

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1944-45

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Wickhem, Fritz, Rosenberry, Martin	1	<i>In re Faulks' Will</i>
Fairchild, Barlow, Fowler, Martin	1	<i>Oak Park School Dist. v. Callahan</i>

4-3 Membership in the Majority

Justice	Votes
Wickhem	1
Fairchild	1
Fritz	1
Rosenberry	1
Barlow	1
Fowler	1
Martin	2

4-3 Majority Opinions Authored

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

Decisions by Vote Split¹

7-0 (or 6-0) 182/190 (96%)	6-1 4/190 (2%)	5-2 2/190 (1%)	4-3 2/190 (1%)
<i>Bridges v. State</i>	<i>State ex rel. Farmers & Merchants State Bank v. Schanke</i>	<i>George J. Meyer Mfg. Co. v. Howard Brass & Copper Co.</i>	<i>In re Faulks' Will</i>
<i>Bersch v. Holton Street State Bank</i>	<i>State ex rel. Madison v. Walsh</i>	<i>Nye v. Milwaukee Electric R. & T. Co.</i>	<i>Oak Park School Dist. v. Callahan</i>
<i>Binsfeld v. Home Mut. Ins. Co.</i> [247 Wis. 273]	<i>Maxwell v. Stack</i>		
<i>Bowles v. Miller</i>	<i>Brown County v. Green Bay</i>		
<i>Consolidated Discount Corp. v. Holton Street State Bank</i>			
<i>Diederich v. Wisconsin Wood Products</i>			
<i>Estate of Cornell</i>			
<i>Estate of Frederick v. Wieman Realty Co.</i>			
<i>Estate of Week v. Berens</i>			
<i>Feest v. Hillcrest Cemetery</i>			
<i>Hall's Point Property Owners Ass'n v. Zinda</i>			
<i>Halmu v. Halmu</i>			
<i>Home Owners' Loan Corp. v. Mascari</i>			
<i>Huth v. A. J. Straus Paying Agency</i>			
<i>In re Guardianship of Kueschel</i>			
<i>Kane v. Loyd's American Line</i>			
<i>Kies v. Hopper</i>			
<i>Koehn v. St. John's Evangelical Lutheran Congregation</i>			
<i>Madison v. Fitzgerald</i>			
<i>Menzner v. Tracy</i>			
<i>Nash-Kelvinator Corp. v. Wisconsin Employment Relations Board</i>			
<i>Parish v. Awschu Properties</i>			
<i>Radtke v. Radtke</i>			
<i>Roberts v. Saukville Canning Co.</i>			
<i>Schultz v. Rayome</i>			
<i>State ex rel. Koch v. Retirement Board of Policemen's Annuity & Ben. Fund</i>			
<i>State ex rel. Martin v. Dane County Mut. Ben. Ass'n</i>			
<i>State Farm Mut. Auto. Ins. Co. v. Duel</i>			
<i>State v. Bachmeyer</i>			
<i>State v. La Pean</i>			
<i>State v. Miller</i>			
<i>Vikes v. Pedersen</i>			
<i>Wales v. Wightman</i>			
<i>Westport Tp. v. Madison</i>			
<i>Estate of Heller</i>			
<i>In re Wehr's Will</i>			
<i>State v. Whitney</i>			

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¹ 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>Amberg Granite Co. v. Marinette County</i>			
<i>Bowler Lumber Co. v. Raasch</i>			
<i>Clark v. Guy Drews Post of American Legion</i>			
<i>Duel v. Ramar Baking Co.</i>			
<i>Estate of Bosse [247 Wis. 44]</i>			
<i>Gerhard v. Travelers Fire Ins. Co.</i>			
<i>Graton & Knight Co. v. Mayville Shoe Corp.</i>			
<i>Green Lake County v. Domes</i>			
<i>In re Ehlke's Will</i>			
<i>In re Petit's Will</i>			
<i>Kearney v. Massman Const. Co.</i>			
<i>Lake Geneva Beach Ass'n v. Anderson</i>			
<i>Mennetti v. West Side Businessmen's Ass'n</i>			
<i>Niemann v. Severson</i>			
<i>North American Seed Co. v. Cedarburg Supply Co.</i>			
<i>Saley v. Hardware Mut. Casualty Co.</i>			
<i>Schafer v. Shelby Farmers Mut. Ins. Co.</i>			
<i>Smith v. Chicago & N. W. R. Co.</i>			
<i>State ex rel. Curtis v. Steinkellner</i>			
<i>State ex rel. Heffernan v. Board of Fire & Police Comm'rs</i>			
<i>State ex rel. State Dep't of Agriculture v. Land O'Lakes Ice Cream Co.</i>			
<i>Weir v. Caffery</i>			
<i>Burkman v. New Lisbon</i>			
<i>Vander Heiden v. Industrial Com.</i>			
<i>Webster v. Roth</i>			
<i>Chrome Plating Co. v. Milwaukee</i>			
<i>American Stores Dairy Co. v. Wisconsin Department of Taxation</i>			
<i>Chilovi v. Industrial Com.</i>			
<i>Estate of Heller: State Dep't of Pub. Welfare v. Willard</i>			
<i>Estate of St. Germain</i>			
<i>Estate of Stephens</i>			
<i>Guenther v. American Indem. Co.</i>			
<i>Herman v. Wisconsin Valley Improv. Co.</i>			
<i>Holzschuh v. Webster</i>			
<i>In re Fish</i>			
<i>In re Messer's Guardianship</i>			
<i>In re Mid-Continent Mut. Ins. Co.</i>			
<i>Jones v. Pittsburgh Plate Glass Co.</i>			
<i>Madison v. Pendleton</i>			
<i>Pardeeville Electric Light Co. v. Public Service Com.</i>			
<i>Ritholz v. Johnson</i>			
<i>State ex rel. McKee v. Breidenbach</i>			
<i>State v. Fries</i>			
<i>Swenson v. Kansas City Life Ins. Co.</i>			
<i>Angers v. Sabatinelli</i>			
<i>Prideaux v. Milwaukee Auto. Ins. Co.</i>			
<i>Ashland County v. Bayfield County</i>			

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<i>Bowles v. Davidson</i>			
<i>Cherry v. Industrial Com.</i>			
<i>Cranston v. Industrial Com.</i>			
<i>Dawley v. Dawley</i>			
<i>Dryden v. Industrial Comm'n</i>			
<i>Ernst v. Industrial Com.</i>			
<i>Estate of Bosse</i> [246 Wis. 252]			
<i>Fehr v. General Acci. Fire & Life Assurance Corp.</i>			
<i>Gagliano v. Ogden & Co.</i>			
<i>In re West's Will</i>			
<i>James Conroy Family Co. v. Milwaukee</i>			
<i>Ludike v. Compound School Dist.</i>			
<i>Madison Particular Council v. Dane County</i>			
<i>Moore v. Halberstadt</i>			
<i>Northern State Power Co. v. Public Service Com.</i>			
<i>O'Reilly v. Marg</i>			
<i>Public Service Employees' Union v. Wisconsin Employment Relations Board</i>			
<i>Sass v. Sass</i>			
<i>Schenke v. State Farm Mut. Auto Ins. Co.</i>			
<i>State ex rel. Callahan v. Murphy</i>			
<i>Tews v. Marg</i>			
<i>Valentine v. Industrial Com.</i>			
<i>McDonald v. Black River Falls</i>			
<i>Boehck Equipment Co. v. Industrial Com.</i>			
<i>Burrows v. Industrial Com.</i>			
<i>Depies-Heus Oil Co. v. Sielaff</i>			
<i>Estate of Buxton</i>			
<i>Estate of Martin v. Luedeke</i>			
<i>Garvey v. Fox Valley Const. Co.</i>			
<i>Globe Indem. Co. v. Granskov</i>			
<i>Harrison v. Industrial Com.</i>			
<i>Harry v. State</i>			
<i>Huerth v. Prairie Du Sac</i>			
<i>In re Mechler's Will</i>			
<i>Karnes v. Johnson</i>			
<i>Kezar v. Northern States Power Co.</i>			
<i>Maas v. Schwaab</i>			
<i>Marine National Exchange Bank v. Milwaukee</i>			
<i>Pokrandt v. Sletten</i>			
<i>Quinnell v. Bowen</i>			
<i>Saueressig v. Jung</i>			
<i>State ex rel. Bartlett v. Thompson</i>			
<i>State ex rel. Vanderhei v. Murphy</i>			
<i>State v. Maas</i>			
<i>Stoelting Bros. Co. v. Stoelting</i>			
<i>Webster v. Industrial Com.</i>			
<i>Welch v. Land Development Co.</i>			
<i>Zerfas v. Johnson</i>			
<i>Berk v. Milwaukee Auto. Ins. Co.</i>			

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<i>Binsfeld v. Home Mut. Ins. Co.</i> [245 Wis. 552]			
<i>Blatz Brewing Co. v. Richardson & Richardson, Inc.</i>			
<i>Brest v. Maenat Realty Co.</i>			
<i>Central Urban Co. v. Milwaukee</i> [245 Wis. 525]			
<i>Central Urban Co. v. Milwaukee</i> [245 Wis. 576]			
<i>Dowd v. Palmer</i>			
<i>Eline's, Inc. v. Milwaukee</i>			
<i>Faust v. Murray</i>			
<i>First Wisconsin Nat'l Bank v. Brynwood Land Co.</i>			
<i>Hecker v. Gunderson</i>			
<i>In re Erpenbach's Will</i>			
<i>International Brotherhood of Electrical Workers, etc. v. Wisconsin Employment Relations Bd.</i>			
<i>International Brotherhood of Paper Makers, etc. v. Wisconsin Employment Relations Board</i>			
<i>Logemann v. Logemann</i>			
<i>Milwaukee County v. Stratford</i>			
<i>Moss v. Warns</i>			
<i>Pazik v. Milwaukee Electric R. & T. Co.</i>			
<i>Sommerfield v. Klinkowitz</i>			
<i>State ex rel. Goodman v. McFadden</i>			
<i>State ex rel. Wisconsin Bridge & Iron Co. v. Sullivan</i>			
<i>United Retail & Wholesale Dep't Store Employees v. Wisconsin Employment Relations Board</i>			
<i>Pick v. Pick</i>			
<i>Brunner v. Industrial Com. (per curiam, 7-0)</i>			
<i>Etteldorf v. Yellow Cab & Transfer Co. (per curiam, 7-0)</i>			
<i>In re Puls' Will (per curiam, 7-0)</i>			
<i>Otto v. Peterson (per curiam, 7-0)</i>			
<i>Schultz v. Schultz (per curiam, 7-0)</i> [247 Wis. 55]			
<i>Cox v. Pardeeville (per curiam, 7-0)</i>			
<i>Johnson v. Cameron (per curiam, 7-0)</i>			
<i>Juergens v. Ritter (per curiam, 7-0)</i>			
<i>Schmitt Lumber Co. v. Harnischfeger Corp. (per curiam, 7-0)</i>			
<i>Smith v. Smith (per curiam, 7-0)</i>			
<i>Becker v. Trachte (per curiam, 7-0)</i>			
<i>Ansay v. Shefford Cheese Co. (per curiam, 7-0)</i>			
<i>Dachow v. Thompson Co. (per curiam, 7-0)</i>			
<i>Fish v. Buhler (per curiam, 7-0)</i>			
<i>Jencks v. Schlagel (per curiam, 7-0)</i>			
<i>Stittgen v. Meiers (per curiam, 7-0)</i>			
<i>Teetzen v. Industrial Comm'n (per curiam, 7-0)</i>			

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Zurawski v. Picker (per curiam, 7-0)			
Hackbarth v. Harry E. Thur, Inc. (per curiam, 7-0)			
In re ESTATE of MOOK (per curiam, 7-0)			
Ische v. Ische (per curiam, 7-0)			
Jones v. Couture (per curiam, 7-0)			
Schultz v. Schultz (per curiam, 7-0) [246 Wis. 664]			
Zinke v. Bauman (per curiam, 7-0)			
Knaack v. Knaack (per curiam, 7-0)			
Mackie v. State Fair Park (per curiam, 7-0)			
Baker v. Wisconsin Dep't of Taxation (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	187	190	98%
Fairchild	188	190	99%
Fritz	188	190	99%
Rosenberry	188	190	99%
Barlow	187	189	99%
Fowler	188	190	99%
Martin	189	190	99%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Wickhem	5	8	63%
Fairchild	6	8	75%
Fritz	6	8	75%
Rosenberry	6	8	75%
Barlow	6	8	75%
Fowler	6	8	75%
Martin	7	8	88%

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	5-2	4-3
Wickhem	23	0	0	0
Fairchild	26	1	1	0
Fritz	21	1	0	0
Rosenberry	21	1	1	1
Barlow	19	0	0	1
Fowler	26	0	0	0
Martin	20	1	0	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Wickhem	0	1
Fairchild	1	1
Fritz	0	0
Rosenberry	0	2
Barlow	1	0
Fowler	1	2
Martin	0	1

² *Per curiam* decisions are omitted.

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 Fairchild and Fritz voted together in 50% of the decisions, while the figure for Justices Barlow and Fowler was 75%.

Agreement Between Pairs of Justices—All Decisions

	Fairchild	Fritz	Rosenberry	Barlow	Fowler	Martin
Wickhem	187/190=98%	187/190=98%	187/190=98%	184/189=97%	185/190=97%	188/190=99%
	Fairchild	186/190=98%	186/190=98%	187/189=99%	188/190=99%	187/190=98%
		Fritz	188/190=99%	185/189=98%	186/190=98%	187/190=98%
			Rosenberry	185/189=98%	186/190=98%	187/190=98%
				Barlow	187/189=99%	186/189=98%
					Fowler	187/190=98%
						Martin

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Fairchild	Fritz	Rosenberry	Barlow	Fowler	Martin
Wickhem	5/8=63%	5/8=63%	5/8=63%	3/8=38%	3/8=38%	6/8=75%
	Fairchild	4/8=50%	4/8=50%	6/8=75%	6/8=75%	5/8=63%
		Fritz	6/8=75%	4/8=50%	4/8=50%	5/8=63%
			Rosenberry	4/8=50%	4/8=50%	5/8=63%
				Barlow	6/8=75%	5/8=63%
					Fowler	5/8=63%
						Martin