# Four-to-Three Decisions

Justices		Case Names
Rosenberry, Owen, Doerfler, Stevens	1	Guse v. Industrial Com.
Crownhart, Rosenberry, Owen, Doerfler	1	Dauphin v. Landrigan
Crownhart, Owen, Vinje, Jones	1	Steber v. Norris
Rosenberry, Eschweiler, Doerfler, Vinje	1	State ex rel. Park Falls Lumber Co. v. Stauber
Crownhart, Owen, Vinje, Stevens	1	Marion v. Southern Wisconsin Power Co.
Crownhart, Rosenberry, Owen, Stevens	1	Wait v. Pierce
Crownhart, Rosenberry, Eschweiler, Doerfler	1	Kolber v. Steinhafel
Crownhart, Eschweiler, Vinje, Stevens	1	Krueger v. Groth
Crownhart, Owen, Doerfler, Stevens	1	Sanborn v. Miski

#### 4-3 Alignments

### 4-3 Membership in the Majority

Justice	Votes
Crownhart	7
Rosenberry	5
Owen	6
Eschweiler	3
Doerfler	5
Vinje	4
Stevens	5
Jones	1

### 4-3 Majority Opinions Authored

	Opinions
Crownhart	1
Rosenberry	4
Owen	1
Eschweiler	2
Doerfler	0
Vinje	0
Stevens	0
Jones	1
Total	9

7-0 (or 6-0)	Decisions by Vote S 6-1 (or 5-1)	5-2 (or 4-2)	4-3
271/304 (89%)	16/304 (5%)	<u>8/304 (3%)</u>	9/304 (3%)
Black v. Whitewater Commercial & Sav. Bank	Switzer v. Detroit Inv. Co.	McCoy v. Terhorst	Guse v. Industrial Com.
Brzezinski v. Lakeside Packing Co.	Walloch v. Washkowiak	Testolin v. State	Dauphin v.
Brzezinski v. Eukestae I deking Co.	Walloch V. Washkowlak	restout v. state	Landrigan
Davison v. Green Lake State Bank	In re Pierce	St. Vincent's	Steber v. Norris
		Infant Asylum v.	
		Central Wisconsin	
Dekorra v. Wisconsin River Power	Purpero v. State	Trust Co. Stewart v. Olson	State ex rel. Park
Co.	Purpero V. Siale	Slewari V. Olson	Falls Lumber Co.
			v. Stauber
Dockry v. Isaacson	Weiler v. Herzfeld-	Will of Pattison	Marion v. Southern
	Phillipson Co.	-	Wisconsin Power
			Co.
Ernst v. Ernst	ESTATE OF CARLIN:	In re Dancy	WAIT v. PIERCE
Estate of Hart	EVANS v. CARLIN Evans-Lee Co. v. Hoton	Drainage Dist. Will of Golz	KOLBER v.
Esture of Hari	Evans-Lee Co. v. Holon	will of Goiz	STEINHAFEL
Estate of Wallschlaeger	Oconto County v. Union	Barry v. State	Krueger v. Groth
	Mfg. Co.		
Genske v. Jensen	Weber v. State		Sanborn v. Miski
Girman v. Hampel	ESTATE OF ALLIS:		
	HARRISON v. FIRST		
	WISCONSIN TRUST CO.		
In re Will of Shaver	LARSON v. MENNES		
Jacobs v. Grigsby	RAISSL v. LOSKOT		
La Valley v. State	Ward v. Prospect Manor		
	Corp.		
Mahoney v. Kennedy	Werner v. State		
Muirhead v. Bruns	Town of New Holstein v.		
	Indus. Comm'n of Wis.		
Netherton v. Frank Holton & Co. [189 Wis. 461]	Wisconsin Mut. Liability Co. v. Industrial Com.		
Ortmann v. A. Leath & Co.	Co. v. maustriai Com.		
Paladino v. State			
PIERCE v. INDUSTRIAL COMM'N			
OF WISCONSIN			
Renne v. Volk			
Sheldon v. Blackman			
Stangarone v. Jacobs			
State v. Halvorson			
Union Indem. Co. v. Railroad Com. Wills v. Wisconsin-Minnesota Light			
& Power Co.			
(continued on following page)	1	I	1

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

<sup>&</sup>lt;sup>1</sup> 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.

As explained in this post's introductory comments, certain justices were not on the court for the entire term, and it is not 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
Wisconsin Traction, Light, Heat &		
Power Co. v. Green Bay &		
Mississippi Canal Co.		
Bussewitz v. Wisconsin Teachers'		
Ass'n		
Chicago & N. W. R. Co. v. Railroad		
Com. of Wisconsin		
Chippewa Power Co. v. Railroad		
Com. of Wisconsin		
Du Rocher v. Teutonia Motor Car		
Co.		
Endish v. State		
Glasheen v. State		
Hansen v. State		
Hobbs v. Nelson		
In re Keenan's Will		
In re Ray's Will		 
Journal Co. v. General Acc. Fire &		
Life Assurance Corp.		
Kocha v. Union Transfer Co.		
Leigh Aitchison, Inc. v. Industrial		
Com.		
Martins v. Bauer		
Maryland Casualty Co. v. Eagle		
River Union Free High School Dist.		
Mueller v. Schier		
National Bond & Inv. Co. v. Nash		
Sales Co.		
NICHOLS, NORTH, BUSE CO. v.		
CANNERY		
Owens v. Hughes		
Rohan Motor Co. v. Industrial Com.		
of Wisconsin		
Schneider v. Steindler		
Schopps v. Schopps Simonsen v. Froedtert Lumber Co.		
Smader v. Columbia Wisconsin Co.		
Stojic v. Industrial Com.		
Trester & Trester v. Kahn		
Wallace v. Newdale Furniture Co.		
Weiberg v. Kellogg		
WESTERLUND v. HAMLIN		
Will of Mueller		
Babe v. Lappin		
Brenner v. Arnovitz		
Buxbaum v. G. H. P. Cigar Co.		
Callies v. Reliance Laundry Co.		
Chain Belt Co. v. Indus. Comm'n of		
Wis.		
Erbach v. Brauer		
EFFACE V. BRAUER ESTATE OF WAKEFIELD		
First Nat'l Bank v. Pohland		
GERBER v. WLOSZCZYNSKI		
Hodgson v. Wisconsin Gas &		
Electric Co.		
In re Milwaukee Electric R. & L. Co.		
Jones v. Holland Furnace Co.		
Klug & Smith Co. v. Indus. Comm'n		
of Wis.		
(continued on following page)	<u>.</u>	 

Lauran v Dankawaki	
Langen v. Borkowski	
Lupinski & Wolff v. Industrial Com.	
Mitchell Realty Co. v. West Allis	
Morgan v. Dornbrook	
Smith v. Clayton Const. Co.	
Sprague v. State	
State ex rel. Harbach v. Milwaukee	
State ex rel. O'Neil v. Blied	
THUNDER LAKE LUMBER CO. v.	
INDUSTRIAL COMM'N OF	
WISCONSIN	
Velte v. Zeh	
WISCONSIN FACE & FIRE BRICK	
CO. v. SOUTHERN SUR. CO.	
Zimmers v. Milwaukee	
ZWEIFEL v. CITY OF	
MILWAUKEE	
Cunneen v. Kalscheuer	
De Swarte v. First Nat'l Bank	
Netherton v. Frank Holton & Co.	
[189 Wis. 465]	
Van Dunk v. Chicago & N. W. R.	
Co.	
Anglo American Mill Co. v.	
Wisconsin Hydro Electric Co.	
Bank of Prentice v. Beyer	
Berghammer v. Mayer	
Blum Bros. Box Co. v. Stumbaugh	
Bohnert v. Radke	
Borowicz v. Hamann	
Buckley v. Washington County	
Burgin v. Deuel	
Darling v. Mattoon State Bank	
Darling v. Williams	
Dunbar v. Oconomowoc Cemetery	
Ass'n	
Evenson v. Waukesha Nat'l Bank	
Fontaine v. Riley	
Gilbert v. Wittenberg	
Hahn v. Petters & Co.	
Henbest v. Chicago, M. & S. P. R. Co.	
Janssen v. Voss	
Jeffery v. Kewaunee, G. B. & W. R.	
Co.	
Karlen v. Trickel	
Nelson v. Gunderson	
Northwestern Mut. Life Ins. Co. v.	
State	
O'Neil v. State	
PAPKE v. HAERLE	
Park Falls Lumber Co. v. American	
Appraisal Co.	
Peterson v. Phillips	
Smith v. Nichols Land Co.	
State ex rel. Allis v. Circuit Court of	
Milwaukee County	
State ex rel. Rogers v. Soliday	
State v. Burke	
Wausau Canning Co. v. Woodruff	
(continued on following page)	

Wright v. Friedman Dep't Store Co.		
B. Heinemann Lumber Co. v.		
Williams		
Bissell Lumber Co. v. Northwestern		
Casualty & Surety Co.		
Bosshard v. Hotchkiss		
Day-Bergwall Co. v. State		
Degutes v. State		
ESTATE OF MENZNER:		
MENZNER v. MARATHON		
COUNTY BANK		
ESTATE OF SCHAEFER		
ESTATE OF SKINNER:		
ANDERSON v. KENDALL		
Ex parte Bellmore		
First Nat'l Bank v. Hizer		
Fraccaro v. State		
Harding v. Jesse		
In re Weidman's Will		
Kitch v. Northwestern Nat'l Ins. Co.		
LUTZ v. DUNN		
Mayfield Woolen Mills v. Goodrich		
& Martineau Co.		
Paschke v. Stoller		
Sawyer County v. Frets		
Smith v. Grimshaw		
Stoffle v. Hilker		
Suring v. Suring State Bank		
Waterman v. Hantke		
Wilks v. McGovern-Place Oil Co.		
Windshl v. State		
Wujcik v. Globe & Rutgers Fire Ins.		
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Badger Dairy Co. v. Hansen		
Balvoll v. Pinnow		
Bartkus v. Albers		
BERGMAN V. STATE		
Butcher v. Racine		
Cutler-Hammer Mfg. Co. v. Phillip		
Gross Hardware & Supply Co.		
ESTATE OF BRIGGS		
ESTATE OF MCDOUGALL:		
MCDOUGALL v. FORCE		
Frihart v. State		
Genske v. Christensen	 	
Hannan v. Harper		
In re McLean's Estate		
JICHA v. STATE		
KRAMER v. NELSON		
LEICKEM v. BABE		
Mergener v. Fuhr		
Nack v. State		
North America Realty Co. v.		
Milwaukee		
Pabst Corp. v. Milwaukee		
Peterson v. Simms		
Riesen v. School Dist.		
State ex rel. Federal Mut. Auto. Ins.		
Co. v. Kellogg		
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ESTATE OF WIEHE: EDWARD	
HINES LUMBER CO. v. WIEHE	
Fox v. Koehnig	
FRANCKEN v. STATE	
Heinemann Bros. Co. v. Wendt	
Hustisford v. Knuth	 
In re Fuller's Will	
In re Willing's Will	 
Knickerbocker v. Beaudette Garage	
Co.	
Larsen v. State	
Pfaudler Co. v. Westphal	
Prahl v. Hogensen	
Rubach v. Prahl	
Russell v. King	
Sattler v. Niederkorn	
Schraeder v. Koopman	
SPOHN v. NATIONAL FIRE INS.	
СО.	
State ex rel. Brown v. Haney	
State ex rel. Fugina v. Pierce	
State ex rel. Milwaukee Gas Light	
Co. v. Arnold	
State ex rel. Nyberg v. Board of	
School Directors	
Waukesha Gas & Electric Co. v.	
Waukesha Motor Co.	
Wescott v. Catencamp	
White v. Perry	
Williams v. National Casualty Co.	
Advance-Rumely Thresher Co. v.	
Born	
Agnew v. Hotchkiss	
CLIFTON v. SMITH	
Cream City Foundry Co. v.	
Industrial Com.	
Dansbery v. Northern States Power Co.	
Eastway v. State	
Ehrmann v. Cudahy Bros. Co.	
ESTATE OF DOHM: BALTES v.	
KLIEF	
Fifer v. State	
First Wisconsin Nat'l Bank v.	
First Wisconsin Nat't Bank V. Forsyth Leather Co.	
HAGEMAN v. ULE	
Hjelming v. La Crosse County In re Fortner's Will	
Iowa County Bank v. Graber	
Janz v. Rounds	
JOHNSON v. BANK OF NEW	
RICHMOND	
LEE v. JENSEN	
LLOYD-MCALPINE LOGGING	
CO. v. INDUSTRIAL COMM'N OF	
WISCONSIN	
Mattson v. Wagstad	
Porter v. Travelers' Ins. Co.	
Rocheleau v. Consolidated Water	
Power & Paper Co.	
(continued on following page)	

Schneider v. Eckhoff		
Seifert v. Northwestern Nat'l Ins.		
Co.		
Shockley v. Roelli		
State ex rel. Schiewitz v. Wisconsin		
Real Estate Brokers' Board		
State v. Grosnickle		
White Const. Co. v. Beloit		
Yawkey-Crowley Lumber Co. v.		
Sinaiko		
Zeidler v. State		
Hiller v. State		
Capital City Lumber Co. v. Olson		
Fidelity & Casualty Co. v. Johnson		
Walworth v. Chicago, H. & G. L. R.		
Co.		
York v. Cole		
State ex rel. Ekern v. Milwaukee		
Netherton v. Frank Holton & Co.		
(per curiam) [189 Wis. 470]		
VILLAGE OF LINDEN v.		
INDUSTRIAL COMM'N OF		
WISCONSIN (per curiam)		
Estate of Schlesinger (per curiam)		

### 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.

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Crownhart	293	303	97%
Rosenberry	294	304	97%
Owen	299	304	98%
Eschweiler	287	304	94%
Doerfler	298	304	98%
Vinje	297	304	98%
Stevens	174	177	98%
Jones	87	88	99%

#### All Cases

#### Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Crownhart	23	33	70%
Rosenberry	23	33	70%
Owen	28	33	85%
Eschweiler	16	33	48%
Doerfler	27	33	82%
Vinje	26	33	79%
Stevens	18	21	86%
Jones	6	7	86%

## 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.

<b>Opinion Author</b>	7-0 (or 6-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
Crownhart	42	2	0	1
Rosenberry	38	0	1	4
Owen	43	3	0	1
Eschweiler	36	4	2	2
Doerfler	36	3	0	0
Vinje	38	1	4	0
Stevens	21	3	0	0
Jones	14	0	1	1

<b>Opinion Author</b>	Concurring Opinions	Dissenting Opinions
Crownhart	0	6
Rosenberry	0	1
Owen	1	2
Eschweiler	0	7
Doerfler	0	1
Vinje	0	1
Stevens	0	0
Jones	1	0

<sup>&</sup>lt;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 <u>second</u> table, for instance, one finds that Justices Crownhart and Eschweiler voted together in 36% of the decisions, while the figure for Justices Rosenberry and Owen was 61%.

	Rosenberry	Owen	Eschweiler	Doerfler	Vinje	Stevens	Jones
Crownhart	283/303= <b>93%</b>	292/303= <b>96%</b>	282/303= <b>93%</b>	287/303= <b>95%</b>	288/303= <b>95%</b>	169/176= <b>96%</b>	84/88= <b>95%</b>
	Rosenberry	291/304= <b>96%</b>	285/304= <b>94%</b>	296/304= <b>97%</b>	291/304= <b>96%</b>	168/177= <b>95%</b>	85/88= <b>97%</b>
		Owen	282/304= <b>93%</b>	295/304= <b>97%</b>	294/304= <b>97%</b>	174/177= <b>98%</b>	86/88= <b>98%</b>
			Eschweiler	289/304= <b>95%</b>	288/304= <b>95%</b>	166/177= <b>94%</b>	85/88= <b>97%</b>
				Doerfler	293/304= <b>96%</b>	170/177= <b>96%</b>	85/88= <b>97%</b>
					Vinje	171/177= <b>97%</b>	87/88= <b>99%</b>
						Stevens	
							Jones

#### Agreement Between Pairs of Justices-All Decisions

### Agreement Between Pairs of Justices-Non-Unanimous Decisions

	Rosenberry	Owen	Eschweiler	Doerfler	Vinje	Stevens	Jones
Crownhart	13/33= <b>39%</b>	22/33= <b>67%</b>	12/33= <b>36%</b>	17/33= <b>52%</b>	18/33= <b>55%</b>	14/21= <b>67%</b>	3/7= <b>43%</b>
	Rosenberry	20/33= <b>61%</b>	14/33= <b>42%</b>	25/33= <b>76%</b>	20/33= <b>61%</b>	12/21= <b>57%</b>	4/7= <b>57%</b>
		Owen	11/33= <b>33%</b>	24/33= <b>73%</b>	23/33= <b>70%</b>	18/21= <b>86%</b>	5/7= <b>71%</b>
			Eschweiler	18/33= <b>55%</b>	17/33= <b>52%</b>	10/21= <b>48%</b>	4/7= <b>57%</b>
				Doerfler	22/33= <b>67%</b>	14/21= <b>67%</b>	4/7= <b>57%</b>
					Vinje	15/21= <b>71%</b>	6/7= <b>86%</b>
						Stevens	
							Jones