

Four-to-Three Decisions

4-3 Alignments

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

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

Decisions by Vote Split¹

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

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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. 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).

<i>Wisconsin Traction, Light, Heat & Power Co. v. Green Bay & Mississippi Canal Co.</i>			
<i>Bussewitz v. Wisconsin Teachers' Ass'n</i>			
<i>Chicago & N. W. R. Co. v. Railroad Com. of Wisconsin</i>			
<i>Chippewa Power Co. v. Railroad Com. of Wisconsin</i>			
<i>Du Rocher v. Teutonia Motor Car Co.</i>			
<i>Endish v. State</i>			
<i>Glasheen v. State</i>			
<i>Hansen v. State</i>			
<i>Hobbs v. Nelson</i>			
<i>In re Keenan's Will</i>			
<i>In re Ray's Will</i>			
<i>Journal Co. v. General Acc. Fire & Life Assurance Corp.</i>			
<i>Kocha v. Union Transfer Co.</i>			
<i>Leigh Aitchison, Inc. v. Industrial Com.</i>			
<i>Martins v. Bauer</i>			
<i>Maryland Casualty Co. v. Eagle River Union Free High School Dist.</i>			
<i>Mueller v. Schier</i>			
<i>National Bond & Inv. Co. v. Nash Sales Co.</i>			
<i>NICHOLS, NORTH, BUSE CO. v. CANNERY</i>			
<i>Owens v. Hughes</i>			
<i>Rohan Motor Co. v. Industrial Com. of Wisconsin</i>			
<i>Schneider v. Steindler</i>			
<i>Schopps v. Schopps</i>			
<i>Simonsen v. Froedtert Lumber Co.</i>			
<i>Smader v. Columbia Wisconsin Co.</i>			
<i>Stojic v. Industrial Com.</i>			
<i>Trester & Trester v. Kahn</i>			
<i>Wallace v. Newdale Furniture Co.</i>			
<i>Weiberg v. Kellogg</i>			
<i>WESTERLUND v. HAMLIN</i>			
<i>Will of Mueller</i>			
<i>Babe v. Lappin</i>			
<i>Brenner v. Arnovitz</i>			
<i>Buxbaum v. G. H. P. Cigar Co.</i>			
<i>Callies v. Reliance Laundry Co.</i>			
<i>Chain Belt Co. v. Indus. Comm'n of Wis.</i>			
<i>Erbach v. Brauer</i>			
<i>ESTATE OF WAKEFIELD</i>			
<i>First Nat'l Bank v. Pohland</i>			
<i>GERBER v. WLOSZCZYNSKI</i>			
<i>Hodgson v. Wisconsin Gas & Electric Co.</i>			
<i>In re Milwaukee Electric R. & L. Co.</i>			
<i>Jones v. Holland Furnace Co.</i>			
<i>Klug & Smith Co. v. Indus. Comm'n of Wis.</i>			

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

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<i>Wright v. Friedman Dep't Store Co.</i>			
<i>B. Heinemann Lumber Co. v. Williams</i>			
<i>Bissell Lumber Co. v. Northwestern Casualty & Surety Co.</i>			
<i>Bosshard v. Hotchkiss</i>			
<i>Day-Bergwall Co. v. State</i>			
<i>Degutes v. State</i>			
ESTATE OF MENZNER: <i>MENZNER v. MARATHON COUNTY BANK</i>			
ESTATE OF SCHAEFER			
ESTATE OF SKINNER: <i>ANDERSON v. KENDALL</i>			
<i>Ex parte Bellmore</i>			
<i>First Nat'l Bank v. Hizer</i>			
<i>Fraccaro v. State</i>			
<i>Harding v. Jesse</i>			
<i>In re Weidman's Will</i>			
<i>Kitch v. Northwestern Nat'l Ins. Co.</i>			
LUTZ v. DUNN			
<i>Mayfield Woolen Mills v. Goodrich & Martineau Co.</i>			
<i>Paschke v. Stoller</i>			
<i>Sawyer County v. Frets</i>			
<i>Smith v. Grimshaw</i>			
<i>Stoffle v. Hilker</i>			
<i>Suring v. Suring State Bank</i>			
<i>Waterman v. Hantke</i>			
<i>Wilks v. McGovern-Place Oil Co.</i>			
<i>Windahl v. State</i>			
<i>Wujcik v. Globe & Rutgers Fire Ins. Co.</i>			
<i>Badger Dairy Co. v. Hansen</i>			
<i>Balvoll v. Pinnow</i>			
<i>Bartkus v. Albers</i>			
BERGMAN v. STATE			
<i>Butcher v. Racine</i>			
<i>Cutler-Hammer Mfg. Co. v. Phillip Gross Hardware & Supply Co.</i>			
ESTATE OF BRIGGS			
ESTATE OF MCDUGALL: <i>MCDUGALL v. FORCE</i>			
<i>Frihart v. State</i>			
<i>Genske v. Christensen</i>			
<i>Hannan v. Harper</i>			
<i>In re McLean's Estate</i>			
JICHA v. STATE			
KRAMER v. NELSON			
LEICKEM v. BABE			
<i>Mergener v. Fuhr</i>			
<i>Nack v. State</i>			
<i>North America Realty Co. v. Milwaukee</i>			
<i>Pabst Corp. v. Milwaukee</i>			
<i>Peterson v. Simms</i>			
<i>Riesen v. School Dist.</i>			
<i>State ex rel. Federal Mut. Auto. Ins. Co. v. Kellogg</i>			

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<i>State ex rel. Nichols v. Circuit Court of Outagamie County</i>			
<i>Wagner-Larscheid Co. v. Fairview Mausoleum Co.</i>			
<i>Zitron v. Milwaukee</i>			
<i>Ableman v. Holman</i>			
<i>BELMONT STATE BANK v. ESTATE OF SPETH</i>			
<i>Benedict v. State</i>			
<i>Calumet Auto Co. v. Diny</i>			
<i>Carver v. State</i>			
<i>Continental Casualty Co. v. Woerpel</i>			
<i>Coon Valley v. Spellum</i>			
<i>Delap v. Liebenson</i>			
<i>Edwards v. State</i>			
<i>Emerson v. Old Line Life Ins. Co.</i>			
<i>ESTATE OF KAYSER: ELLIS v. KAYSER</i>			
<i>Green Lake County v. Leon</i>			
<i>HILLMAN v. INDUSTRIAL COMM'N OF WISCONSIN</i>			
<i>HOGENSEN v. PRAHL</i>			
<i>In re Heymann's Will</i>			
<i>In re Ritchie's Will</i>			
<i>Koehler v. Waukesha Milk Co.</i>			
<i>Langlade v. Crocker Chair Co.</i>			
<i>Lasecki v. State</i>			
<i>Lemke v. First Nat'l Bank</i>			
<i>New Amsterdam Casualty Co. v. Chicago & N. W. R. Co.</i>			
<i>Oakes & Burger Co. v. Madison Dairy Supply Co.</i>			
<i>Paine v. Oshkosh</i>			
<i>Petfalski v. Winkel Garage Co.</i>			
<i>Plantikow v. Wolk</i>			
<i>Reiser v. State</i>			
<i>Scott v. State</i>			
<i>Seffens v. Carisch</i>			
<i>State v. Kollat</i>			
<i>State v. Wuest</i>			
<i>Stokdyk v. Schmidt</i>			
<i>Tischendorf v. Lynn Mut. Fire Ins. Co.</i>			
<i>Warsco v. Oshkosh Sav. & Trust Co.</i>			
<i>Watson v. State</i>			
<i>Wilder v. Miller</i>			
<i>Wisconsin Mirror Plate Co. v. Fidelity & Deposit Co.</i>			
<i>Behling v. Milwaukee</i>			
<i>Boehm v. State</i>			
<i>Bray v. Jones</i>			
<i>Bryden v. Priem</i>			
<i>Central Wisconsin Power Co. v. Wisconsin Traction, Light Heat & Power Co.</i>			
<i>ESTATE OF LIBBY: CENTRAL WISCONSIN TRUST CO. v. LIBBY</i>			

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<i>ESTATE OF WIEHE: EDWARD HINES LUMBER CO. v. WIEHE</i>			
<i>Fox v. Koehnig</i>			
<i>FRANCKEN v. STATE</i>			
<i>Heinemann Bros. Co. v. Wendt</i>			
<i>Hustisford v. Knuth</i>			
<i>In re Fuller's Will</i>			
<i>In re Willing's Will</i>			
<i>Knickerbocker v. Beaudette Garage Co.</i>			
<i>Larsen v. State</i>			
<i>Pfaudler Co. v. Westphal</i>			
<i>Prahl v. Hogensen</i>			
<i>Rubach v. Prahl</i>			
<i>Russell v. King</i>			
<i>Sattler v. Niederkorn</i>			
<i>Schraeder v. Koopman</i>			
<i>SPOHN v. NATIONAL FIRE INS. CO.</i>			
<i>State ex rel. Brown v. Haney</i>			
<i>State ex rel. Fugina v. Pierce</i>			
<i>State ex rel. Milwaukee Gas Light Co. v. Arnold</i>			
<i>State ex rel. Nyberg v. Board of School Directors</i>			
<i>Waukesha Gas & Electric Co. v. Waukesha Motor Co.</i>			
<i>Wescott v. Catencamp</i>			
<i>White v. Perry</i>			
<i>Williams v. National Casualty Co.</i>			
<i>Advance-Rumely Thresher Co. v. Born</i>			
<i>Agnew v. Hotchkiss</i>			
<i>CLIFTON v. SMITH</i>			
<i>Cream City Foundry Co. v. Industrial Com.</i>			
<i>Dansbery v. Northern States Power Co.</i>			
<i>Eastway v. State</i>			
<i>Ehrmann v. Cudahy Bros. Co.</i>			
<i>ESTATE OF DOHM: BALTES v. KLIEF</i>			
<i>Fifer v. State</i>			
<i>First Wisconsin Nat'l Bank v. Forsyth Leather Co.</i>			
<i>HAGEMAN v. ULE</i>			
<i>Hjelming v. La Crosse County</i>			
<i>In re Former's Will</i>			
<i>Iowa County Bank v. Graber</i>			
<i>Janz v. Rounds</i>			
<i>JOHNSON v. BANK OF NEW RICHMOND</i>			
<i>LEE v. JENSEN</i>			
<i>LLOYD-MCALPINE LOGGING CO. v. INDUSTRIAL COMM'N OF WISCONSIN</i>			
<i>Mattson v. Wagstad</i>			
<i>Porter v. Travelers' Ins. Co.</i>			
<i>Rocheleau v. Consolidated Water Power & Paper Co.</i>			

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

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 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)	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

Opinion Author	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

² *Per curiam* decisions are omitted.

