

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Wickhem, Fritz, Rosenberry, Martin	2	<i>State ex rel. Attorney Gen. v. Fasekas;</i> <i>Welch v. Henry</i>
Fairchild, Fritz, Rosenberry, Martin	1	<i>Powers v. Cherney Const. Co.</i>

4-3 Membership in the Majority

Justice	Votes
Wickhem	2
Fairchild	1
Fritz	3
Rosenberry	3
Fowler	0
Martin	3
Nelson	0

4-3 Majority Opinions Authored

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

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

7-0 (or 6-0)	6-1	5-2 (or 4-2)	4-3
299/322 (93%)	13/322 (4%)	7/322 (2%)	3/322 (1%)
<i>Brown v. Loewenbach</i>	<i>In re Daniels' Will</i>	<i>Stevens Point v. Bocksbaum</i>	<i>Powers v. Cherney Const. Co.</i>
<i>Buildings Development Co. v. Milwaukee</i>	<i>Kegel v. McCormack</i>	<i>State v. Henderson</i>	<i>State ex rel. Attorney Gen. v. Fasekas</i>
<i>Dick &amp; Reuteman Co. v. Jem Realty Co.</i>	<i>Mellen Produce Co. v. Fink</i>	<i>State ex rel. Associated Indem. Corp. v. Mortensen</i>	<i>Welch v. Henry</i>
<i>Employers Mut. Liability Ins. Co. v. Icke</i>	<i>Husting v. Dietzen</i>	<i>Kelley v. Paul Clothing &amp; Shoe Co.</i>	
<i>Estate of Flierl v. Flierl</i>	<i>Morris v. Sampsell</i>	<i>McCarthy v. Steinkellner</i>	
<i>Estate of George v. United States Fid. &amp; Guar. Co. [June 21, 1937]</i>	<i>Markowitz v. Milwaukee Electric R. &amp; L. Co.</i>	<i>First Wisconsin Nat'l Bank v. Roehling</i>	
<i>Estate of Koebel v. Koebel</i>	<i>St. Joseph's Hospital v. Maternity Hospital &amp; Dispensary Ass'n</i>	<i>York v. Industrial Com. (4-2)</i>	
<i>Estate of Lube v. Gosse</i>	<i>Trustees of Clinton Lodge v. Rock County</i>		
<i>Estate of Penney v. Fowlie</i>	<i>Weinke v. Philgas Co.</i>		
<i>Highway Trailer Co. v. Industrial Com.</i>	<i>Shulse v. Mayville</i>		
<i>In re Phelan</i>	<i>Swanson v. Schultz</i>		
<i>Kundert v. Riese</i>	<i>Egan v. Preferred Acci. Ins. Co.</i>		
<i>Milwaukee v. Burns</i>	<i>Nees v. Weaver</i>		
<i>Neillsville Shipping Ass'n v. Lastofka</i>			
<i>Rahr Malting Co. v. Manitowoc</i>			
<i>Silgen v. Fond Du Lac</i>			
<i>State ex rel. Schroeder v. Board of School Directors</i>			
<i>Van Dale v. Prudential Ins. Co.</i>			
<i>Walter v. Baum</i>			
<i>Walter v. Wyk</i>			
<i>Weco Products Co. v. Reed Drug Co.</i>			
<i>Wisconsin Malting Co. v. Manitowoc</i>			
<i>Plankinton Packing Co. v. Cincrete Corp.</i>			
<i>State ex rel. Young v. Maresch</i>			
<i>Wasielewski v. Racke</i>			
<i>Clam River Electric Co. v. Public Service Com.</i>			
<i>Amerpohl v. Wisconsin Tax Com.</i>			
<i>Bartholomew v. Thieding</i>			
<i>Bitter v. Gold Creek Min. Co.</i>			
<i>Cleary v. Batz</i>			
<i>De Groot v. Van Akkeren</i>			
<i>Duss v. Friess</i>			
<i>Ellington v. Industrial Com.</i>			
<i>Estate of Leedom v. Leedom</i>			
<i>First Wisconsin Trust Co. v. Board of Trustees</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.

<i>Hinrichs v. Industrial Com.</i>			
<i>Horlick v. Swoboda</i>			
<i>In re Acme Brass &amp; Metal Works</i>			
<i>In re Doerfler's Will</i>			
<i>In re Guardianship of Farness</i>			
<i>In re Johnston's Will</i>			
<i>In re Pick</i>			
<i>McIntosh v. Wisconsin Tax Com.</i>			
<i>Meyer v. Selover</i>			
<i>Sauk County v. Industrial Com.</i>			
<i>Schwemer v. Citizen's Loan &amp; Inv. Co.</i>			
<i>Stetzer v. Chippewa County</i>			
<i>Tiffany v. Industrial Com.</i>			
<i>Zowin v. Peoples Brewing Co.</i>			
<i>Burke v. Tesmer</i>			
<i>Chitlik v. Industrial Com.</i>			
<i>Egan v. Travelers Ins. Co.</i>			
<i>First Nat'l Bank &amp; Trust Co. v. Plous Bros.</i>			
<i>Fuller v. General Acci. Fire &amp; Life Assurance Corp.</i>			
<i>Gollon v. Jackson Milling Co.</i>			
<i>Grasser v. Anderson</i>			
<i>In re Sechler's Will</i>			
<i>Kauth v. Landsverk</i>			
<i>Maltby v. Thiel</i>			
<i>Miller v. Estate of Bell</i>			
<i>Montreal Mining Co. v. Industrial Com.</i>			
<i>National Bond &amp; Inv. Co. v. Murphy</i>			
<i>Ratcliff v. Phi Pi Phi Housing Corp.</i>			
<i>Reader v. Frank H. Applegate, Inc.</i>			
<i>State ex rel. Kunz v. Wendt</i>			
<i>Universal Granite Quarries Co. v. Industrial Com.</i>			
<i>Witzko v. Koenig</i>			
<i>A. W. Thompson Co. v. Thompson</i>			
<i>Alberti v. Gordon</i>			
<i>Bunda v. Jacobus</i>			
<i>Car &amp; General Ins. Corp. v. Industrial Com.</i>			
<i>Cleary v. Brokaw</i>			
<i>Employers Mut. Liability Ins. Co. v. Brower</i>			
<i>Employers Mut. Liability Ins. Co. v. Industrial Com.</i>			
<i>Estate of Cullen v. First Nat'l Bank of Superior</i>			
<i>Estate of Lagershausen v. Kusta</i>			
<i>Estate of Onstad v. Onstad</i>			
<i>Gardner v. State</i>			
<i>Hammersberg v. Nelson</i>			
<i>Interstate Dep't Stores v. Henry</i>			
<i>Kedinger v. Heisler</i>			
<i>Kohler Co. v. Industrial Com. of Wisconsin</i>			
<i>Lindokken v. Paulson</i>			
<i>Marathon County v. Industrial Com.</i>			
<i>Musa v. Segelke &amp; Kohlhaus Co.</i>			
<i>Saylor v. Marshall &amp; Ilsley Bank</i>			

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<i>Schmitt v. Industrial Com.</i>			
<i>Segall v. Ohio Casualty Co.</i>			
<i>Skrzypczak v. Konieczka</i>			
<i>Trathen v. Lyon</i>			
<i>Trustees, Middle River Sanatorium v. Industrial Com.</i>			
<i>Wauwatosa v. Volpano</i>			
<i>Wells Coal &amp; Dock Co. v. Industrial Com.</i>			
<i>Whitefish Bay v. Milwaukee County</i>			
<i>Yates v. Weinhardt</i>			
<i>American Mut. Liability Ins. Co. v. Chain Belt Co.</i>			
<i>Anderson v. Seelow</i>			
<i>Besser v. Hill</i>			
<i>Boldig v. Urban Tel. Co.</i>			
<i>Cremer v. Banking Com.</i>			
<i>Estate of Adams v. Nurnberg</i>			
<i>Estate of Sletto v. Aarness</i>			
<i>Estate of Weiss v. First Nat'l Bank of Monroe</i>			
<i>Florida Realty Finance &amp; Sec. Co. v. Chris, Schroeder &amp; Sons Co.</i>			
<i>Guardianship of Snyder</i>			
<i>In re Muskat's Will</i>			
<i>Jorgenson v. Sparta</i>			
<i>Larson v. Banking Com. of Wisconsin</i>			
<i>Larson v. Industrial Com.</i>			
<i>Manufactures Trust Co. v. Chris Schroeder &amp; Son Co.</i>			
<i>Maynard v. De Vries</i>			
<i>Milwaukee County v. Industrial Com.</i>			
<i>Milwaukee News Co. v. Industrial Com.</i>			
<i>Potter v. Potter</i>			
<i>Schneider Fuel &amp; Supply Co. v. Industrial Com.</i>			
<i>State v. Clementi</i>			
<i>Universal Foundry Co. v. Industrial Com.</i>			
<i>Wisconsin Power &amp; Light Co. v. Public Service Com.</i>			
<i>Wisconsin Town Mut. Reinsurance Co. v. Calumet County Mut. Fire Ins. Co.</i>			
<i>Amberg v. Deaton</i>			
<i>American Nat'l Bank &amp; Trust Co. v. Edith Rockefeller McCormick Trust</i>			
<i>Bank of Verona v. Stewart</i>			
<i>Carlson v. Grimsrud</i>			
<i>Consumers Coal &amp; Fuel Co. v. Industrial Com.</i>			
<i>Estate of Ryan v. Ryan</i>			
<i>General Acci. Fire &amp; Life Assurance Corp. v. Industrial Com.</i>			
<i>Groh v. W. O. Krahn, Inc.</i>			
<i>Hunt v. Dollar</i>			
<i>In re Uggen's Guardianship</i>			
<i>Le Sage v. Le Sage</i>			
<i>Lindsley v. Farmers Exchange Inv. Co.</i>			
<i>Lutzenberger v. Milwaukee Electric R. &amp; L. Co.</i>			
<i>Marwalt Realty Co. v. Greene</i>			

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<i>Milwaukee County v. Milwaukee</i>			
<i>Mormon v. Douglas County</i>			
<i>New Lisbon v. Harebo</i>			
<i>Pohland v. Zillmer</i>			
<i>Sentinel News Co. v. Industrial Com.</i>			
<i>State ex rel. Madison v. Maxwell</i>			
<i>State ex rel. Pelishek v. Washburn</i>			
<i>Wauwatosa Cemetery Ass'n v. Wauwatosa</i>			
<i>Accola v. Giese</i>			
<i>Banking Com. v. Wiemann</i>			
<i>Bleul v. Milwaukee Electric R. &amp; L. Co.</i>			
<i>Central Wisconsin Trust Co. v. Keating</i>			
<i>Cordis v. Reuter</i>			
<i>Estate of Richardson v. Richardson</i>			
<i>France v. Sullivan</i>			
<i>Gross v. Sommers</i>			
<i>In re Byrne's Will</i>			
<i>In re Jacobson's Will</i>			
<i>In re Le Feber's Will</i>			
<i>In re Norcor Mfg. Co.</i>			
<i>In re Stanley's Will</i>			
<i>Kluck v. State</i>			
<i>Kuenzi v. Leisten</i>			
<i>Nimlos v. Bakke</i>			
<i>Richter v. Standard Mfg. Co.</i>			
<i>Roche v. Du Bois</i>			
<i>Rowland v. Racine</i>			
<i>Schaettle v. State Highway Com.</i>			
<i>Scheffler v. Bartzen</i>			
<i>Scheibe v. Lincoln</i> [223 Wis. 417]			
<i>Scheibe v. Lincoln</i> [223 Wis. 425]			
<i>Smith v. Green Bay</i>			
<i>Szumski v. Szumski</i>			
<i>Walk v. Boudheim</i>			
<i>Warne v. Petzke</i>			
<i>Wauwatosa v. Jacobus &amp; Winding Concrete Const. Co.</i>			
<i>Will of Peters v. Odegard</i>			
<i>Wisconsin Sales Corp. v. McDougal</i>			
<i>Bitner v. Miller</i>			
<i>Department of Agriculture &amp; Markets &amp; Laux</i>			
<i>Derfus v. Stoelting Bros. Co.</i>			
<i>Eich v. Brennan</i>			
<i>Estate of Bollow v. First Wisconsin Trust Co.</i>			
<i>Estate of George v. United States Fid. &amp; Guar. Co.</i> [December 8, 1936]			
<i>Estate of Schreihart v. East Wisconsin</i>			
<i>Estate of Seybold v. Seybold</i>			
<i>Estate of White v. Marine Nat'l Exch. Bank of Milwaukee</i>			
<i>Holleb Liquor Distributors, Inc. v. Lincoln Fireproof Warehouse Co.</i>			
<i>In re Nieman's Will</i>			
<i>Johnson v. Hasslinger</i>			
<i>Knuth v. Pattarson</i>			
<i>Koetting v. Conroy</i>			
<i>Krudwig v. Koepke</i>			

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<i>La Cross Dredging Co. v. Industrial Com.</i>			
<i>Lau v. Harder</i>			
<i>Northern Hotel Co. v. Industrial Com.</i>			
<i>Popp v. Froelich</i>			
<i>Schultz v. Pahlow Oil Co.</i>			
<i>Wacho Mfg. Co. v. Industrial Com.</i>			
<i>Wangerin v. Wisconsin State Board of Accountancy</i>			
<i>Wisconsin Tel. Co. v. Milwaukee</i>			
<i>Baackes v. Blair</i>			
<i>Benkert v. Gruenewald</i>			
<i>Blumer Brewing Corp. v. Mayer</i>			
<i>Brochu v. Taylor</i>			
<i>Canzoneri v. Heckert</i>			
<i>Estate of Boyle v. McGalloway</i>			
<i>Estate of Kronglaski v. State</i>			
<i>Federal Life Ins. Co. v. Thayer</i>			
<i>Fredonia Canning Co. v. Sergeant &amp; Nicholoy</i>			
<i>Koch v. Transcontinental Ins. Co.</i>			
<i>Kroening v. Kroening</i>			
<i>Milwaukee County v. Badger Chair &amp; Furniture Co.</i>			
<i>Milwaukee v. Chicago, M. S. P. &amp; P. R. Co.</i>			
<i>Morley-Murphy Co. v. Van Vreede</i>			
<i>Muldowney v. McCoy Hotel Co.</i>			
<i>Northwestern Malleable Iron Co. v. McMahon</i>			
<i>Sadlier v. Lay</i>			
<i>Shawano Oil Co. v. Citizens State Bank</i>			
<i>Skiris v. Port Washington</i>			
<i>Thomas v. Kind</i>			
<i>Bass v. Nofsinger</i>			
<i>Bushman v. Tomek</i>			
<i>De Vries v. Dye</i>			
<i>Hansche v. A. J. Conroy, Inc.</i>			
<i>Hare v. Reddy</i>			
<i>Holzinger v. Prudential Ins. Co.</i>			
<i>In re Loewenbach's Will</i>			
<i>In re Radoll's Guardianship</i>			
<i>Judevine v. Benzies-Montanye Fuel &amp; Warehouse Co.</i>			
<i>Kilcoyne v. Trausch</i>			
<i>Latsch v. Bethke</i>			
<i>Madison Trust Co. v. Skogstrom</i>			
<i>McKey v. Egeland</i>			
<i>Menge v. Radtke</i>			
<i>Nicolai v. Wisconsin Power &amp; Light Co.</i>			
<i>Rosenbluth v. State</i>			
<i>Stark v. Bredahl</i>			
<i>State ex rel. Central Surety &amp; Ins. Corp. v. Belden</i>			
<i>State ex rel. Karnes v. Board of Regents</i>			
<i>State ex rel. Rasmussen v. Circuit Court for Kenosha County</i>			
<i>Struck &amp; Irwin Fuel Co. v. Industrial Com.</i>			

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<i>Vukelic v. Upper Third St. Sav. &amp; Loan Ass'n</i>			
<i>Wesemann v. Watertown Milk Co-operative Ass'n</i>			
<i>Zindell v. Central Mut. Ins. Co.</i>			
<i>Allen-Bradley Co. v. Industrial Com. (per curiam, 7-0)</i>			
<i>Anderson v. Industrial Com. (per curiam, 7-0)</i>			
<i>In re Will of Elsen (per curiam, 7-0)</i>			
<i>Nys v. Chicago, M., S. P. &amp; P. R. Co. (per curiam, 7-0)</i>			
<i>Ryan v. Industrial Com. (per curiam, 7-0)</i>			
<i>Davis v. Davis (per curiam, 7-0)</i>			
<i>Rands v. Prissel (per curiam, 7-0)</i>			
<i>Spindler v. Prissel (per curiam, 7-0)</i>			
<i>Fries v. Lallier (per curiam, 7-0)</i>			
<i>G. Reinke &amp; Co. v. Industrial Com. (per curiam, 7-0)</i>			
<i>Hauswirth v. Wittenberg (per curiam, 7-0)</i>			
<i>In re Estate of Shepherd (per curiam, 7-0)</i>			
<i>Sobczynski v. Haraburda (per curiam, 7-0)</i>			
<i>Holly v. First Nat'l Bank (per curiam, 7-0)</i>			
<i>In re Estate of Martin (per curiam, 7-0)</i>			
<i>Koch v. Milwaukee Electric R. &amp; L. Co. (per curiam, 7-0)</i>			
<i>Peoples Exchange Bank v. Tobola (per curiam, 7-0)</i>			
<i>In re Estate of Brusse (per curiam, 7-0)</i>			
<i>Ludwig v. Doern (per curiam, 7-0)</i>			
<i>Mautz v. Bagley (per curiam, 7-0)</i>			
<i>Barrett v. Minneapolis, St. P. &amp; S. S. M. R. Co. (per curiam, 7-0)</i>			
<i>Great Northern Life Ins. Co. v. Petersen (per curiam, 7-0)</i>			
<i>In re Estate of Happ (per curiam, 7-0)</i>			
<i>Jones v. Bennett (per curiam, 7-0)</i>			
<i>Liebelt v. Hardware Mut. Casualty Co. (per curiam, 7-0)</i>			
<i>Marling Lumber Co. v. Industrial Com. (per curiam, 7-0)</i>			
<i>Rose v. Stancevic (per curiam, 7-0)</i>			
<i>Board of Education v. Industrial Com. (per curiam, 7-0)</i>			
<i>In re Estate of Shinoe (per curiam, 7-0)</i>			
<i>Pawling v. Burlington Blanket Co. (per curiam, 7-0)</i>			
<i>Waukesha Lime &amp; Stone Co. v. Industrial Com. (per curiam, 7-0)</i>			
<i>Bitzan v. Rowbottom (per curiam, 7-0)</i>			
<i>Chafee v. Scandrett (per curiam, 7-0)</i> [223 Wis. 682]			
<i>Chafee v. Scandrett (per curiam, 7-0)</i> [223 Wis. 683]			
<i>De Witt v. Pulchin (per curiam, 7-0)</i>			
<i>Diek v. Pries (per curiam, 7-0)</i>			
<i>In re Estate of Sherwin (per curiam, 7-0)</i>			
<i>Krueger v. Thielen (per curiam, 7-0)</i>			

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<i>Mattson v. Koch (per curiam, 7-0)</i>			
<i>Miller v. Melin (per curiam, 7-0)</i>			
<i>Runngren v. Berg (per curiam, 7-0)</i>			
<i>Rusecky v. Shimkus (per curiam, 7-0)</i>			
<i>Direct Service Oil Co. v. Wisconsin Ice &amp; Coal Co. (per curiam, 7-0)</i>			
<i>Fraternal Order of Eagles v. Industrial Com. (per curiam, 7-0)</i>			
<i>Hudson Sharp Machine Co. v. Industrial Com. (per curiam, 7-0)</i>			
<i>In re Estate of Euler (per curiam, 7-0)</i>			
<i>In re Estate of Post (per curiam, 7-0)</i>			
<i>In re Will of Nelson's (per curiam, 7-0)</i>			
<i>Schmidt v. Marty (per curiam, 7-0)</i>			
<i>Borah v. Hall (per curiam, 7-0)</i>			
<i>Gerum v. Pfister (per curiam, 7-0)</i>			
<i>Sukow v. Radke (per curiam, 7-0)</i>			
<i>Vekich v. Hall (per curiam, 7-0)</i>			
<i>W. T. Raleigh Co. v. Greene (per curiam, 7-0)</i>			
<i>McCaffrey v. Minneapolis S. P. &amp; S. S. M. R. Co. (per curiam, 7-0)</i>			
<i>Newbern v. State (per curiam, 7-0)</i>			
<i>Rosecky v. Tomaszewski (6-0)</i>			
<i>Gardner Baking Co. v. Public Service Com. (6-0)</i>			
<i>Koscuik v. Sherf (6-0)</i>			
<i>Riley v. State Bank of De Pere (6-0)</i>			
<i>Wright v. Wrightstown-Morrison Farmers Mut. Ins. Co. (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	314	320	<b>98%</b>
Fairchild	313	322	<b>97%</b>
Fritz	316	322	<b>98%</b>
Rosenberry	322	322	<b>100%</b>
Fowler	315	322	<b>98%</b>
Martin	315	318	<b>99%</b>
Nelson	317	322	<b>98%</b>

## Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Wickhem	16	22	<b>73%</b>
Fairchild	14	23	<b>61%</b>
Fritz	17	23	<b>74%</b>
Rosenberry	23	23	<b>100%</b>
Fowler	16	23	<b>70%</b>
Martin	20	23	<b>87%</b>
Nelson	18	23	<b>78%</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 dissented without authoring an opinion, he is not credited.

Opinion Author	7-0 (or 6-0)	6-1	5-2 (or 4-2)	4-3
Wickhem	34	1	4	1
Fairchild	36	3	0	1
Fritz	35	1	0	0
Rosenberry	40	3	0	1
Fowler	35	3	2	0
Martin	22	2	0	0
Nelson	40	0	1	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Wickhem	0	2
Fairchild	1	8
Fritz	1	1
Rosenberry	0	0
Fowler	1	4
Martin	0	0
Nelson	0	1

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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 Fowler voted together in 43% 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	Nelson
Wickhem	308/320=96%	308/320=96%	314/320=98%	311/320=97%	308/316=97%	311/320=97%
	Fairchild	309/322=96%	313/322=97%	310/322=96%	310/318=97%	312/322=97%
		Fritz	316/322=98%	309/322=96%	309/318=97%	313/322=97%
			Rosenberry	315/322=98%	315/318=99%	317/322=98%
				Fowler	308/318=97%	318/322=99%
					Martin	310/318=97%
						Nelson

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Fairchild	Fritz	Rosenberry	Fowler	Martin	Nelson
Wickhem	10/22=45%	10/22=45%	16/22=73%	13/22=59%	14/22=64%	13/22=59%
	Fairchild	10/23=43%	14/23=61%	11/23=48%	15/23=65%	13/23=57%
		Fritz	17/23=74%	10/23=43%	14/23=61%	14/23=61%
			Rosenberry	16/23=70%	20/23=87%	18/23=78%
				Fowler	13/23=57%	19/23=83%
					Martin	15/23=65%
						Nelson