

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1945-46

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Fritz, Rosenberry, Barlow, Fowler	1	<i>Kilmer v. Kilmer</i>
Wickhem, Fritz, Rosenberry, Fowler	1	<i>Steven v. Hale-Haas Corp.</i>
Fritz, Rosenberry, Barlow, Martin	1	<i>Nickel v. Black</i>
Fairchild, Fritz, Rosenberry, Barlow	1	<i>Biersach v. Wolf River Paper & Fiber Co.</i>

4-3 Membership in the Majority

Justice	Votes
Wickhem	1
Fairchild	1
Fritz	4
Rosenberry	4
Barlow	3
Fowler	2
Martin	1
Rector	0

4-3 Majority Opinions Authored

	Opinions
Wickhem	1
Fairchild	0
Fritz	0
Rosenberry	1
Barlow	2
Fowler	0
Martin	0
Rector	0
Total	4

Decisions by Vote Split¹

7-0 (or 6-0) 160/176 (91%)	6-1 (or 5-1) 6/176 (3%)	5-2 (or 4-2) 6/176 (3%)	4-3 4/176 (2%)
<i>Baars v. Benda</i>	<i>Hatch v. Smail</i>	<i>Gunning v. King</i>	<i>Kilmer v. Kilmer</i>
<i>Beck v. Beck Inv. Co.</i>	<i>Straw v. Integrity Mut. Ins. Co.</i>	<i>Marinette County v. Schmitt</i>	<i>Steven v. Hale-Haas Corp.</i>
<i>Beck v. Beck Inv. Co.</i>	<i>Domiczak v. Milwaukee E. R. & T. Co.</i>	<i>Clintonville Transfer Line v. Public Service Com.</i>	<i>Nickel v. Black</i>
<i>Costigan v. Hall</i>	<i>Modern Equipment Co. v. Industrial Com.</i>	<i>Stapleton v. Industrial Com. (4-2)</i>	<i>Biersach v. Wolf River Paper & Fiber Co.</i>
<i>Estate of Bocher</i>	<i>McCartin v. Industrial Com. (5-1)</i>	<i>State ex rel. Drankovich v. Murphy (4-2)</i>	
<i>Estate of Britt</i>	<i>Sechrest v. Sechrest (5-1)</i>	<i>State ex rel. Fontaine v. Sullivan (4-2)</i>	
<i>Estate of Buffington</i>			
<i>Estate of Lindh</i>			
<i>Estate of Reinke</i>			
<i>Golden v. Peters</i>			
<i>Gottschalk v. Avalon Realty Co.</i>			
<i>Hellermann v. Hellermann</i>			
<i>In re Lee's Will</i>			
<i>Jansen v. Herkert</i>			
<i>Kleiner v. Johnson</i>			
<i>Langworthy v. Reisinger</i>			
<i>Milwaukee County v. Green Bay</i>			
<i>Moen v. Moen</i>			
<i>Mueller v. First Wisconsin Nat'l Bank</i>			
<i>Prosser v. Nickolay</i>			
<i>Riger v. State</i>			
<i>Simon v. Brockman</i>			
<i>State ex rel. Edge v. Meyer</i>			
<i>State ex rel. Wisconsin Compensation Rating & Inspection Bureau v. Milwaukee</i>			
<i>Unger v. Gregory</i>			
<i>Werner Transp. Co. v. Shimon</i>			
<i>State ex rel. Milwaukee Electric Tool Corp. v. River Realty Co.</i>			
<i>Northwestern Wisconsin Electric Co. v. Public Service Com.</i>			
<i>Marine Nat'l Exchange Bank v. State</i>			
<i>Polak v. Polak</i>			
<i>State ex rel. Wisconsin State Dep't of Agriculture v. Aarons</i>			
<i>Heffernan v. Janesville</i>			
<i>Herbert A. Nieman & Co. v. Holton & Hunkel Greenhouse Co.</i>			
<i>Hubbard v. Equitable Life Assurance Soc.</i>			
<i>Huggett v. Sears, Roebuck & Co.</i>			
<i>In re Fidelity Assurance Ass'n</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>International Union, United Auto. etc., v. Industrial Com.</i>			
<i>Kalson v. Industrial Com.</i>			
<i>Kitchenmaster v. Mutual Auto. Ins. Co.</i>			
<i>Larson v. Larson</i>			
<i>Legion Clubhouse, Inc. v. Madison</i>			
<i>Mayerhoff v. Roxy Theatre Corp.</i>			
<i>Papke v. American Auto. Ins. Co.</i>			
<i>Simon v. Wisconsin Tel. Co.</i>			
<i>Smith v. State</i>			
<i>State ex rel. Larose v. Buechner</i>			
<i>State ex rel. Madison v. Bareis</i>			
<i>State v. Flanagan</i>			
<i>Vlasak v. Gifford</i>			
<i>Wacker v. Industrial Com.</i>			
<i>In re Farmers Bank of Lone Rock</i>			
<i>State v. Coubal</i>			
<i>Bellrichard v. Industrial Comm'n</i>			
<i>Bjelde v. Dolan</i>			
<i>Briggs & Stratton Corp. v. Wisconsin Dep't of Taxation</i>			
<i>Cutler-Hammer, Inc. v. Industrial Com.</i>			
<i>Estate of Robinson v. Webster</i>			
<i>Hass v. Hass</i>			
<i>Hogaboam v. Metropolitan Life Ins. Co.</i>			
<i>Klatt v. Helming</i>			
<i>Larson v. Equity Co-operative Elevator Co.</i>			
<i>March v. Voorsanger</i>			
<i>Musson v. Industrial Com.</i>			
<i>Padol v. Switalski</i>			
<i>Petersime Incubator Co. v. Klinke</i>			
<i>Scheit v. Duffy</i>			
<i>Seymour Holding Corp. v. Wendt</i>			
<i>Squires v. Industrial Com.</i>			
<i>State ex rel. Pedersen v. Drury</i>			
<i>State v. Willstead</i>			
<i>Stella Cheese Co. v. Chicago, St. P., M. & O. R. Co.</i>			
<i>Tucker v. Simrow</i>			
<i>Wollangk v. Jurgella</i>			
<i>Burling v. Green Lake</i>			
<i>Illges v. Congdon</i>			
<i>State ex rel. Wojtycki v. Hanley</i>			
<i>Andrzeczak v. Industrial Com.</i>			
<i>Barrus v. Duxstad</i>			
<i>Bellrichard v. Chicago & N. W. R. Co.</i>			
<i>Boneck v. Herman</i>			
<i>Depner v. Thompson</i>			
<i>Diehl v. Heimann</i>			
<i>Estate of Pengelly</i>			
<i>Estate of Rosenthal</i>			
<i>First Wisconsin Trust Co. v. Wisconsin Dep't of Taxation</i>			
<i>Gmeiner & Gearson v. Industrial Com.</i>			
<i>Hoffmann v. Krause</i>			
<i>Hume v. Industrial Com.</i>			
<i>In re Doerfler's Will</i>			

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<i>Joseph Miller Co. v. Gateway City Transfer Co.</i>			
<i>Kaufman v. La Crosse Theaters Co.</i>			
<i>Meske v. Wenzel</i>			
<i>Schmit v. Jansen</i>			
<i>Schumacher v. Wolf</i>			
<i>Smith v. Koch</i>			
<i>Waldheim v. Bienenstok</i>			
<i>Wunsch v. Wunsch</i>			
<i>Dubin v. Mohr</i>			
<i>Eau Claire County v. Bandoli</i>			
<i>Estate of Sheldon</i>			
<i>Estate of Uihlein</i>			
<i>First Nat'l Bank v. Kolbeck</i>			
<i>Haack v. Hall</i>			
<i>Hanson v. Halvorson</i>			
<i>Hartnip v. Fields</i>			
<i>In re Ehlke's Will</i>			
<i>In re Martin's Will</i>			
<i>In re Sowka's Will</i>			
<i>In re Wisconsin Mut. Ins. Co.</i>			
<i>Kons v. Pallange</i>			
<i>Le Fevre v. Goodland</i>			
<i>Nickel v. Theresa Farmers Coop. Ass'n</i>			
<i>Roberts v. Roberts</i>			
<i>Ruppert v. Ruppert</i>			
<i>Saric v. Brlos</i>			
<i>Schneider v. Journal-Times Co.</i>			
<i>Schneider v. Kenosha News Pub. Co.</i>			
<i>Schwantes v. Electrical Workers' Ben. Ass'n</i>			
<i>Shumway v. Milwaukee Athletic Club</i>			
<i>State ex rel. Briggs v. Kellner</i>			
<i>Stoelker v. Cappon</i>			
<i>Treptau v. Behrens Spa, Inc.</i>			
<i>Warshauer v. Employers' Fire Ins. Co.</i>			
<i>Estate of Sweeney</i>			
<i>Dorsha v. Dorsha (per curiam, 7-0)</i>			
<i>Estate of Pardee (per curiam, 7-0)</i>			
<i>Kumm v. Milwaukee E. R. & T. Co. (per curiam, 7-0)</i>			
<i>Nicolai v. Western Casualty & Surety Co. (per curiam, 7-0)</i>			
<i>Landwehr v. Treml (per curiam, 7-0)</i>			
<i>Charney v. Industrial Com. (6-0)</i>			
<i>Gergen v. Industrial Com. (6-0)</i>			
<i>Ray-O-Vac Co. v. Wisconsin Empl. Rels. Bd. (6-0)</i>			
<i>State ex rel. Martin v. Zimmerman (6-0)</i>			
<i>Estate of Sweeney (6-0)</i>			
<i>Myers v. Ihde (6-0)</i>			
<i>State ex rel. Doxtater v. Murphy (6-0)</i>			
<i>State ex rel. Martin v. Barrett (6-0)</i>			
<i>Volkman v. Fidelity & Casualty Co. (6-0)</i>			
<i>Anderson v. Ludwig (6-0)</i>			
<i>Britton v. Industrial Com. (6-0)</i>			
<i>Brunner v. Cauley (6-0)</i>			
<i>Derge v. Carter (6-0)</i>			

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<i>Estate of Evans</i> (6-0)			
<i>Estate of Kuhn</i> (6-0)			
<i>Estate of Naus</i> (6-0)			
<i>Estate of Radel</i> (6-0)			
<i>Estate of Rowell</i> (6-0)			
<i>In re Washburn's Will</i> (6-0)			
<i>Kitchenmaster v. Mutual Auto. Ins. Co.</i> (6-0)			
<i>Klas v. Fenske</i> (6-0)			
<i>Oconto County v. Gillett</i> (6-0)			
<i>Peters v. International Harvester Co.</i> (6-0)			
<i>Redman v. Hobart</i> (6-0)			
<i>Speth v. Madison</i> (6-0)			
<i>State ex rel. Tingley v. Hanley</i> (6-0)			
<i>State ex rel. Wiedenhoft v. Anderson</i> (6-0)			
<i>State v. Graff</i> (6-0)			
<i>State v. Nall</i> (6-0)			
<i>Goodman v. Wisconsin Electric Power Co.</i> (6-0)			
<i>In re Fidelity Assurance Ass'n</i> (6-0)			

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
Wickhem	169	175	97%
Fairchild	168	175	96%
Fritz	171	176	97%
Rosenberry	176	176	100%
Barlow	171	176	97%
Fowler	172	176	98%
Martin	109	110	99%
Rector	30	32	94%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Wickhem	10	16	63%
Fairchild	9	16	56%
Fritz	11	16	69%
Rosenberry	16	16	100%
Barlow	11	16	69%
Fowler	12	16	75%
Martin	6	7	86%
Rector	2	4	50%

Opinions Authored²

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	21	0	1	1
Fairchild	16	2	0	0
Fritz	23	0	1	0
Rosenberry	29	1	2	1
Barlow	23	2	1	2
Fowler	21	1	1	0
Martin	16	0	0	0
Rector	6	0	0	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Wickhem	0	1
Fairchild	1	5
Fritz	0	0
Rosenberry	0	0
Barlow	0	1
Fowler	1	3
Martin	0	0
Rector	0	1

² *Per curiam* decisions are omitted.

