Four-to-Three Decisions

There were no 4-3 decisions this term—an extremely unusual development, primarily due to Justice Vinje's unavailability explained in this post's introduction. Had he been able to participate, the four decisions deadlocked by 3-3 votes (*In re Relocation of County Highway J*, *Gooder v. State*, *In re Will of Ott*, and *State ex rel. Dammann v. Ballard*) would have generated 4-3 outcomes.

Decisions by Vote Split¹

7-0 (or 6-0, 5-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
362/385 (94%)	19/385 (5%)	4/385 (1%)	0/385 (0%)
Chicago & Northwestern R. Co. v.	Aberg v. Moe	Baumgartner v. State	
Wisconsin Tax Comm.	D GI	D 101 1 7 D C	
Will of Hoege	Baxter v. Sleeman	Brown v. Milwaukee T. R. Co. (4-2)	
Korpela v. Ahola	Brockman v. Brandenburg	Columbia Bank v. Morgan	
Chicago, B. & Q. R. Co. v. Railroad Com. of Wisconsin	Christensen v. Schwartz	Usiak v. Kubiak	
Fitger Co. v. Kremer	Chruscicki v. Hinrichs		
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Swift & Co. v. Geraghty	Halamka v. Schneider		
ESTATE OF AYLWARD: THE STATE v. AYLWARD	Kroehler v. Arntz		
Lu May v. Van Drisse Motors, Inc.	Nelson v. Duluth S. R. Co.		
In re Monaghan's Will	Rang v. Klawun		
Leach Co. v. Clark	Schilling v. Milwaukee Bedding Co		
Grandhagen v. Grandhagen	State v. Olson		
State ex rel. Baxter v. Superior	Wandersee v. Indus. Comm'n		
Westboro Lumber Co. v. Schwenker	Allen v. Ross		
Hamus v. Weber	Shea v. Shea		
Zerbel v. Supreme Assembly, E. F. U.	State ex rel. McDonald v. Nemachek		
Chicago, M. S. P. & P. R. Co. v. Wolf	Timme v. Squires		
Plumbers' Woodwork Co. v. Merchants'	Whiting-Plover Paper Co. v.		
Credit & Adjustment Bureau	Linwood		
State ex rel. Guse v. Agnew	WILL OF JOHNSON		
Galenis v. State			
Frederick v. State			
Wisconsin Public Service Corp. v. Wisconsin Tax Com.			
Plankinton Packing Co. v. Wisconsin Tax Com.			
Lott v. Grant			
Hedberg v. Dettling			
United Paper Corp. v. Lietz			
Christensen v. Petersen			
Scales v. Boynton Cab Co.			
Plankinton Bldg. Properties, Inc. v. Hurley-Reilly Co.			
Tigerton Lumber Co. v. Tigerton			
State ex rel. Borden Co. v. Dammann			
Fenelon v. State			
Milwaukee v. Meyer			
Schwartz v. Woodmen Acc. Co.			
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As explained in this post's introductory comments, certain justices were not on the court for the entire term, and it is not always possible to determine precisely when they began, or ceased, to participate in decisions. Consequently, while the *totals* are accurate for each of the four columns in this table, I have not disaggregated the votes in individual columns (for example, I have not tried to establish how many decisions in the first column were 7-0, how many were 6-0, and so on).

¹ Occasionally, a justice will author a separate opinion that concurs in part and dissents in part. For SCOWstats tables, each such vote is 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 is 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 is classified as a concurrence.

State ex rel. Spencer v. Freedy		
Retelle v. State		
Schwenker v. Johnson		
Schwenker v. Thompson		
Borger v. McKeith		
Ansorge v. Green Bay		
Schlesinger v. State		
Ross v. State Bank of Trego		
Nash Sales, Inc. v. Milwaukee		
State ex rel. Blockwitz v. Diehl		
Schaefer v. Hoffman		
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RAILROAD COMM'N OF WISCONSIN		
ESTATE OF NEITMAN: PROCHNOW v.		
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Larson v. Koller		
State ex rel. Danielsen v. Washbush	 	
Ortiz v. State		
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STATE ex rel. MANDELKER v. MANDELKER		
Nelson v. Milwaukee E. R. & L. Co.		
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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
Crownhart	378	384	98%
Rosenberry	384	385	99.7%
Stevens	378	380	99%
Owen	383	385	99%
Eschweiler	367	383	96%
Doerfler	325	325	100%
Fowler	56	56	100%
Fritz	24	24	100%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Crownhart	17	23	74%
Rosenberry	22	23	96%
Stevens	21	23	91%
Owen	21	23	91%
Eschweiler	7	23	30%
Doerfler	20	20	100%
Fowler	3	3	100%
Fritz	0	0	

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 dissented without authoring an opinion, he is not credited.

Opinion Author	7-0 (or 6-0, 5-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
Crownhart	50	3	0	0
Rosenberry	48	4	1	0
Stevens	49	5	0	0
Owen	38	5	0	0
Eschweiler	41	1	2	0
Doerfler	28	1	1	0
Fowler	10	0	0	0
Fritz	2	0	0	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Crownhart	0	4
Rosenberry	0	0
Stevens	0	1
Owen	0	2
Eschweiler	0	3
Doerfler	0	0
Fowler	0	0
Fritz	0	0

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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 <u>second</u> table, for instance, one finds that Justices Crownhart and Eschweiler voted together in 22% of the decisions, while the figure for Justices Rosenberry and Owen was 87%.

Agreement Between Pairs of Justices—All Decisions

	Rosenberry	Stevens	Owen	Eschweiler	Doerfler	Fowler	Fritz
Crownhart	377/384= 98%	371/379= 98%	378/384= 98%	364/382= 95%	318/324= 98%	56/56=100%	24/24= 100%
	Rosenberry	377/380= 99%	382/385= 99%	366/383= 96%	324/325= 99.7%	56/56=100%	24/24=100%
		Stevens	378/380= 99%	360/378= 95%	319/321= 99%	55/55=100%	24/24=100%
			Owen	365/383= 95%	323/325= 99%	56/56=100%	24/24= 100%
				Eschweiler	310/323= 96%	53/56= 95%	24/24= 100%
					Doerfler		
						Fowler	22/22=100%
							Fritz

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Rosenberry	Stevens	Owen	Eschweiler	Doerfler	Fowler	Fritz
Crownhart	16/23= 70%	15/23= 65%	17/23= 74%	5/23= 22%	14/20= 70%	3/3=100%	
	Rosenberry	20/23= 87%	20/23= 87%	6/23= 26%	19/20= 95%	3/3=100%	
		Stevens	21/23= 91%	5/23= 22%	18/20= 90%	3/3=100%	
			Owen	5/23= 22%	18/20= 90%	3/3=100%	
				Eschweiler	7/20= 35%	0/3=0%	
					Doerfler		
						Fowler	
							Fritz