

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1942-43

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Wickhem, Fairchild, Fritz, Fowler	1	<i>Thomas v. Industrial Com.</i>
Wickhem, Fairchild, Rosenberry, Martin	1	<i>Le Fevre v. State</i>
Fairchild, Fritz, Rosenberry, Barlow	1	<i>Petrie v. Roberts</i>

4-3 Membership in the Majority

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

4-3 Majority Opinions Authored

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

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

7-0 (or 6-0, 5-0) 265/280 (95%)	6-1 5/280 (2%)	5-2 (or 4-2) 7/280 (3%)	4-3 3/280 (1%)
<i>Goodland v. Zimmerman</i>	<i>Huettner v. Eau Claire</i>	<i>Shea v. Chicago, M. S. P. &amp; P. R. Co.</i>	<i>Thomas v. Industrial Com.</i>
<i>Amalgamated Meat Cutters &amp; Butcher Workmen, etc. v. Smith</i>	<i>Kusick v. Kusick</i>	<i>Eckhardt v. Industrial Com.</i>	<i>Le Fevre v. State</i>
<i>Banking Com. v. Townsend</i>	<i>Checker Cab Co. v. Industrial Com.</i>	<i>Ryan v. Wisconsin Dep't of Taxation (4-2)</i>	<i>Petrie v. Roberts</i>
<i>Baraboo Nat'l Bank v. Corcoran</i>	<i>State ex rel. Priegel v. Northern States Power Co.</i>	<i>Jung v. Industrial Com. (4-2)</i>	
<i>Barnes v. Murray</i>	<i>State v. Genova</i>	<i>Barber v. Industrial Com. (4-2)</i>	
<i>Brynwood Land Co. v. Industrial Com.</i>		<i>Robb v. Milwaukee (4-2)</i>	
<i>Campbell v. Drozdowicz</i>		<i>Wisconsin Employment Relations Board v. International Ass'n of Bridge, etc. (4-2)</i>	
<i>Cheese Makers Mut. Casualty Co. v. Duel</i>			
<i>Christoffel v. Wisconsin Employment Relations Bd.</i>			
<i>Estate of Downs v. Downs</i>			
<i>Gaber v. Balsiger</i>			
<i>Giannopoulos v. Milwaukee E. R. &amp; T. Co.</i>			
<i>Gibbs Steel Co. v. Industrial Com.</i>			
<i>In re Calumet Brewing Co.</i>			
<i>In re Des Forges' Will [June 16, 1943]</i>			
<i>In re Thornton's Guardianship</i>			
<i>Nauman v. Central Shorewood Bldg. Corp.</i>			
<i>Parish v. Awschu Properties, Inc.</i>			
<i>Pearson v. Clam Falls Co-op. Dairy Asso.</i>			
<i>Reilly v. Theisen</i>			
<i>Simecek v. State</i>			
<i>Smith v. Superior &amp; Duluth Transfer Co.</i>			
<i>Sprague v. State</i>			
<i>State Dep't of Public Welfare v. Shirley</i>			
<i>State ex rel. Birnamwood Oil Co. v. Shaughnessy</i>			
<i>State ex rel. McKenna v. Dist. No. 8</i>			
<i>State v. Kusak</i>			
<i>State v. Legg</i>			
<i>State v. Witte</i>			
<i>Straub v. Schadeberg</i>			
<i>Boyle v. Kempkin</i>			
<i>Braun v. Baudhuin</i>			

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<sup>1</sup> Due to rounding, the percentages do not add up to one hundred. 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>Brown v. Appleton Masonic Temple Ass'n</i>			
<i>Chicago, S. P. M. &amp; O. R. Co. v. Kileen</i>			
<i>Duel v. State Farm Mut. Auto. Ins. Co.</i>			
<i>In re Des Forges' Will</i> [May 18, 1943]			
<i>In re Razall's Will</i>			
<i>Kuehnel v. Wisconsin Registration Board of Architects &amp; Professional Engineers</i>			
<i>Maloney v. Industrial Com.</i> [May 18, 1943]			
<i>Miller v. Miller</i>			
<i>Murphy v. Sunset Hills Ass'n</i>			
<i>Nelson v. Madison Lutheran Hospital &amp; Sanatorium</i>			
<i>Rheingans v. Hepfler</i>			
<i>Rohr v. Employers' Liability Assurance Corp.</i>			
<i>Saunders v. Johnson</i>			
<i>Saunders v. Saunders</i>			
<i>Schubert v. Schubert</i>			
<i>State v. Zisch</i>			
<i>Venzke v. Magdanz</i>			
<i>Bramman v. Teutonia Recreation Co.</i> [242 Wis. 620]			
<i>Bramman v. Teutonia Recreation Co.</i> [242 Wis. 624]			
<i>Chas. H. Stehling Co. v. Milcor Steel Co.</i>			
<i>Fraser Lumber &amp; Mfg. Co. v. Laeyendecker</i>			
<i>Giese v. Giese</i>			
<i>Gray v. State</i>			
<i>Krestich v. Stefanez</i>			
<i>Lutheran Mut. Life Ins. Co. v. State</i>			
<i>Millar v. Madison</i>			
<i>Myhre v. Hessey</i>			
<i>Nolan v. Standard Fire Ins. Co.</i>			
<i>Nutrine Candy Co. v. Industrial Com.</i>			
<i>Oldenburg v. Central Life Assurance Soc.</i>			
<i>Ozaukee Sand &amp; Gravel Co. v. Milwaukee</i>			
<i>Rawn v. Superior</i>			
<i>State v. Scherr</i>			
<i>Thomson v. Racine</i>			
<i>Tolsma v. Miller</i>			
<i>Topzant v. Koshe</i>			
<i>Washburn v. Ellquist</i>			
<i>Welter v. Capponi</i>			
<i>Wolf v. Jebe</i>			
<i>In re Farmers Exchange Bank</i>			
<i>Campanelli v. Milwaukee E. R. &amp; T. Co.</i>			
<i>Costello v. Polenska</i> [March 9, 1943]			
<i>Eide v. Skerbeck</i>			
<i>Ernst v. Karlman</i>			
<i>In re Peterson's Estate</i>			

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<i>Lamasco Realty Co. v. Milwaukee</i>			
<i>Ludwig v. Wisconsin Power &amp; Light Co.</i>			
<i>Marinette County Fair Asso. v. Industrial Com.</i>			
<i>McCauley v. Balsley</i>			
<i>Moen v. Industrial Com.</i>			
<i>Nadler v. Nadler</i>			
<i>Oosterwyk v. State</i>			
<i>Schwitzke v. American Nat'l Bank</i>			
<i>Sheldon v. Johnston</i>			
<i>State ex rel. Anderton v. Sommers</i>			
<i>State ex rel. Lathers v. Smith</i>			
<i>State v. Davidson</i>			
<i>State v. De Hart</i>			
<i>Valley Refrigeration Co. v. Lange Co.</i>			
<i>Zblewski v. New Hope</i>			
<i>Bailey v. Tully</i>			
<i>C. I. T. Corp. v. Wallerman</i>			
<i>George Williams College v. Williams Bay</i>			
<i>Gratiot State Bank v. Martin</i>			
<i>Hansen v. Industrial Com.</i>			
<i>Haugen v. Wittkopf</i>			
<i>Hutzler v. McDonnell</i>			
<i>In re Anderson's Estate</i>			
<i>In re Heckert's Estate</i>			
<i>In re Reimers' Will</i>			
<i>In re Scherrer's Estate</i>			
<i>O'Donnell v. Kraut</i>			
<i>Prairie Du Chien Sanitarium Co. v. Prairie Du Chien</i>			
<i>Resneck v. Gruendler Shoes</i>			
<i>Robert A. Johnston Co. v. Industrial Com.</i>			
<i>State ex rel. Oak Park Country Club v. Goodland</i>			
<i>Wisconsin Tel. Co. v. Russell</i>			
<i>Blid v. Wisconsin Foundry &amp; Machine Co. (6-0)</i>			
<i>International Harvester Co. v. Department of Taxation (6-0)</i>			
<i>Minnesota Mining &amp; Mfg. Co. v. Wisconsin Dep't of Taxation (6-0)</i>			
<i>Montgomery Ward &amp; Co. v. Wisconsin Department of Taxation (6-0)</i>			
<i>Wisconsin Gas &amp; Electric Co. v. Wisconsin Department of Taxation (6-0)</i>			
<i>Comet Co. v. Department of Taxation (6-0)</i>			
<i>Estate of Thronson v. First Nat'l Bank &amp; Trust Co. (6-0)</i>			
<i>Estate of Allen v. First Nat'l Bank of Madison (6-0)</i>			
<i>Razall v. Razall (6-0) [243 Wis. 15]</i>			
<i>In re Messer's Guardianship (6-0)</i>			
<i>Cornelius v. Industrial Com. (6-0)</i>			

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<i>Costello v. Polenska</i> (6-0) [January 12, 1943]			
<i>First Wisconsin Trust Co. v. Taylor</i> (6-0)			
<i>Fox Point v. Public Service Com.</i> (6-0)			
<i>Gilman v. Northern States Power Co.</i> (6-0)			
<i>Goelz v. Knoblauch</i> (6-0)			
<i>Hanaman v. Liberty Trucking Co.</i> (6-0)			
<i>Hoffman v. Hoffman</i> (6-0)			
<i>Hunzinger Const. Co. v. Industrial Com. of Wisconsin</i> (6-0)			
<i>In re North's Estate</i> (6-0)			
<i>In re Steindorff's Will</i> (6-0)			
<i>In re Tuttle's Estate</i> (6-0)			
<i>Industrial Com. v. Sanitary Baking Co.</i> (6-0)			
<i>Kiel Wooden Ware Co. v. Raeder</i> (6-0)			
<i>Maloney v. Industrial Com.</i> (6-0) [January 12, 1943]			
<i>State ex rel. Litzen v. Dillett</i> (6-0)			
<i>State v. Blankenship</i> (6-0)			
<i>State v. Jardine</i> (6-0)			
<i>Weissgerber v. Industrial Com.</i> (6-0)			
<i>West Milwaukee v. Bergstrom Mfg. Co.</i> (6-0)			
<i>Wisconsin Employment Relations Board v. Evangelical Deaconess Soc.</i> (6-0)			
<i>Witkowski v. Menasha</i> (6-0)			
<i>State ex rel. Martin v. Heil</i> (6-0)			
<i>Retail Clerks' Union, etc. v. Wisconsin Employment Relations Board</i> (6-0)			
<i>Balliet v. Wollersheim</i> (6-0)			
<i>Bitker Cloak &amp; Suit Co. v. Industrial Comm'n</i> (6-0)			
<i>Boyd v. Wisconsin Department of Taxation</i> (6-0)			
<i>Boyle v. Marshall &amp; Ilsley Bank</i> (6-0)			
<i>Cedarburg Fox Farms, Inc. v. Industrial Com.</i> (6-0)			
<i>Chrome Plating Co. v. Wisconsin Electric Power Co.</i> (6-0)			
<i>Currie v. General Acci. Fire &amp; Life Assurance Corp.</i> (6-0)			
<i>Daniels v. Industrial Com.</i> (6-0)			
<i>Gibson v. Streeter</i> (6-0)			
<i>In re Schmidt's Estate</i> (6-0)			
<i>Industrial Clutch Co. v. Wisconsin Department of Taxation</i> (6-0)			
<i>Koepke v. Miller</i> (6-0)			
<i>Kubina v. Nichols</i> (6-0)			
<i>Lindemeyer v. Milwaukee</i> (6-0)			
<i>London &amp; Lancashire Indem. Co. v. Crook</i> (6-0)			
<i>Lytle v. Godfirnon</i> (6-0)			
<i>Miller v. Wisconsin Department of Taxation</i> (6-0) [241 Wis. 615]			

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<i>Norris v. Wittig</i> (6-0)			
<i>Schneider v. American Indem. Co.</i> (6-0)			
<i>State ex rel. Brister v. Weston</i> (6-0)			
<i>State ex rel. Shields v. Portman</i> (6-0)			
<i>State ex rel. Smith v. Annuity &amp; Pension Board</i> (6-0)			
<i>State v. Retzack</i> (6-0)			
<i>Vande Leest v. Basten</i> (6-0)			
<i>Wilson v. Koch</i> (6-0)			
<i>Wisconsin Transp. Co. v. Great Lakes Casualty Co.</i> (6-0)			
<i>Abel v. Wisconsin Department of Taxation</i> (6-0)			
<i>De Wildt v. Thomson</i> (6-0)			
<i>Evans v. Michelson</i> (6-0)			
<i>Ferch v. Schroedel</i> (6-0)			
<i>Fox River Paper Co. v. Department of Taxation</i> (6-0)			
<i>Gokey v. Electric Household Utilities Corp.</i> (6-0)			
<i>Hoan v. Journal Co.</i> (6-0)			
<i>Hudson v. Industrial Com.</i> (6-0)			
<i>In re Kurth's Will</i> (6-0)			
<i>In re Oconto County State Bank</i> (6-0)			
<i>In re Wisconsin Mut. Ins. Co.</i> (6-0)			
<i>Jenkinson v. New York Casualty Co.</i> (6-0)			
<i>Konow v. Gruenwald</i> (6-0)			
<i>Kuhlman v. Vandercook</i> (6-0)			
<i>Landskron v. Hartford Acci. &amp; Indem. Co.</i> (6-0)			
<i>Mahoney v. Thill</i> (6-0)			
<i>Nagle v. Clure</i> (6-0)			
<i>Northwest Engineering Corp. v. Wisconsin Department of Taxation</i> (6-0)			
<i>Perkie v. Carolina Ins. Co.</i> (6-0)			
<i>Richtman v. Honkamp</i> (6-0)			
<i>Ryan v. O'Hara</i> (6-0)			
<i>State Banking Com. v. Reinke</i> (6-0)			
<i>State ex rel. Nelson v. Thompson</i> (6-0)			
<i>State v. Badolati</i> (6-0)			
<i>State v. Grams</i> (6-0)			
<i>State v. Haggerty</i> (6-0)			
<i>State v. Milwaukee</i> (6-0)			
<i>Woodside School Dist. v. Industrial Com.</i> (6-0)			
<i>Winter v. O'Neill</i> (6-0)			
<i>Buchner v. Gether Trust</i> (6-0)			
<i>Clark v. Blochowiak</i> (6-0)			
<i>Cole v. Phephles</i> (6-0)			
<i>Estate of Noe v. Wagner</i> (6-0)			
<i>Fish v. Connecticut Fire Ins. Co.</i> (6-0)			
<i>Flynn v. Kaukauna</i> (6-0)			
<i>Hadrian v. Milwaukee E. R. &amp; T. Co.</i> (6-0)			
<i>Hagenah v. Lumbermen's Mut. Casualty Co.</i> (6-0)			

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<i>In re Hughes' Will</i> (6-0)			
<i>In re Kueschel's Guardianship</i> (6-0)			
<i>Koehring Co. v. Tax Com.</i> (6-0)			
<i>Linden v. Babcock</i> (6-0)			
<i>Martin v. Meyer</i> (6-0)			
<i>McGeoch Bldg. Co. v. Dick &amp; Reuteman Co.</i> (6-0)			
<i>Miller v. Department of Taxation</i> (6-0) [241 Wis. 145]			
<i>Milwaukee v. Public Service Com.</i> (6-0)			
<i>Moorman Mfg. Co. v. Industrial Com.</i> (6-0)			
<i>Racine v. Weyhe</i> (6-0)			
<i>State ex rel. Kidder v. Steele</i> (6-0)			
<i>State ex rel. Robst v. Board of Appeals</i> (6-0)			
<i>State v. Sullivan</i> (6-0)			
<i>Stylov v. Milwaukee E. R. &amp; T. Co.</i> (6-0)			
<i>Thomson v. Public Service Com.</i> (6-0)			
<i>Town of Caledonia v. Racine County</i> (6-0)			
<i>Razall v. Razall</i> (5-0) [242 Wis. 121]			
<i>State ex rel. Hennessey v. Milwaukee</i> (5-0)			
<i>In re Estate of Hickox</i> (per curiam, 7-0)			
<i>Junior v. Hardware Mut. Cas. Co.</i> (per curiam, 7-0)			
<i>Herring v. Holzer</i> (per curiam, 7-0)			
<i>In re Estate of Pingel</i> (per curiam, 7-0)			
<i>Smurawa v. Smurawa</i> (per curiam, 7-0)			
<i>Bergstrom v. Zibell</i> (per curiam, 7-0)			
<i>Carlson v. Strasser</i> (per curiam, 7-0)			
<i>Cerminara v. Tews Lime &amp; Cement Co.</i> (per curiam, 7-0)			
<i>De Canter v. Home Mut. Casualty Co.</i> (per curiam, 7-0)			
<i>In re Guardianship of Lindsay</i> (per curiam, 7-0)			
<i>Perkins v. Western Casualty &amp; Surety Co.</i> (per curiam, 7-0) [242 Wis. 667]			
<i>Perkins v. Western Casualty &amp; Surety Co.</i> (per curiam, 7-0) [242 Wis. 668]			
<i>Bentle v. Hoh</i> (per curiam, 7-0)			
<i>Buchinger v. Mulhaney</i> (per curiam, 7-0)			
<i>Katzer v. Milwaukee Elec. Ry. &amp; Transp. Co.</i> (per curiam, 7-0)			
<i>Klitzke v. Herm</i> (per curiam, 7-0)			
<i>Minton v. Beck</i> (per curiam, 7-0)			
<i>Nefstead v. Loehr</i> (per curiam, 7-0)			
<i>Kroll v. Zywicki</i> (per curiam, 7-0)			
<i>Mazanec v. Crabb</i> (per curiam, 7-0)			
<i>Paul v. Piepenhagen</i> (per curiam, 7-0)			
<i>Schulz v. Jentges</i> (per curiam, 7-0)			

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WISCONSIN SUPREME COURT DECISIONS, 1942-43

<i>In re Estate of Steindorff (per curiam, 7-0)</i>			
<i>Pierce v. Waukesha Motor Co. (per curiam, 7-0)</i>			
<i>Senn v. Johnson (per curiam, 7-0)</i>			
<i>Fox River Paper Co. v. International Brotherhood of Papermakers (per curiam, 6-0)</i>			
<i>Collins v. Ladwig (per curiam, 6-0)</i>			
<i>Cuhrt v. Schmidt (per curiam, 6-0)</i>			
<i>Pilley v. Motor Transport Co. (per curiam, 6-0)</i>			
<i>Wood v. Royce (per curiam, 6-0)</i>			
<i>Brusberg v. Industrial Com. (per curiam, 6-0)</i>			
<i>Egery v. Smith (per curiam, 6-0)</i>			
<i>Hazen v. Fox Valley Canning Co. (per curiam, 6-0)</i>			
<i>In re Will of Hughes (per curiam, 6-0)</i>			
<i>Kranzusch v. Fassbender (per curiam, 6-0)</i>			
<i>Neswold v. Neswold (per curiam, 6-0)</i>			
<i>Pride v. First Trust Co. (per curiam, 6-0)</i>			
<i>Worzalla v. Blenker (per curiam, 6-0)</i>			
<i>Gooding v. Hendricks (per curiam, 6-0)</i>			
<i>In re Archambault's Estate (per curiam, 6-0)</i>			
<i>Weaver v. Long (per curiam, 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	277	280	<b>99%</b>
Fairchild	278	280	<b>99%</b>
Fritz	268	277	<b>97%</b>
Rosenberry	279	280	<b>99.6%</b>
Fowler	273	280	<b>98%</b>
Martin	276	280	<b>99%</b>
Barlow	143	145	<b>99%</b>

## Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Wickhem	12	15	<b>80%</b>
Fairchild	13	15	<b>87%</b>
Fritz	6	15	<b>40%</b>
Rosenberry	14	15	<b>93%</b>
Fowler	8	15	<b>53%</b>
Martin	11	15	<b>73%</b>
Barlow	8	10	<b>80%</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, 5-0)	6-1	5-2 (or 4-2)	4-3
Wickhem	37	0	1	1
Fairchild	34	1	0	0
Fritz	33	0	1	0
Rosenberry	34	1	3	0
Fowler	40	2	1	0
Martin	31	0	0	1
Barlow	15	1	1	1

Opinion Author	Concurring Opinions	Dissenting Opinions
Wickhem	2	0
Fairchild	0	2
Fritz	0	0
Rosenberry	0	1
Fowler	0	5
Martin	0	0
Barlow	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 Fritz and Martin voted together in 13% of the decisions, while the figure for Justices Wickhem and Rosenberry was 73%.

Agreement Between Pairs of Justices—All Decisions

	Fairchild	Fritz	Rosenberry	Fowler	Martin	Barlow
Wickhem	275/280=98%	265/277=96%	276/280=99%	272/280=97%	277/280=99%	140/145=97%
	Fairchild	268/277=97%	277/280=99%	273/280=98%	274/280=98%	143/145=99%
		Fritz	267/277=96%	269/277=97%	264/277=95%	139/144=97%
			Rosenberry	272/280=97%	277/280=99%	144/145=99%
				Fowler	273/280=98%	142/145=98%
					Martin	141/145=97%
						Barlow

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Fairchild	Fritz	Rosenberry	Fowler	Martin	Barlow
Wickhem	10/15=67%	3/15=20%	11/15=73%	7/15=47%	12/15=80%	5/10=50%
	Fairchild	6/15=40%	12/15=80%	8/15=53%	9/15=60%	8/10=80%
		Fritz	5/15=33%	7/15=47%	2/15=13%	5/10=50%
			Rosenberry	7/15=47%	12/15=80%	9/10=90%
				Fowler	8/15=53%	7/10=70%
					Martin	6/10=60%
						Barlow