

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1943-44

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Rosenberry, Barlow, Fowler, Martin	1	<i>International Union, etc. v. Wisconsin Employment Relations Bd.</i>
Wickhem, Rosenberry, Fowler, Martin	1	<i>Romanowski v. Romanowski</i>

4-3 Membership in the Majority

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

4-3 Majority Opinions Authored

	Opinions
Wickhem	1
Fairchild	0
Fritz	0
Rosenberry	0
Barlow	0
Fowler	1
Martin	0
<b>Total</b>	<b>2</b>

Decisions by Vote Split<sup>1</sup>

7-0 (or 6-0)	6-1	5-2	4-3
185/198 (93%)	9/198 (5%)	2/198 (1%)	2/198 (1%)
<i>State ex rel. Conlin v. Zimmerman</i>	<i>Maryland Casualty Co. v. Beleznay</i>	<i>Pouwels v. Ginsberg</i>	<i>International Union, etc. v. Wisconsin Employment Relations Bd.</i>
<i>American Brass Co. v. State Board of Health</i>	<i>Schultz v. Milwaukee County</i>	<i>Estate of Trowbridge</i>	<i>Romanowski v. Romanowski</i>
<i>Diefenbach v. State</i>	<i>State ex rel. Koch v. Retirement Board of Policemen's Annuity &amp; Ben. Fund</i>		
<i>In re Ziegler</i>	<i>Jacobson v. Bryan</i>		
<i>State v. Potokar</i>	<i>Connor Lumber &amp; Land Co. v. Industrial Com.</i>		
<i>Democrat Printing Co. v. Zimmerman</i>	<i>Ocean Acci. &amp; Guarantee Corp. v. Poulsen</i>		
<i>Agnew v. Milwaukee County</i>	<i>Walsh v. Northland Greyhound Lines, Inc.</i>		
<i>Great N. R. Co. v. Industrial Com.</i>	<i>Rohloff v. Rohloff</i>		
<i>State v. Jaskie</i>	<i>Riverview Hospital v. Tomahawk</i>		
<i>Bituminous Casualty Co. v. Industrial Com.</i>			
<i>Charnesky v. Urban</i>			
<i>Dumore Co. v. Smader</i>			
<i>Estate of Curtiss</i>			
<i>Gateway City Transfer Co. v. Public Service Com.</i>			
<i>In re Brennan's Guardianship</i>			
<i>In re Oconto County State Bank</i>			
<i>In re Rundle's Guardianship</i>			
<i>Kiel v. Frank Shoe Mfg. Co.</i>			
<i>Koehler v. Thiensville State Bank</i>			
<i>Kujawa v. American Indem. Co.</i>			
<i>Lehmer v. Kozlowski</i>			
<i>Leibowitz v. Leibowitz</i>			
<i>Lenfesty v. Eau Claire</i>			
<i>Milwaukee Western Fuel Co. v. Industrial Comm'n</i>			
<i>Mitterhausen v. South Wisconsin Conference Ass'n of Seventh-Day Adventists</i>			
<i>Murphy v. Hotel Pfister</i>			
<i>Old Settlers Club v. Haun</i>			
<i>Olson v. Elliott</i>			
<i>Schoonover v. Viroqua</i> [245 Wis. 239]			
<i>Sheboygan v. Finnegan</i>			
<i>Singer v. Singer</i>			
<i>Spellbrink v. Bramberg</i> [245 Wis. 322]			
<i>Standard Const. Co. v. Hoeschler</i>			
<i>State ex rel. Department of Agriculture Markets v. Badger Dairy</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.

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<i>State v. Hoffman</i>			
<i>A. Gettelman Brewing Co. v. Milwaukee</i>			
<i>Baken v. Vanderwall</i>			
<i>Boyle v. Larzelere</i>			
<i>Braun v. Consolidated Electric Lamp Co.</i>			
<i>Central Shorewood Bldg. Corp. v. Saltzstein</i>			
<i>Dovi v. Dovi</i>			
<i>Ex parte Dovi</i>			
<i>Farmers Co-op. Equity Union Shipping Ass'n v. Public Service Com.</i>			
<i>In re Davis Bros. Stone Co.</i>			
<i>Kietzmann v. Northwestern Mut. Life Ins. Co.</i>			
<i>Milwaukee County v. Hurley</i>			
<i>Mitchell Properties, Inc. v. Milwaukee</i>			
<i>Nowakowski v. Novotny</i>			
<i>Probst v. Menasha</i>			
<i>Richtman v. Honkamp</i>			
<i>Schildknecht v. Milwaukee</i>			
<i>Schilling v. Chicago, N. S. &amp; M. R. Co.</i>			
<i>Schoedel v. State Bank of Newburg</i>			
<i>Spellbrink v. Bramberg</i> [245 Wis. 103]			
<i>State ex rel. Pardeeville Electric Light Co. v. Sachtjen</i>			
<i>State ex rel. Walling v. Sullivan</i>			
<i>Summers v. Oakfield Town Mut. Fire Ins. Co.</i>			
<i>Swenson v. Swenson</i>			
<i>Employers Mut. Liability Ins. Co. v. Starkweather</i>			
<i>Era Club v. Rupp</i>			
<i>Estate of Gifford v. Orchard</i>			
<i>Frank v. State</i>			
<i>Grippentrog v. Cheese Makers' Mfg. Co.</i>			
<i>In re Beaver Drainage Dist.</i>			
<i>In re Turnock's Estate</i>			
<i>Jacobosky v. Ahnapee</i>			
<i>Lake Superior Dist. Power Co. v. Public Service Com.</i>			
<i>Marco v. Whiting</i>			
<i>Marquette Homes v. Greenfield</i>			
<i>Nowicki v. Northwestern Nat'l Casualty Co.</i>			
<i>Randall v. Home Loan &amp; Inv. Co.</i>			
<i>Savin v. McNeill</i>			
<i>Schoonover v. Viroqua</i> [244 Wis. 615]			
<i>State ex rel. Robst v. Board of Appeals</i>			
<i>Uihlein v. Albright</i>			
<i>Zarnott v. Timken-Detroit Axle Co.</i>			
<i>Bahcall v. Gloss</i>			
<i>Beck v. First Nat'l Bank</i>			
<i>Cronin v. Cronin</i>			
<i>Culver v. Webb</i>			
<i>Estate of Kesich</i>			
<i>Flynn v. Chippewa County</i>			

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WISCONSIN SUPREME COURT DECISIONS, 1943-44

<i>Fox Lake v. Trenton</i>			
<i>Guenther v. Guenther</i>			
<i>Hadler v. Rhyner</i>			
<i>Linker v. Batavian Nat'l Bank</i>			
<i>Marston Bros. Co. v. Oliver W. Wierdsma Co.</i>			
<i>Ritholz v. Johnson</i>			
<i>State Farm Mut. Auto. Ins. Co. v. Duel</i>			
<i>State v. Timm</i>			
<i>Wisconsin Coal Bureau v. Public Service Com.</i>			
<i>Ashland County v. Bayfield County</i>			
<i>Beem v. Industrial Com.</i>			
<i>Boden v. Lake</i>			
<i>Cannon v. Berens</i>			
<i>Cullen v. Rock County</i>			
<i>Deluhery v. Sisters of St. Mary</i>			
<i>Fjelstad v. Walsh</i>			
<i>Gas &amp; By-Product Coke Workers Local Union v. Wisconsin Employment Relations Board</i>			
<i>Granzow v. Oakland Mut. Fire Ins. Co.</i>			
<i>In re Schneider's Guardianship</i>			
<i>Klitzke v. Ebert</i>			
<i>Leuch v. Milwaukee County Board of Election Comm'rs</i>			
<i>London &amp; Lancashire Indem. Co. v. American State Bank</i>			
<i>Rattel v. Hayter</i>			
<i>Rupp v. Board of Directors of Assembly etc.</i>			
<i>Schwandt v. Milwaukee E. R. &amp; T. Co.</i>			
<i>State ex rel. Zent v. Yanny</i>			
<i>Thoma v. Class Mineral Fune Health Bath Co.</i>			
<i>Thornapple v. Callahan</i>			
<i>United States Guarantee Co. v. Liberty Mut. Ins. Co.</i>			
<i>Vandre v. Trachte</i>			
<i>Waukesha Roxo Co. v. Gehrz</i>			
<i>Ace Engineering Co. v. West Bend Malting Co.</i>			
<i>Chris Schroeder &amp; Sons Co. v. Lincoln County</i>			
<i>Dillon v. Dillon</i>			
<i>Fall River Canning Co. v. Industrial Com.</i>			
<i>Gleixner v. Schulkewitz</i>			
<i>In re Ehlke's Will</i>			
<i>In re Elbert's Will</i>			
<i>In re Vedder's Will</i>			
<i>Kennedy v. Barnish</i>			
<i>Kons v. Pallange</i>			
<i>Miller v. Foster</i>			
<i>Mullins v. La Bahn</i>			
<i>Petition of Heffernan</i>			
<i>Phelps v. Wisconsin Tel. Co.</i>			
<i>Price v. Ruggles</i>			

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<i>Quigley v. Quigley</i>			
<i>Saros v. Carlson</i>			
<i>Scandrett v. Greenhouse</i>			
<i>State v. McNitt</i>			
<i>Stern v. Schlafer</i>			
<i>Wenzel v. Conrad Schmitt Sutford</i>			
<i>Zingale v. Mills Novelty Co.</i>			
<i>Banking Com. of Wisconsin v. National Surety Corp.</i>			
<i>Benton v. Institute of Posturology</i>			
<i>Boehme v. Lintner</i>			
<i>Dodge County v. Kaiser</i>			
<i>Freeman v. Lake Mills</i>			
<i>Hanaman v. Liberty Trucking Co.</i>			
<i>Hirchert v. Hirchert</i>			
<i>Hynek v. Milwaukee Auto. Ins. Co.</i>			
<i>In re Knoepfle's Will</i>			
<i>In re Langer's Estate</i>			
<i>Jermain v. Jermain</i>			
<i>Karlslyst v. Industrial Com.</i>			
<i>Lembke v. Farmers Mut. Auto. Ins. Co.</i>			
<i>Monroe County Finance Co. v. Thomas</i>			
<i>Neumann v. Gorak</i>			
<i>Piesik v. Deuster</i>			
<i>Rahr v. Smith</i>			
<i>State ex rel. Ikeler v. Koszewski</i>			
<i>State ex rel. Zemlicka v. Baker</i>			
<i>State v. Garnett</i>			
<i>Uecker v. Anthony</i>			
<i>Dicks v. Dicks (per curiam, 7-0)</i>			
<i>Estate of Oberst (per curiam, 7-0)</i>			
<i>Estate of Radomski v. Radomski (per curiam, 7-0)</i>			
<i>Frye v. Pestrui (per curiam, 7-0)</i>			
<i>Netwal v. Haas (per curiam, 7-0)</i>			
<i>Roberts v. Roberts (per curiam, 7-0)</i>			
<i>J. I. Case Co. v. Industrial Com. (per curiam, 7-0)</i>			
<i>Landmann v. Milwaukee Auto. Ins. Co. (per curiam, 7-0)</i>			
<i>McDonald v. McDonald (per curiam, 7-0)</i>			
<i>Otto v. Industrial Com. (per curiam, 7-0)</i>			
<i>Pusch v. Pusch (per curiam, 7-0)</i>			
<i>Schroeder v. Kroger Grocery &amp; Baking Co. (per curiam, 7-0)</i>			
<i>Cundy v. State (per curiam, 7-0)</i>			
<i>Fierek v. Industrial Com. (per curiam, 7-0)</i>			
<i>Hadley v. Counsell (per curiam, 7-0)</i>			
<i>In re Will of Rivers (per curiam, 7-0)</i>			
<i>Tetting v. Voss (per curiam, 7-0)</i>			
<i>Van Beek v. Milwaukee Auto. Ins. Co. (per curiam, 7-0)</i>			
<i>Williams v. Industrial Com. (per curiam, 7-0)</i>			

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<i>Branigan v. Branigan</i> (per curiam, 7-0)			
<i>Hunter v. Majerus</i> (per curiam, 7-0)			
<i>In re Will of Gardner</i> (per curiam, 7-0)			
<i>Koopman v. Koopman</i> (per curiam, 7-0)			
<i>Leipe v. Boardman</i> (per curiam, 7-0)			
<i>Martin v. Ebert</i> (6-0)			
<i>State ex rel. Kenosha Office Bldg. Co. v. Herrmann</i> (6-0)			
<i>State v. Neukom</i> (6-0)			
<i>In re Farmers &amp; Traders Bank</i> (6-0)			
<i>Estate of Rohnert</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	197	198	<b>99%</b>
Fairchild	192	198	<b>97%</b>
Fritz	191	197	<b>97%</b>
Rosenberry	198	198	<b>100%</b>
Barlow	194	195	<b>99%</b>
Fowler	193	198	<b>97%</b>
Martin	197	197	<b>100%</b>

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Wickhem	12	13	<b>92%</b>
Fairchild	7	13	<b>54%</b>
Fritz	7	13	<b>54%</b>
Rosenberry	13	13	<b>100%</b>
Barlow	12	13	<b>92%</b>
Fowler	8	13	<b>62%</b>
Martin	13	13	<b>100%</b>

Opinions Authored<sup>2</sup>

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	22	0	0	1
Fairchild	23	1	0	0
Fritz	16	3	0	0
Rosenberry	26	4	1	0
Barlow	22	0	1	0
Fowler	29	1	0	1
Martin	23	0	0	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Wickhem	0	1
Fairchild	0	6
Fritz	0	0
Rosenberry	0	0
Barlow	0	0
Fowler	0	4
Martin	0	0

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<sup>2</sup> *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 38% of the decisions, while the figure for Justices Rosenberry and Fowler was 62%.

Agreement Between Pairs of Justices—All Decisions

	Fairchild	Fritz	Rosenberry	Barlow	Fowler	Martin
Wickhem	193/198=97%	192/197=97%	197/198=99%	193/195=99%	192/198=97%	196/197=99%
	Fairchild	189/197=96%	192/198=97%	190/195=97%	189/198=95%	191/197=97%
		Fritz	191/197=97%	189/194=97%	188/197=95%	190/196=97%
			Rosenberry	194/195=99%	193/198=97%	197/197=100%
				Barlow	189/195=97%	193/194=99%
					Fowler	192/197=97%
						Martin

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Fairchild	Fritz	Rosenberry	Barlow	Fowler	Martin
Wickhem	8/13=62%	8/13=62%	12/13=92%	11/13=85%	7/13=54%	12/13=92%
	Fairchild	5/13=38%	7/13=54%	8/13=62%	4/13=31%	7/13=54%
		Fritz	7/13=54%	8/13=62%	4/13=31%	7/13=54%
			Rosenberry	12/13=92%	8/13=62%	13/13=100%
				Barlow	7/13=54%	12/13=92%
					Fowler	8/13=62%
						Martin