

Four-to-Three Decisions

4-3 Alignments¹

Justices	Total	
Rosenberry, Owen, Eschweiler, Doerfler	1	<i>Weinhagen v. Hayes</i>
Vinje, Jones, Siebecker, Doerfler	1	<i>Hedstrom v. Schaumann</i>

4-3 Membership in the Majority

Justice	Votes
Rosenberry	1
Owen	1
Eschweiler	1
Vinje	1
Jones	1
Siebecker	1
Kerwin	--
Doerfler	2

4-3 Majority Opinions Authored

	Opinions
Rosenberry	1
Owen	0
Eschweiler	0
Vinje	1
Jones	0
Siebecker	0
Kerwin	--
Doerfler	0
Total	2

¹ Justice Kerwin did not participate in either case.

Decisions by Vote Split²

7-0 (or 6-0, 5-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
222/250 (89%)	19/250 (8%)	7/250 (3%)	2/250 (1%)
<i>Brubaker v. Iowa County</i>	<i>In re Allis' Will</i>	<i>Boscobel v. Muscoda Mfg. Co.</i>	<i>Hedstrom v. Schaumann</i>
<i>Grimes v. Snell</i>	<i>State ex rel. Morgan v. Portage</i>	<i>GLATZ v. GENERAL ACCIDENT, FIRE & LIFE ASSUR. CORP.</i>	<i>WEINHAGEN v. HAYES</i>
<i>Huntley v. Stanchfield</i>	<i>Edward E. Gillen Co. v. Milwaukee</i>	<i>Jones v. Brandt</i>	
<i>Kuether v. State</i>	<i>Pisarke v. Wisconsin Tunnel & Constr. Co.</i>	<i>MILWAUKEE BASKET CO. v. WIECKI</i>	
<i>La Coco v. Massey S.S. Co.</i>	<i>State ex rel. Meyer v. Park</i>	<i>State ex rel. Milwaukee Sales & Inv. Co. v. Railroad Com. of Wisconsin</i>	
<i>Lockman v. Steensland</i>	<i>Elmergreen v. Kern</i>	<i>Will of Johnson</i>	
<i>Mahonna v. Mahonna</i>	<i>In re Vervoren's Will</i>	<i>Industrial Co-op. Union v. Lewis</i>	
<i>Ninoff v. Hazel Green State Bank</i>	<i>Rohloff v. Folkman</i>		
<i>State ex rel. Jackosn v. Reid</i>	<i>Schmoldt v. Loper</i>		
<i>Beck v. Siemens</i>	<i>Will of Britt</i>		
<i>Gould v. Pennsylvania Fire Ins. Co.</i>	<i>Schroeder v. Berlin Arcade Real Estate Co.</i>		
<i>Graham v. Lamp</i>	<i>In re O'Brien's Will</i>		
<i>Hahn v. Rothstein</i>	<i>Shadbolt & Boyd Iron Co. v. Long</i>		
<i>Hollan v. Milwaukee</i>	<i>Chicago & N. W. R. Co. v. Wisconsin Zinc Co.</i>		
<i>Hopfensperger v. Bruehl</i>	<i>Superior Water, Light & Power Co. v. Superior</i>		
<i>Kleiber v. Ecker</i>	<i>Giblin v. Giblin</i>		
<i>Newport Mining Co. v. Firemen's Ins. Co.</i>	<i>ESTATE OF BOYCE</i>		
<i>Nickas v. Hines</i>	<i>Hemmis v. Consolidated Water Power & Paper Co.</i>		
<i>Schulteis v. Milwaukee Concrete Mixer Co.</i>	<i>Anderson v. Miller Scrap Iron Co.</i>		
<i>Seidl v. Knop</i>			
<i>Seidl v. Paulu</i>			
<i>Behnke v. Kroening</i>			
<i>Dilweg v. Milwaukee Mach. Tool Co.</i>			
<i>Farmers' State Bank v. Hansen</i>			
<i>Futopolus v. Midland Casualty Co.</i>			
<i>In re Inland Steel Co.</i>			
<i>In re Johnson</i>			
<i>In re Matthews' Will</i>			

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² As a result of rounding, the percentages do not add up to 100. Justices occasionally author a separate opinion that concurs in part and dissents 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.

As explained in this post's introduction, 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 and how many were 6-0 or 5-0).

<i>In re Meyer's Will</i>			
<i>Jozefowicz v. Leickem</i>			
<i>Murnane v. Chicago, M. & S. P. R. Co.</i>			
<i>Page Woven Wire Fence Co. v. Staudenmayer</i>			
<i>RADTKE BROS. & KORSCH CO. v. RUTZINSKI</i>			
<i>Rowlands v. Electrical Const. Co.</i>			
<i>Sauer Hide Co. v. Stein</i>			
<i>Savich v. Hines</i>			
<i>SCHNETZKY v. ZANTO</i>			
<i>State ex rel. Bues v. Phelps</i>			
<i>Strang v. Kenosha</i>			
<i>Thomas v. Lockwood Oil Co.</i>			
<i>State ex rel. McKenzie v. Brown</i>			
<i>Adney v. Kraus</i>			
<i>State ex rel. Dulaney v. Nygaard</i>			
<i>Ambroz v. La Crosse Mut. Loan & Bldg. Ass'n</i>			
<i>Ashby v. Ashby</i>			
<i>Beilfuss v. Dinnauer</i>			
<i>State ex rel. Walthers v. Jung</i>			
<i>Valerio v. Woodmen of World, 174 Wis. 519</i>			
<i>Becker v. Spalinger</i>			
<i>Pedro v. Grootemaat</i>			
<i>Will of Schacht</i>			
<i>Berry v. Director General of Railroads</i>			
<i>Chicago & N. R. Co. v. J. I. Case Plow Works</i>			
<i>Dieck v. Oconto Co.</i>			
<i>Dreher v. Order of United Commercial Travelers</i>			
<i>Fink v. State</i>			
<i>First Wisconsin Trust Co. v. Schmidt</i>			
<i>Foster v. Bauer</i>			
<i>Greenfield v. Miller</i>			
<i>Kausch v. Chicago & M. E. R. Co.</i>			
<i>Matuschka v. Murphy</i>			
<i>Miller Scrap Iron Co. v. Boncher</i>			
<i>Milwaukee v. Becker</i>			
<i>Pinkerton v. Buech</i>			
<i>Reiss v. Utter</i>			
<i>Scheuer & Tiegs v. Benedict</i>			
<i>Sommerfeld v. Chicago, N. S. & M. R. R.</i>			
<i>State ex rel. West Allis v. Milwaukee Light, Heat & Traction Co.</i>			
<i>Stowell Co. v. South Side Malleable Casting Co.</i>			
<i>TOWN OF STEPHENSON v. SCHELK</i>			
<i>Weller v. Phillip Gross Realty Co., 173 Wis. 447</i>			
<i>Will of Dalrymple</i>			
<i>Will of Dever</i>			
<i>Will of Hoya, 173 Wis. 196</i>			
<i>Women's Catholic Order of Foresters v. Krivitz</i>			
<i>Zeininger v. Preble</i>			

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<i>Booker v. Pelkey</i>			
<i>Bradley v. Harper</i>			
<i>CITY OF MILWAUKEE v. MILWAUKEE ELEC. RY. & LIGHT CO. [173 Wis. 400]</i>			
<i>Fisher v. Milwaukee E. R. & L. Co.</i>			
<i>Friedrich v. Boulton</i>			
<i>Frint Motor Car Co. v. General Acci., Fire & Life Assurance Corp.</i>			
<i>Jacob E. Decker & Sons v. Milwaukee Cold Storage Co.</i>			
<i>Kovnesky v. Stodola</i>			
<i>Maas v. Hesse</i>			
<i>MANDARIN CO. v. TOY</i>			
<i>Molter v. Spencer</i>			
<i>Moody v. Milwaukee E. R. & L. Co.</i>			
<i>Muchlinski v. Chicago, M. & S. P. R. Co.</i>			
<i>Northwestern Mut. Life Ins. Co. v. State</i>			
<i>Perkins v. Perkins</i>			
<i>Pinter v. Wenzel</i>			
<i>Schenning v. Devere & Schloegel Lumber Co.</i>			
<i>Smith v. Yellow Cab Co.</i>			
<i>State ex rel. Blaine v. Fairchild</i>			
<i>Webb v. Call Pub. Co.</i>			
<i>Wendorf v. Director General of Railroads</i>			
<i>Barber v. State</i>			
<i>Behling v. Posorske</i>			
<i>Berryman v. Larmer</i>			
<i>Brill v. Ryan</i>			
<i>CAYLL v. WAUKESHA GAS & ELEC. CO.</i>			
<i>ESTATE OF LEU v. PAGEL</i>			
<i>Evans v. Evans</i>			
<i>Finnegan v. Eagle Printing Co.</i>			
<i>Florsheim v. Reinberger</i>			
<i>Frank Martin-Laskin Co. v. Goetsch</i>			
<i>Graf v. Newman</i>			
<i>Howe v. Corey</i>			
<i>In re Griffiths' Will</i>			
<i>In re Shanks' Will</i>			
<i>Lepak v. Lepak</i>			
<i>Loveland v. Hanson</i>			
<i>Mahoney v. Kennedy</i>			
<i>Mainville v. State</i>			
<i>Manteufel v. Jenkins</i>			
<i>Matson v. Dane County</i>			
<i>Merrill v. Focht</i>			
<i>Miles v. Ashland</i>			
<i>Milwaukee Western Fuel Co. v. Industrial Com.</i>			
<i>Reinkey v. Wilkins</i>			
<i>Sliter v. Creek View Cheese Factory</i>			
<i>Spangler v. Kittel</i>			
<i>State ex rel. Hemmy v. Miller</i>			
<i>State ex rel. Mackmiller v. Bousley</i>			

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<i>State ex rel. Oshkosh Trunk Co. v. Goerlitz</i>			
<i>Van Camp v. Patrick</i>			
<i>Walters v. Eakins</i>			
<i>Westenberg v. Bhend</i>			
<i>Brown v. Marty</i>			
<i>CITY OF MILWAUKEE v. MILWAUKEE ELEC. RY. & LIGHT CO. [172 Wis. 436]</i>			
<i>Curtis & Yale Co. v. Wunderlich</i>			
<i>Gifford v. Straub</i>			
<i>GOLDMAN v. COSGROVE</i>			
<i>GULESSERIAN v. MADISON RYS. CO.</i>			
<i>Gundlach v. Chicago & N. W. R. Co.</i>			
<i>HACKLEY-PHELPS-BONNELL CO. v. COOLEY</i>			
<i>Haddow v. J. L. Owens Co.</i>			
<i>Heist v. Wisconsin-Minnesota Light & Power Co.</i>			
<i>In re Door Creek Drainage Dist.</i>			
<i>Klitzke v. Davis</i>			
<i>Klukas v. Linderman</i>			
<i>Mueller & Son Co. v. Gothard</i>			
<i>Slowikowski v. Slowikowski</i>			
<i>Speakes Lime & Cement Co. v. Duluth S. R. Co.</i>			
<i>STATE v. SNYDER</i>			
<i>Vale v. Noe</i>			
<i>W. C. Zachow Co. v. Grignon</i>			
<i>Will of Marvin</i>			
<i>Bonniwell v. Milwaukee Light, Heat & Traction Co.</i>			
<i>Bruno v. Hickman</i>			
<i>Dougan v. H. J. Grell Co.</i>			
<i>Farmers' & Merchants Bank v. Frederiksen</i>			
<i>Gallagher v. Gallagher</i>			
<i>Grimm v. Bayfield County</i>			
<i>In re Alley</i>			
<i>In re Guardianship of Reed</i>			
<i>Jacobi v. Rubicon Malting & Grain Co.</i>			
<i>KELLAR v. STATE</i>			
<i>Kittelson v. Dettinger</i>			
<i>Kunitz v. Ruske</i>			
<i>Lindemuth v. Philipp</i>			
<i>Meath v. State</i>			
<i>Minocqua v. Neuville</i>			
<i>Peavey v. Loveland</i>			
<i>Seitz v. Ott</i>			
<i>Sloan v. Brown County State Bank</i>			
<i>Smith v. Phillips</i>			
<i>Srnka v. Joint Dist.</i>			
<i>State ex rel. Ashland v. Ashland County Board</i>			
<i>State ex rel. Badger Tel. Co. v. Rosenow</i>			
<i>State ex rel. Dempsey v. Werra Aluminum Foundry Co.</i>			
<i>State ex rel. Hathaway v. Mirlach</i>			
<i>STATE v. B</i>			

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WISCONSIN SUPREME COURT DECISIONS, 1920-21

<i>Wagner v. Larsen</i>			
<i>Bell v. American Ins. Co.</i>			
<i>EAU CLAIRE SAND & GRAVEL CO. v. CLEVELAND</i>			
<i>Emmons v. Farmington Mut. Life Ins. Co.</i>			
<i>First Nat'l Bank v. Reed</i>			
<i>First Wisconsin Trust Co. v. Johnson</i>			
<i>Grossbier v. Chicago, S. P. M. & O. R. Co.</i>			
<i>Hempel v. Hempel</i>			
<i>Hess v. State</i>			
<i>HINZE v. KURZ</i>			
<i>Huntington v. Fraternal Reserve Ass'n</i>			
<i>Jenkins v. Jenkins</i>			
<i>Pietraszwicz v. Pietraszwicz</i>			
<i>Polebitzke v. John Week Lumber Co.</i>			
<i>Reiter v. Grober</i>			
<i>Sander v. Newman</i>			
<i>Schmudlach v. Danner</i>			
<i>State ex rel. Gillen v. Braman</i>			
<i>WIEDNER v. NATIONAL FISHERIES CO.</i>			
<i>Wood v. Coleman</i>			
<i>State ex rel. Binner v. Buer</i>			
<i>American Wrecking Co. v. McManus</i>			
<i>Becker v. Kreul</i>			
<i>Bosanich v. Chicago, N. S. & M. R. Co.</i>			
<i>Chese & Wymond Co. v. La Crosse Box Co.</i>			
<i>DEMPSEY v. NATIONAL SUR. CO.</i>			
<i>ESTATE OF GOODYEAR</i>			
<i>ESTATE OF MILLER v. WELLS BLDG. CO.</i>			
<i>Goldberg v. Berkowitz</i>			
<i>Groeschner v. John Gund Brewing Co.</i>			
<i>Helmholz v. Greene</i>			
<i>In re Barrett's Will</i>			
<i>Klosky v. Payne</i>			
<i>Milwaukee E. R. & L. Co. v. Milwaukee</i>			
<i>Mineral Point v. Mineral Point</i>			
<i>Ogodziski v. Gara [173 Wis. 380]</i>			
<i>Ogodziski v. Gara [173 Wis. 371]</i>			
<i>Padden v. Milwaukee</i>			
<i>Pietsch v. Sangor</i>			
<i>Porter v. Industrial Com. of Wisconsin</i>			
<i>Samuel Meyers, Inc. v. Ogden Shoe Co.</i>			
<i>Schaap v. Wolf</i>			
<i>Toy v. Olinger</i>			
<i>Tullgren v. Karger</i>			
<i>WISCONSIN-MINNESOTA LIGHT & POWER CO. v. JOHNSON</i>			
<i>Schoen v. Schoen</i>			
<i>Beebe v. Minneapolis, S. P. & S. S. M. R. Co.</i>			
<i>Nekoosa-Edwards Paper Co. v. News Pub. Co.</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. As explained in this post's introduction, it is impossible to determine how many decisions included participation from Justices Kerwin and Doerfler—hence the “blanks” for them in these tables.

All Cases

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Rosenberry	244	250	98%
Owen	245	250	98%
Eschweiler	230	249	92%
Vinje	246	250	98%
Jones	245	247	99%
Siebecker	248	250	99%
Kerwin	--	--	--
Doerfler	--	--	--

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Rosenberry	22	28	79%
Owen	23	28	82%
Eschweiler	9	28	32%
Vinje	24	28	86%
Jones	25	27	93%
Siebecker	26	28	93%
Kerwin	--	--	--
Doerfler	--	--	--

Opinions Authored³

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 concurred or 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
Rosenberry	39	4	2	1
Owen	40	2	1	0
Eschweiler	28	0	1	0
Vinje	40	4	0	1
Jones	34	4	1	0
Siebecker	32	3	2	0
Kerwin	4	0	0	0
Doerfler	5	1	1	1

Opinion Author	Concurring Opinions	Dissenting Opinions
Rosenberry	0	1
Owen	2	1
Eschweiler	0	6
Vinje	0	1
Jones	0	0
Siebecker	0	2
Kerwin	0	0
Doerfler	0	1

³ *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 *second* table, for instance, one finds that Justices Owen and Eschweiler voted together in 29% of the decisions, while the figure for Justices Rosenberry and Jones was 74%. As explained in this post’s introduction, it is impossible to determine how many decisions included participation from Justices Kerwin and Doerfler—hence the “blanks” for them in these tables.

Agreement Between Pairs of Justices—All Decisions

	Owen	Eschweiler	Vinje	Jones	Siebecker	Kerwin	Doerfler
Rosenberry	241/250=96%	230/249=92%	240/250=96%	240/247=97%	242/250=97%	--	--
	Owen	229/249=92%	243/250=97%	240/247=97%	243/250=97%	--	--
		Eschweiler	226/249=91%	225/246=91%	228/249=92%	--	--
			Vinje	245/247=99%	248/250=99%	--	--
				Jones	245/247=99%	--	--
					Siebecker	--	--
						Kerwin	--
							Doerfler

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Owen	Eschweiler	Vinje	Jones	Siebecker	Kerwin	Doerfler
Rosenberry	19/28=68%	9/28=32%	18/28=64%	20/27=74%	20/28=71%	--	--
	Owen	8/28=29%	21/28=75%	20/27=74%	21/28=75%	--	--
		Eschweiler	5/28=18%	6/27=22%	7/28=25%	--	--
			Vinje	25/27=93%	26/28=93%	--	--
				Jones	25/27=93%	--	--
					Siebecker	--	--
						Kerwin	--
							Doerfler