Dep't of Taxation</i>
<i>Basile v. Milwaukee</i>	<i>Plencner v. Industrial Com.</i>	<i>Schmidt v. Milwaukee County</i>	<i>Woodall v. Democrat Printing Co.</i>
<i>Beyer v. Seymer</i>	<i>Schultz v. Milwaukee County</i>	<i>State v. Arndt</i>	
<i>Buelow v. Lovell</i>	<i>Senft v. Ed. Schuster &amp; Co.</i>		
<i>C. Reiss Coal Co. v. Stroik</i>	<i>State v. Industrial Com.</i>		
<i>Carney v. McFarlin</i>	<i>T. J. Moss Tie Co. v. Industrial Com.</i>		
<i>Chartier v. Simon</i>	<i>Thomas v. Wisconsin Dep't of Taxation</i>		
<i>Daugherty v. Herte</i>	<i>Wauwatosa v. Union Free High School Dist.</i>		
<i>Deree v. Reliable Tool &amp; Machine, Inc.</i>	<i>Baker v. Wisconsin Dep't of Taxation (5-1)</i>		
<i>Doucha v. Mayer</i>			
<i>Dyer v. City Council of Beloit</i>			
<i>Edwards Realty &amp; Finance Co. v. Superior</i>			
<i>Estate of Delmady</i>			
<i>Estate of Ehlke</i>			
<i>Estate of Friedman</i>			
<i>Estate of Grossman</i>			
<i>Estate of Gunderson v. Munson</i>			
<i>Estate of Kerwin v. Kerwin</i>			
<i>Estate of Matzke</i>			
<i>Estate of Nickolay</i>			
<i>Estate of Nols</i>			
<i>Estate of Sheldon v. Sheldon</i>			
<i>Estate of Utting</i>			
<i>Estate of Wadleigh</i>			
<i>Estate of Weil</i>			
<i>F. A. McDonald Co. v. Industrial Com.</i>			
<i>First &amp; American Nat'l Bank v. Conley</i>			
<i>Fliteways, Inc. v. Industrial Com.</i>			
<i>Frankland v. De Broux</i>			
<i>Ft. Howard Paper Co. v. Fox River Heights Sanitary Dist.</i>			
<i>Giessel v. Columbia County</i>			

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<i>Gospodar v. Milwaukee Auto. Ins. Co.</i>			
<i>Great Lakes Taming Co. v. Milwaukee</i>			
<i>Green Valley Cooperative Dairy Co. v. Industrial Com.</i>			
<i>Haase v. Employers Mut. Liability Ins. Co.</i>			
<i>Hahn v. Hahn</i>			
<i>Harder v. Maloney</i>			
<i>Hartwig v. Harvey</i>			
<i>Heine v. Witt</i>			
<i>Herslof v. Sharpe</i>			
<i>Highlander Co. v. Dodgeville</i>			
<i>Hoffmann v. Danielson</i>			
<i>Holl v. Merrill</i>			
<i>Husman v. Miller</i>			
<i>Illges v. Congdon</i>			
<i>In re Cudahy's Will</i>			
<i>In re Delmady's Will</i>			
<i>In re Kaebisch's Will</i>			
<i>In re Kintopp's Will</i>			
<i>In re Luyster's Will</i>			
<i>In re Merrick Dairy Co.</i>			
<i>In re Mills</i>			
<i>In re Mueller's Will</i>			
<i>In re Perkins' Guardianship</i>			
<i>In re Sullivan's Will</i>			
<i>In re Zych's Will</i>			
<i>International Union, etc. v. J. I. Case Co.</i>			
<i>Jespersen v. Metropolitan Life Ins. Co.</i>			
<i>Johnson v. Larson</i>			
<i>Jorgenson v. Hillestad</i>			
<i>Kaiser v. Better Farms, Inc.</i>			
<i>Kaiser v. Streich</i>			
<i>Kastner v. Weber</i>			
<i>Katchel v. Northern Engraving &amp; Mfg. Co.</i>			
<i>Keegan v. Chicago, M., S. P. &amp; P. R. Co.</i>			
<i>Kjer v. Wisconsin Dep't of Taxation</i>			
<i>Kleih v. Van Schoyck</i>			
<i>Kline v. Johannesen</i>			
<i>Koeling v. Milwaukee</i>			
<i>Kuester v. Rowlands</i>			
<i>Laszewski v. Delzell</i>			
<i>Lauerman v. Pembine-Miscauno Pond Ass'n</i>			
<i>Leisch v. Tigerton Lumber Co.</i>			
<i>Levandowski v. Studey</i>			
<i>Lietz v. Bogumill</i>			
<i>Londo v. Integrity Mut. Ins. Co.</i>			
<i>Lucas v. Lucas</i>			
<i>Luebke v. Vonnekold</i>			
<i>Lumbermen's Mut. Casualty Co. v. S. Morgan Smith Co.</i>			

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<i>MacDonald Bros., Inc. v. Quality Aluminum Casting Co.</i>			
<i>Marinette Paper Co. v. Industrial Com.</i>			
<i>Martin v. Barry Transfer &amp; Storage Co.</i>			
<i>Mickelson v. Cities Service Oil Co.</i>			
<i>Milwaukee v. Chicago, M., S. P. &amp; P. R. Co.</i>			
<i>Nakina Realty Co. v. Milwaukee</i>			
<i>National Pressure Cooker Co. v. Industrial Com.</i>			
<i>Nordahl v. Farmers Mut. Auto. Ins. Co.</i>			
<i>Nordale Realty Co. v. Hanel</i>			
<i>Odau v. Personnel Bd. of State</i>			
<i>Oelke v. Schneider</i>			
<i>O'Leary v. Buhrow</i>			
<i>Oosterwyk v. Bucholtz</i>			
<i>Panzer v. Hesse</i>			
<i>Paul v. Markle</i>			
<i>Pierner v. Mann</i>			
<i>Pierner v. Mann</i>			
<i>Pohland v. Sheboygan</i>			
<i>Polak v. Polak</i>			
<i>Poole v. Houck</i>			
<i>Puhr v. Press Pub. Co.</i>			
<i>Pukall v. McCandless</i>			
<i>Reynolds v. Madison Bus Co.</i>			
<i>Roberts v. Saukville Canning Co.</i>			
<i>Roegge v. Ramler</i>			
<i>Roszina v. Nemeth</i>			
<i>Santarsiero v. Green Bay Transport, Inc.</i>			
<i>Schleif v. Honeck</i>			
<i>School Dist. v. Kunz</i>			
<i>Schuld v. Sterbenz</i>			
<i>Schwab v. Nelson</i>			
<i>Simon v. Chartier</i>			
<i>Siskoy v. Siskoy</i>			
<i>Spietz v. Industrial Com.</i>			
<i>St. Clara College v. Madison</i>			
<i>State ex rel. Dame v. Le Fevre</i>			
<i>State ex rel. Heath v. Tankar Gas, Inc.</i>			
<i>State ex rel. Illges v. Kopp</i>			
<i>State ex rel. Jahn v. Rydell</i>			
<i>State ex rel. Keefe v. Schmiede</i>			
<i>State ex rel. Kennon v. Hanley</i>			
<i>State ex rel. Russell v. Board of Appeals</i>			
<i>State ex rel. Salvesen v. Milwaukee</i>			
<i>State ex rel. St. Mary's Hospital v. Industrial Com.</i>			
<i>State ex rel. Stathopoulos v. Hanley</i>			
<i>State ex rel. Wells v. Hanley</i>			
<i>State ex rel. Wenzlaff v. Burke</i>			

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<i>State ex rel. Wettengel v. Zimmerman</i>			
<i>State v. First Wisconsin Nat'l Bank</i>			
<i>State v. Jakubowski</i>			
<i>State v. Jewell</i>			
<i>State v. Smith</i>			
<i>Stevens Point Motor Co. v. Stevens Point Motor Sales</i>			
<i>Stier v. State Farm Mut. Auto. Ins. Co.</i>			
<i>Stoll v. Andro</i>			
<i>Strauss v. Eulberg Brewing Co.</i>			
<i>Sutherland v. Pierner</i>			
<i>Tietz v. Blaier</i>			
<i>Uebelacher v. Plankinton Packing Co.</i>			
<i>Urban v. Trautmann</i>			
<i>Vande Zande v. Better Farms, Inc.</i>			
<i>Virkshus v. Virkshus</i>			
<i>Vogel v. Cooper</i>			
<i>Vogelsburg v. Mason &amp; Hanger Co.</i>			
<i>Weber v. Young</i>			
<i>Weil v. Biltmore Grande Realty Corp.</i>			
<i>Wickert v. Folk</i>			
<i>Wiik v. Wisconsin Dep't of Taxation</i>			
<i>Wilcox v. State</i>			
<i>Wilfert v. Nielsen</i>			
<i>Wisconsin Dep't of Taxation v. Nash-Kelvinator Corp.</i>			
<i>Wolfrom v. Anderson</i>			
<i>Zander v. Columbus Foods Corp.</i>			
<i>Zigler v. Kinney</i>			
<i>Estate of Cameron v. Cameron (6-0)</i>			
<i>Kaukauna v. Wisconsin Dep't of Taxation (6-0)</i>			
<i>Lake Superior Dist. Power Co. v. Public Service Com. (6-0)</i>			
<i>Madison Gas &amp; Electric Co. v. Public Service Com. (6-0)</i>			
<i>Milwaukee Gas Light Co. v. Public Service Com. (6-0)</i>			
<i>Stapleton v. Industrial Com. (6-0)</i>			
<i>State ex rel. Maloney v. Proctor (6-0)</i>			
<i>State ex rel. Reconstruction Finance Corp. v. Sanlader (6-0)</i>			
<i>State v. Flanagan (6-0)</i>			
<i>State v. Jewell (6-0)</i>			
<i>Wisconsin Employment Relations Board v. Allis-Chalmers Workers' Union (6-0)</i>			

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
Wickhem	181	190	<b>95%</b>
Fairchild	184	190	<b>97%</b>
Fritz	180	189	<b>95%</b>
Rosenberry	187	190	<b>98%</b>
Barlow	184	187	<b>98%</b>
Fowler	187	190	<b>98%</b>
Rector	175	181	<b>97%</b>

## Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Wickhem	14	23	<b>61%</b>
Fairchild	17	23	<b>74%</b>
Fritz	14	23	<b>61%</b>
Rosenberry	20	23	<b>87%</b>
Barlow	19	22	<b>86%</b>
Fowler	20	23	<b>87%</b>
Rector	16	22	<b>73%</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. 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 (or 4-2)	4-3
Wickhem	26	0	0	0
Fairchild	23	1	1	1
Fritz	25	2	1	0
Rosenberry	26	3	3	0
Barlow	25	2	1	1
Fowler	24	2	0	3
Rector	18	2	0	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Wickhem	0	3
Fairchild	0	2
Fritz	0	1
Rosenberry	0	1
Barlow	0	0
Fowler	0	0
Rector	1	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 Fritz and Barlow voted together in 45% of the decisions, while the figure for Justices Fairchild and Rosenberry was 70%.

Agreement Between Pairs of Justices—All Decisions

	Fairchild	Fritz	Rosenberry	Barlow	Fowler	Rector
Wickhem	181/190=95%	177/189=94%	182/190=96%	175/187=94%	178/190=94%	172/181=95%
	Fairchild	178/189=94%	183/190=96%	181/187=97%	181/190=95%	170/181=94%
		Fritz	179/189=95%	174/186=94%	177/189=94%	169/180=94%
			Rosenberry	181/187=97%	184/190=97%	176/181=97%
				Barlow	181/187=97%	170/178=96%
					Fowler	174/181=96%
						Rector

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Fairchild	Fritz	Rosenberry	Barlow	Fowler	Rector
Wickhem	14/23=61%	11/23=48%	15/23=65%	10/22=45%	11/23=48%	13/22=59%
	Fairchild	12/23=52%	16/23=70%	16/22=73%	14/23=61%	11/22=50%
		Fritz	13/23=57%	10/22=45%	11/23=48%	11/22=50%
			Rosenberry	16/22=73%	17/23=74%	17/22=77%
				Barlow	16/22=73%	13/21=62%
					Fowler	15/22=68%
						Rector