

## Four-to-Three Decisions

### 4-3 Alignments

Justices	Total	Case Names
Fairchild, Fritz, Rosenberry, Nelson	2	<i>State v. Bennett; Helmicks v. Stevlingson</i>
Wickhem, Rosenberry, Fowler, Owen	1	<i>Beckman v. Bemis-Hooper-Hays Co.</i>

### 4-3 Membership in the Majority

Justice	Votes
Wickhem	1
Fairchild	2
Fritz	2
Rosenberry	3
Fowler	1
Nelson	2
Owen	1

### 4-3 Majority Opinions Authored

	Opinions
Wickhem	0
Fairchild	0
Fritz	2
Rosenberry	1
Fowler	0
Nelson	0
Owen	0
<b>Total</b>	<b>3</b>

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

7-0 (or 6-0, 5-0)	6-1 (or 5-1)	5-2 (4-2)	4-3
344/363 (95%)	11/363 (3%)	5/363 (1%)	3/363 (1%)
<i>Kellogg Bros. Lumber Co. v. Mularkey</i>	<i>Lochner v. State</i>	<i>Curtis Co. v. Wisconsin Tax Com.</i>	<i>State v. Bennett</i>
<i>Penner v. Mueller</i>	<i>Wisconsin Granite Co. v. Industrial Com. of Wisconsin</i>	<i>General Bronze Corp. v. Schmeling</i>	<i>Beckman v. Bemis-Hooper-Hays Co.</i>
<i>Clark v. Chicago, M., St. P. &amp; P. R. Co.</i>	<i>Oertel v. Williams</i>	<i>Wisconsin Valley Trust Co. v. Hotel Wausau Co.</i>	<i>Helmicks v. Stevlingson</i>
<i>Crook v. Broche</i>	<i>ESTATE OF LATHERS: NEW YORK LIFE INS. CO. v. ESTATE OF LATHERS</i>	<i>State ex rel. Thompson v. Beloit City School Dist. (4-2)</i>	
<i>Hoelt v. Kuhn</i>	<i>Marshall &amp; Ilsley v. Guaranty Inv. Co.</i>	<i>Crane v. Esmond (4-2)</i>	
<i>Mich. Quartz Silica Co. v. Indus. Comm'n</i>	<i>MCCARTY v. TAX COMM'N (5-1)</i>		
<i>Adams v. Maxcy</i>	<i>State v. McKune (5-1)</i>		
<i>Grover v. Sherman</i>	<i>Lehner v. Associated Press (5-1)</i>		
<i>Helmer v. Equitable Reserve Ass'n</i>	<i>Rice Lake Golf Club v. Industrial Com. (5-1)</i>		
<i>KIESOW v. INDUSTRIAL COMM'N</i>	<i>Strohmaier v. Wisconsin Gas &amp; Electric Co. (5-1)</i>		
<i>Trampe v. Wisconsin Tel. Co. [214 Wis. 210]</i>	<i>David G. Janes Co. v. Weed (5-1)</i>		
<i>Trampe v. Wisconsin Tel. Co. [214 Wis. 218]</i>			
<i>Walker v. Kroger Grocery &amp; Baking Co.</i>			
<i>Davies v. Oshkosh Airport</i>			
<i>ESTATE OF JACOBUS v. ROGERS</i>			
<i>Noll v. Nugent</i>			
<i>Sandeen v. Willow River Power Co.</i>			
<i>Seaman Body Corp. v. Industrial Com. of Wisconsin</i>			
<i>A. Kieckhefer Elevator Co. v. Music Arts Corp.</i>			
<i>Foreman v. Milwaukee Electric R. &amp; L. Co.</i>			
<i>Hein v. Huber</i>			
<i>Welhouse v. Industrial Com.</i>			
<i>Fountain v. Importers' &amp; Exporters' Ins. Co.</i>			
<i>Newberry v. Minneapolis, S. P. &amp; S. S. M. R. Co.</i>			
<i>Brogan v. State</i>			
<i>Reardon v. Terrien</i>			
<i>Terrien v. Roenitz</i>			
<i>Weary &amp; Alford Co. v. Sixth &amp; Wisconsin Tower</i>			
<i>Wisconsin Lumber &amp; Supply Co. v. Dahl</i>			
<i>Ditsch v. Finn</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>Georgeson v. Nielsen</i>			
<i>Hampton Plains Realty Co. v. Cohen</i>			
<i>Paetz v. McKay</i>			
<i>Schwade v. Van Bree</i>			
<i>Zweifel v. Wisconsin Tax Com.</i>			
<i>Silent Automatic Burner Co. v. Silent Automatic Corp.</i>			
<i>Blum v. Palace Garage Co.</i>			
<i>ESTATE OF ABDDULAH: ABDDULAH v. MALONE</i>			
<i>Appleton State Bank v. Nussbaum</i>			
<i>Lickert v. Harp</i>			
<i>Bent v. Jonet</i>			
<i>First Wisconsin Nat'l Bank v. Kingston</i>			
<i>Oster v. Buildings Development Co.</i>			
<i>Security State Bank v. Monona Golf Club</i>			
<i>Waukesha Nat'l Bank v. Cooper &amp; Utter Lumber Co.</i>			
<i>Wauwatosa v. Union Free High School Dist.</i>			
<i>Zitlow v. State</i>			
<i>Dorrington v. Jacobs</i>			
<i>In re Weed's Will</i>			
<i>Stensland v. Hoppmann</i>			
<i>Augustine v. Congregation of Holy Rosary</i>			
<i>Heaney v. Chi. &amp; Northwestern Ry. Co.</i>			
<i>Marshall &amp; Ilsley Bank v. Voigt</i>			
<i>Walter v. Four Wheel Drive Auto Co.</i>			
<i>Warrichaiet v. Standard Oil Co.</i>			
<i>Coyle v. Franklin State Bank</i>			
<i>Geldon v. Finnegan</i>			
<i>Peplinsky v. Billings</i>			
<i>Riley v. Standard Oil Co.</i>			
<i>State Bank of Chilton v. Citizens' Mut. Fire Ins. Co.</i>			
<i>Thomas v. Wisconsin Power &amp; Light Co.</i>			
<i>Wahlstrom v. Hill</i>			
<i>Bode v. Flynn</i>			
<i>Dick &amp; Reuteman Co. v. Hunholz</i>			
<i>ESTATE OF FOUKS: FOUKS v. SAKRISON</i>			
<i>Kasten v. G. A. Zuehlke Mortg. Loan Co.</i>			
<i>Kinney v. Luebke</i>			
<i>Lang v. Oudenhoven</i>			
<i>Merklein v. Indemnity Ins. Co.</i>			
<i>Schmidt v. Leary</i>			
<i>State v. Galle</i>			
<i>State v. Kaiser</i>			
<i>Price v. Shorewood Motors, Inc.</i>			
<i>Alex G. Goethel Sheet Metal Works Co. v. American Lace Paper Co.</i>			
<i>Blooming Grove v. McSherry</i>			
<i>Builders' Mut. Casualty Co. v. Schultz</i>			
<i>De Brue v. Frank</i>			
<i>De Forest Lumber Co. v. Potter</i>			
<i>ESTATE OF PADDOCK: COYKENDAHL v. PADDOCK</i>			
<i>Guth v. Fisher</i>			
<i>Hohensee v. Acheson</i>			

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<i>In re Buchanan's Will</i>			
<i>Johnson v. McKeon</i>			
<i>Lang v. Baumann</i>			
<i>Marshall v. Wittig</i>			
<i>Meyer v. Neidhoefer &amp; Co.</i>			
<i>Miswald-Wilde Co. v. Armory Realty Co.</i>			
<i>Olson v. Platteville</i>			
<i>Otto v. United States Fidelity &amp; Guaranty Co.</i>			
<i>Pereles v. City of Milwaukee</i>			
<i>Rodaks v. Herr</i>			
<i>Ruehlow v. Industrial Com.</i>			
<i>Sopchak v. Kadulski</i>			
<i>State ex rel. Kropf v. Gilbert</i>			
<i>State ex rel. Lerner v. Wisconsin Tax Com.</i>			
<i>Sullivan v. State</i>			
<i>Sun Prairie v. Wisconsin Power &amp; Light Co.</i>			
<i>Usow v. Usow</i>			
<i>Vogt v. Calvary Lutheran University Missionary Soc.</i>			
<i>Western Casualty &amp; Surety Co. v. Milwaukee General Const. Co.</i>			
<i>Zurn v. Whatley</i>			
<i>In re Stack's Will</i>			
<b>COLBY CHEESE BOX CO. v. DALLENDORFER</b>			
<i>Lawrence v. Wisconsin Tax Com.</i>			
<i>Bosworth v. Greiling</i>			
<i>Corman v. Lex Const. Co.</i>			
<b>ESTATE OF STELTER: FARR v. SCHROEDER</b>			
<i>In re Stubbs' Will</i>			
<i>Baumann v. Eva-Caroline Home Laundry</i>			
<i>Blazei v. Cologne</i>			
<i>Caroline State Bank v. Radtke</i>			
<i>Cummings v. Nelson</i>			
<b>CUSHMAN v. ESTATE OF CUSHMAN</b>			
<i>Employers' Mut. Liability Ins. Co. v. Industrial Com.</i>			
<i>Ewert v. Hammer</i>			
<i>Kline v. Fritsch</i>			
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<i>Middleton v. Lathers</i>			
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<i>North Shore Material Co. v. Frank W. Blodgett, Inc.</i>			
<b>PACKARD v. INDUSTRIAL COMM'N</b>			
<i>Prudential Ins. Co. v. Paris Mut. Fire Ins. Co.</i>			
<i>Shefelker v. First Nat'l Bank</i>			
<i>State ex rel. Connor Lumber &amp; Land Co. v. Circuit Court for Milwaukee County</i>			
<i>State ex rel. Mayer v. Schuffenhauer</i>			
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<i>Wisniewski v. Belmont</i>			
<i>Wittenberg v. Lehman</i>			
<i>Kannenberg Granite Co. v. Industrial Com.</i>			
<i>Klatt v. Guaranteed Bond Co.</i>			
<i>Mader v. Boehm</i>			
<i>Ritsch v. Guaranteed Bond Co.</i>			
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<i>Richland County Bank v. Joint School Dist.</i>			
<i>THEILER v. CONSOLIDATED INDEM. &amp; INS. CO.</i>			
<i>Bernhagen v. Marathon Finance Corp.</i>			
<i>Central Wisconsin Trust Co. v. Northwestern Sec. Co.</i>			
<i>Chevinskas v. Wilcox</i>			
<i>Coules v. Pharris</i>			
<i>ESTATE OF KRAUSS: BANK OF SHEBOYGAN v. BRUNS</i>			
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<i>Fischbach v. Wanta</i>			
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<i>Johnson v. Chicago &amp; N. W. R. Co.</i>			
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<i>McKinnon v. Massachusetts Bonding &amp; Ins. Co.</i>			
<i>GOLDSWORTHY v. INDUSTRIAL COMM'N</i>			
<i>Haase v. Kingston Co-op. Creamery Ass'n</i>			
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<i>Milwaukee Restaurant Co. v. Henrikson</i> (per curiam, 6-0)			
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<i>In re Estate of Lehner</i> (per curiam, 6-0)			
<i>Kuchenreuther v. Chicago, M., S. P. &amp; P. R. Co.</i> (per curiam, 6-0)			
<i>MADSON v. INDUSTRIAL COMM'N</i> (per curiam, 6-0)			
<i>Schmitz v. Pierron</i> (per curiam, 6-0)			
<i>St. John's Evangeleical Lutheran Congregation v. Koehn</i> (per curiam, 6-0)			
<i>Weidner v. Hyland</i> (5-0)			
<i>Mutual Bldg. &amp; Sav. Ass'n v. American Surety Co.</i> (5-0)			
<i>In re Breidenbach</i> (5-0)			

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.<sup>2</sup>

## All Cases

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Wickhem	358	362	<b>99%</b>
Fairchild	357	362	<b>99%</b>
Fritz	355	361	<b>98%</b>
Rosenberry	361	363	<b>99%</b>
Fowler	357	363	<b>98%</b>
Nelson	361	363	<b>99%</b>
Owen	194	199	<b>97%</b>

## Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Wickhem	15	19	<b>79%</b>
Fairchild	14	19	<b>74%</b>
Fritz	13	19	<b>68%</b>
Rosenberry	17	19	<b>89%</b>
Fowler	13	19	<b>68%</b>
Nelson	17	19	<b>89%</b>
Owen	6	11	<b>55%</b>

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<sup>2</sup> As explained in the introduction, the figures for Justice Owen should be considered cautiously.

Opinions Authored<sup>3</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.<sup>4</sup>

Opinion Author	7-0 (or 6-0, 5-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
Wickhem	48	1	2	0
Fairchild	51	2	0	0
Fritz	44	1	0	2
Rosenberry	44	2	2	1
Fowler	55	2	1	0
Nelson	42	1	0	0
Owen	17	2	0	0

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

<sup>3</sup> *Per curiam* decisions are omitted.

<sup>4</sup> As explained in the introduction, the information for Justice Owen in the first table should be considered cautiously.

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 Owen voted together in 27% of the decisions, while the figure for Justices Wickhem and Rosenberry was 68%.<sup>5</sup>

Agreement Between Pairs of Justices—All Decisions

	Fairchild	Fritz	Rosenberry	Fowler	Nelson	Owen
Wickhem	352/361=98%	350/360=97%	356/362=98%	356/362=98%	356/362=98%	196/199=98%
	Fairchild	352/361=98%	355/362=98%	351/362=97%	357/362=99%	190/198=96%
		Fritz	355/361=98%	353/361=98%	355/361=98%	190/198=96%
			Rosenberry	355/363=98%	359/363=99%	192/199=96%
				Fowler	355/363=98%	198/199=99%
					Nelson	193/199=97%
						Owen

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Fairchild	Fritz	Rosenberry	Fowler	Nelson	Owen
Wickhem	10/19=53%	9/19=47%	13/19=68%	13/19=68%	13/19=68%	8/11=73%
	Fairchild	10/19=53%	12/19=63%	8/19=42%	14/19=74%	3/11=27%
		Fritz	13/19=68%	11/19=58%	13/19=68%	3/11=27%
			Rosenberry	11/19=58%	15/19=79%	4/11=36%
				Fowler	11/19=58%	10/11=91%
					Nelson	5/11=45%
						Owen

<sup>5</sup> As explained in the introduction, figures involving Justice Owen should be regarded cautiously.