

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Crownhart, Rosenberry, Owen, Doerfler	2	<i>Geffert v. Kayser and Liebhauser v. Milwaukee Electric R. & Light Co.</i>
Rosenberry, Owen, Vinje, Jones	2	<i>Lewis v. Industrial Com. and Shovers v. Hahn</i>
Rosenberry, Owen, Eschweiler, Doerfler	1	<i>Conger v. Wallis</i>
Crownhart, Owen, Doerfler, Vinje	1	<i>Germantown v. Industrial Com.</i>
Crownhart, Rosenberry, Owen, Vinje	1	<i>Isaac v. Gerretson Co.</i>

4-3 Membership in the Majority

Justice	Votes
Crownhart	4
Rosenberry	6
Owen	7
Eschweiler	1
Doerfler	4
Vinje	4
Jones	2

4-3 Majority Opinions Authored

	Opinions
Crownhart	2
Rosenberry	2
Owen	0
Eschweiler	1
Doerfler	0
Vinje	2
Jones	0
Total	7

Decisions by Vote Split¹

7-0 (or 6-0)	6-1 (or 5-1)	5-2	4-3
243/295 (82%)	29/295 (10%)	16/295 (5%)	7/295 (2%)
<i>Agenstein v. Westphal</i>	<i>Adams v. Adams</i>	<i>ESTATE OF FOX: WOLF v. FOX</i>	<i>Conger v. Wallis</i>
<i>Alexander Hamilton Institute v. Hart</i>	<i>Bachman v. YWCA</i>	<i>Fehrer v. Midland Casualty Co.</i>	<i>Geffert v. Kayser</i>
<i>American Exp. Co. v. Citizens State Bank</i>	<i>Blazic v. Franzwa</i>	<i>FRIEDERS v. ESTATE OF FRIEDERS</i>	<i>Germantown v. Industrial Com.</i>
<i>American Slicing Mach. Co. v. Jaworski</i>	<i>Buck v. Racine Boat Co.</i>	<i>Hunter v. State</i>	<i>Isaac v. Gerretson Co.</i>
<i>Anderson v. Yellow Cab Co.</i>	<i>Chicago & N. W. R. Co. v. Railroad Com.</i>	<i>Maxcy v. Peavey</i>	<i>Lewis v. Industrial Com.</i>
<i>Appel v. Ruggaber</i>	<i>Commercial Inv. Trust, Inc. v. William Frankfurth Hardware Co.</i>	<i>National Liberty Ins. Co. v. Banta</i>	<i>Liebhauser v. Milwaukee Electric R. & Light Co.</i>
<i>Arneberg v. Continental Casualty Co.</i>	<i>Feelyater v. Chicago, M. & S. P. R. Co.</i>	<i>Packard Motor Car Co. v. Milwaukee E. R. & L. Co.</i>	<i>Shovers v. Hahn</i>
<i>Arthur J. Straus Co. v. Frank Horn Co.</i>	<i>Fishbeck v. New York L. Ins. Co.</i>	<i>Pulaski State Bank v. Kadziszak</i>	
<i>Ashton v. P. F. Coughlin Co.</i>	<i>Frank Martin-Laskin Co. v. Industrial Com.</i>	<i>SMITH v. FRENG</i>	
<i>Badger Coal & Coke Co. v. Sterling Midland Coal Co.</i>	<i>Gessler v. Erwin Co.</i>	<i>State ex rel. Bentley v. Hall</i>	
<i>Bastle v. State</i>	<i>Hayton v. Appleton Mach. Co.</i>	<i>State ex rel. Klein v. Welsh</i>	
<i>Baumgartner v. Farwell Sales Co.</i>	<i>Joint School Dist. v. Bailey-Marsh Co.</i>	<i>State ex rel. Reynolds v. Flynn</i>	
<i>Behnisch v. Cedarburg Dairy Co.</i>	<i>Kammas v. Karras</i>	<i>State ex rel. Smith v. Dean</i>	
<i>Belle City Malleable Iron Co. v. Industrial Com.</i>	<i>Lewko v. Chas. Krause Milling Co.</i>	<i>State v. P. Lorillard Co.</i>	
<i>Bellman v. Home Ins. Co.</i>	<i>Manna v. State</i>	<i>THOMAS v. LOCKWOOD OIL CO.</i>	
<i>Bergenthal v. State Garage & Trucking Co.</i>	<i>McGonegle v. Wisconsin Gas & Electric Co.</i>	<i>Trade Press Publ. Co. v. Milwaukee Typographical Union No. 23</i>	
<i>Blake v. Johnson</i>	<i>Meigs v. Petit Coal Co.</i>		
<i>Blick v. Ozaukee County</i>	<i>Pribonic v. Fulton</i>		
<i>Boguslawski v. Mitchell Street State Bank</i>	<i>Sherman v. La Crosse Refining Co.</i>		
<i>Booker v. Pelkey</i>	<i>State ex rel. Dudgeon v. Levitan</i>		
<i>Brosnihan v. Brosnihan</i>	<i>State ex rel. McKeever v. Cameron</i>		

(continued on following page)

¹ Due to rounding, the percentages do not add up to one hundred. 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.

<i>Brown v. Higgins</i>	<i>State ex rel. Van Dyke v. Cary</i>		
<i>Buchholz v. Glass</i>	<i>VILLAGE OF WEYAUWEGA v. INDUSTRIAL COMM'N OF WISCONSIN</i>		
<i>Buerger v. Buerger</i>	<i>Waukesha Gas & Electric Co. v. Railroad Com.</i>		
<i>Burke v. Universal Granite Quarries Co.</i>	<i>White Const. Co. v. Beloit</i>		
<i>Carey v. Industrial Com.</i>	<i>Wickham v. United Brotherhood, C. J. A.</i>		
<i>Carlson v. MacCormick</i>	<i>Wilgrube v. Nast</i>		
<i>Carpenter v. Mason</i>	<i>Kieckhefer Box Co. v. John Strange Paper Co. (5-1)</i>		
<i>Catholic Woman's Club v. Green Bay</i>	<i>Piper v. Ekern (5-1)</i>		
<i>Chandler v. Gault</i>			
<i>CHAPLEAU v. MANHATTAN OIL CO.</i>			
<i>Cobian v. Tiysic</i>			
<i>Cohen v. State</i>			
<i>Collins v. State</i>			
<i>Cookson v. James</i>			
<i>Corscot v. State</i>			
<i>Dacus v. Fischer</i>			
<i>Darus v. West</i>			
<i>Daus v. Daus</i>			
<i>De Groot v. Mutual L. Ins. Co.</i>			
<i>Drakenberg v. Knight</i>			
<i>Eckel v. Westbrook Tank Line Co.</i>			
<i>Enea v. Pfister</i>			
<i>Ernst v. State</i> [179 Wis. 646]			
<i>Ernst v. State</i> [181 Wis. 155]			
<i>ESTATE OF ANDRUS: SCHULTZ v. ANDRUS</i>			
<i>ESTATE OF BUTT: PEHL v. DURST</i>			
<i>ESTATE OF HOEHL: AMERICAN SUR. CO. v. HOEHL</i>			
<i>ESTATE OF LAEGE: RIEGE v. MILLER</i>			
<i>ESTATE OF NOVAK: MORAN v. COOK</i>			
<i>ESTATE OF ROSS v. ROSS</i>			
<i>ESTATE OF SIPCHEN</i>			
<i>Ex parte Knox</i>			
<i>Ex parte McDonald</i>			
<i>Fassbender v. Peters</i>			
<i>Felt & Tarrant Mfg. Co. v. Northwestern Egg & Poultry Co.</i>			
<i>FIRST WISCONSIN NAT'L BANK OF MILWAUKEE v. JAHN</i>			
<i>First Wisconsin Trust Co. v. Chicago, M. & S. P. R. Co.</i>			
<i>Fitzgerald v. Piette</i>			
<i>Geiger v. Ajax Rubber Co.</i>			
<i>Gensch v. Milwaukee</i>			

(continued on following page)

<i>George C. Peterson Co. v. Iowa County</i>			
<i>Gimbel Bros. v. Adams</i>			
<i>GOBAR v. VAL</i>			
<i>Golos v. Worzalla</i>			
<i>Greer v. Oelhafen</i>			
<i>Grundman v. Davis</i>			
<i>GUARDIANSHIP OF FIGI; FIGI v. VOGLI</i>			
<i>Hansen v. Hood's Creek Drainage Dist.</i>			
<i>Helander v. Wogensen</i>			
<i>Herreid v. Ettrick & N. R. Co.</i>			
<i>Herro v. Northwestern Malleable Iron Co.</i>			
<i>Highway Trailer Co. v. Janesville Electric Co.</i>			
<i>Hirschberg v. Milwaukee Electric R. & Light Co.</i>			
<i>Holman Mfg. Co. v. Dapin</i>			
<i>Home Acres Co. v. Swenson-Dibble Land Co.</i>			
<i>Howard & Foster Co. v. Cummins</i>			
<i>Hoyer v. State</i>			
<i>Huchting v. Rahn</i>			
<i>Hurley v. Chicago & N. W. R. Co.</i>			
<i>Hustad v. Drives</i>			
<i>In re Boardman's Will</i>			
<i>In re Gehring's Will</i>			
<i>In re Jansen's Will</i>			
<i>In re Johnson's Will</i>			
<i>In re Mann's Will</i>			
<i>In re Oklahoma Ave.</i>			
<i>In re Porter's Will</i>			
<i>In re Read's Will</i>			
<i>In re Rice</i>			
<i>International Milling Co. v. Priem</i>			
<i>Jewell v. Wisconsin-Minnesota Light & Power Co.</i>			
<i>Jokosh v. State</i>			
<i>Joseph F. Rothe Foundry Co. v. Harding</i>			
<i>July v. Adams</i>			
<i>Kanass v. Chicago, M. & S. P. R. Co.</i>			
<i>Karsteadt v. Phillip Gross Hardware & Supply Co.</i>			
<i>Klieger v. Metropolitan L. Ins. Co.</i>			
<i>Knapp v. Davidson</i>			
<i>Knaus v. Rollof</i>			
<i>Knecht v. Kenyon</i>			
<i>Knoll v. Shaler</i>			
<i>KNUTH v. LEPP</i>			
<i>Komfar v. Millard</i>			
<i>Koperski v. Hoeft</i>			
<i>Kramer v. Chicago & M. E. R. Co.</i>			
<i>Kroeplin v. Milwaukee County</i>			
<i>Kuechler v. Volkmann</i>			
<i>La Bowe v. Balthazor</i>			
<i>La Crosse v. Wisconsin-Minnesota Light & Power Co.</i>			

(continued on following page)

LAMBERT v. STATE BANK OF PATCH GROVE			
Lancaster v. Borkowski			
Larson v. Green Bay & W. R. Co.			
LAUGHLIN v. GRISWOLD			
Lazar v. Berg			
Leannah v. Green Bay			
Lee v. Jensen			
Lee v. Pauly Motor Truck Co.			
Leis v. Van Dyke			
Leske v. State			
Levander v. Johnson			
Lewis v. Racine			
Lichtstern v. Forehand			
Lubcke v. Teckam			
MacLeod v. Washburn			
Maloney v. McCormick			
Maloney v. Wisconsin Power, Light & Heat Co.			
Marshall Field & Co. v. Fishkin			
McCormick v. State			
McMillan v. Chicago, M. & S. P. R. Co.			
Miller v. Indus. Comm'n of Wis.			
Milwaukee Corrugating Co. v. Flagge			
Milwaukee County v. W. S. Seaman Co.			
Milwaukee Electric R. & Light Co. v. Industrial Com.			
Milwaukee Electric R. & Light Co. v. Shorewood			
Milwaukee Western Fuel Co. v. Industrial Com. of Wisconsin			
Minn Billiard Co. v. Schwab			
Monroe v. State Bank			
Montello v. State			
Montgomery v. State			
Munz v. Leuchtenberger			
Murray v. Hamilton Beach Mfg. Co.			
Murray v. Yellow Cab Co.			
Neises v. Hesselmann			
NESTLE'S FOOD CO. v. INDUSTRIAL COMM'N OF WISCONSIN			
Northern Milling Co. v. Davis			
Otis v. Wood			
Overton v. Bemis-Hooper-Hays Co.			
Owen v. Owen			
Palmersheim v. Hertel			
Park Hotel Co. v. Eckstein-Miller Auto Co.			
PARK v. CITY OF MILWAUKEE			
Patek v. Plankinton Packing Co.			
Perfex Radiator Co. v. Goetz			
Peters v. Bossmann			
Peterson v. Weimar			
PIERCE v. INDUSTRIAL COMM'N OF WISCONSIN			
Pietsch v. Wegwart			

(continued on following page)

<i>PLAUTZ v. CHICAGO, MILWAUKEE & ST. PAUL RY. CO.</i>			
<i>Port Washington State Bank v. Polonia Phonograph Co.</i>			
<i>Premier Refining Co. v. Falkenberg</i>			
<i>Reiber v. Rathbone, Sard Co.</i>			
<i>Richter v. Dahlman & Inbush Co.</i>			
<i>Roeder v. Simonson</i>			
<i>Roether v. Roether</i>			
<i>Rogers v. State</i>			
<i>Rohr v. Chicago, N. S. & M. R. R.</i>			
<i>Rojewski v. Joint School Dist.</i>			
<i>Rosenberg Bros. & Co. v. Zinke Co.</i>			
<i>Ross v. Shawano</i>			
<i>Rost v. Roberts</i>			
<i>Roth v. State</i>			
<i>Routt v. Look</i>			
<i>Schacht v. Quick</i>			
<i>SCHILBRCH v. INTER-OCEAN CAS. CO.</i>			
<i>Schmidt v. Almon</i>			
<i>SCHOENEMANN v. SCHOENEMANN</i>			
<i>Shear v. Woodrick</i>			
<i>Shiefel v. State</i>			
<i>Sickinger v. Raymond</i>			
<i>Sievers v. Fuller</i>			
<i>Smith v. Chicago, N. S. & M. R. R.</i>			
<i>SMITH v. TAYLORBUTTON CO.</i>			
<i>Smithers v. Brunkhorst</i>			
<i>Sougstad v. Zils</i>			
<i>State ex rel. Barber v. Circuit Court for Marathon County</i>			
<i>State ex rel. Borgougnan Rubber Corp. v. Gregory</i>			
<i>State ex rel. Carter v. Rosenthal</i>			
<i>State ex rel. Goldwyn Distributing Corp. v. Gehrz</i>			
<i>State ex rel. Hermanson v. Callahan</i>			
<i>State ex rel. Johnson v. Union Free High School Dist.</i>			
<i>State ex rel. Kratche v. Civil Court of Milwaukee County</i>			
<i>State ex rel. Miller v. Niven</i>			
<i>State ex rel. Pennsylvania R. Co. v. Circuit Court of Milwaukee County</i>			
<i>State ex rel. Schneider v. Darby</i>			
<i>State ex rel. Shawano County v. Werner</i>			
<i>State ex rel. Thompson v. Board of School Directors</i>			
<i>State ex rel. Traphagen v. Cary</i>			
<i>State ex rel. Union Free High School Dist. v. Chaney</i>			
<i>State ex rel. Van Straten v. Milquet</i>			
<i>State ex rel. Wolf v. La Crosse Lutheran Hospital Ass'n</i>			
<i>State ex rel. Zabel v. Municipal Court of Milwaukee County</i>			
<i>State v. Russell</i>			

(continued on following page)

<i>Stone v. Langlade</i>			
<i>Sullivan v. Lutz</i>			
<i>Sullivan v. School Dist. of Tomah</i>			
<i>Swenson v. Swenson</i>			
<i>Syslack v. Nevin Grocery Co.</i>			
<i>TAYLER v. CONNORS</i>			
<i>Taylor v. State</i>			
<i>Tigerton Lumber Co. v. Holt Hardwood Co.</i>			
<i>Trustees of Onalaska Camp v. Onalaska Modern Woodmen Hall Ass'n</i>			
<i>Twist v. Minneapolis, S. P. & S. S. M. R. Co.</i>			
<i>United Order of Foresters v. Miller</i>			
<i>Vanderwerker v. Superior</i>			
<i>Wagner v. Milwaukee</i>			
<i>Walata v. State</i>			
<i>Walsh v. State</i>			
<i>Wappler v. Schenck</i>			
<i>Wasicek v. M. Carpenter Baking Co.</i>			
<i>Wasilewski v. Biedrzycki</i>			
<i>Waskow v. Robert L. Reisinger & Co.</i>			
<i>Wauwatosa v. Milwaukee</i>			
<i>Wavrunek v. Frank C. Schilling Co.</i>			
<i>Webb v. Freng</i>			
<i>Weinhagen v. Hayes</i>			
<i>Weiss v. Chicago & M. Electric R. Co.</i>			
<i>Wells v. Talham</i>			
<i>Wergin v. Voss</i>			
<i>Wessling v. Hieb</i>			
<i>West Allis v. Milwaukee</i>			
<i>White v. Kane</i>			
<i>Widell Co. v. Industrial Com. of Wisconsin</i>			
<i>Wiesner v. Kosiedowski</i>			
<i>Williams v. Bass</i>			
<i>Wisconsin Auto Sales Co. v. Frint Motor Car Co.</i>			
<i>Wonewoc v. Industrial Com.</i>			
<i>Wood v. Heyer</i>			
<i>Worden v. Chicago & N. W. R. Co.</i>			
<i>Zank v. Jones</i>			
<i>Zblewski v. Jackson Milling Co.</i>			
<i>Zeitlow v. Sweger</i>			
<i>Doemel v. Jantz (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
Crownhart	275	294	94%
Rosenberry	288	295	98%
Owen	290	295	98%
Eschweiler	265	295	90%
Doerfler	289	294	98%
Vinje	288	295	98%
Jones	285	294	97%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Crownhart	33	52	63%
Rosenberry	45	52	87%
Owen	47	52	90%
Eschweiler	22	52	42%
Doerfler	46	51	90%
Vinje	45	52	87%
Jones	42	51	82%

Opinions Authored

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	4-3
Crownhart	29	4	4	2
Rosenberry	34	6	2	2
Owen	36	4	2	0
Eschweiler	40	3	1	1
Doerfler	35	3	1	0
Vinje	33	3	4	2
Jones	36	6	2	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Crownhart	0	17
Rosenberry	0	2
Owen	0	4
Eschweiler	1	13
Doerfler	0	3
Vinje	0	4
Jones	0	1

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 Crownhart and Eschweiler voted together in 21% of the decisions, while the figure for Justices Rosenberry and Vinje was 73%.

Agreement Between Pairs of Justices—All Decisions

	Rosenberry	Owen	Eschweiler	Doerfler	Vinje	Jones
Crownhart	268/294= 91%	270/294= 92%	253/294= 86%	273/293= 93%	272/294= 93%	270/293= 92%
	Rosenberry	283/295= 96%	270/295= 92%	282/294= 96%	281/295= 95%	280/294= 95%
		Owen	264/295= 89%	284/294= 97%	285/295= 97%	280/294= 95%
			Eschweiler	266/294= 90%	266/295= 90%	267/294= 91%
				Doerfler	282/294= 96%	281/293= 96%
					Vinje	284/294= 97%
						Jones

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Rosenberry	Owen	Eschweiler	Doerfler	Vinje	Jones
Crownhart	26/52= 50%	28/52= 54%	11/52= 21%	31/51= 61%	30/52= 58%	28/51= 55%
	Rosenberry	40/52= 77%	27/52= 52%	39/51= 76%	38/52= 73%	37/51= 73%
		Owen	21/52= 40%	41/51= 80%	42/52= 81%	37/51= 73%
			Eschweiler	23/51= 45%	23/52= 44%	24/51= 47%
				Doerfler	39/51= 76%	38/50= 76%
					Vinje	41/51= 80%
						Jones