

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Vinje, Winslow, Marshall, Barnes	1	<i>Wetutzke v. Wetutzke</i>
Timlin, Winslow, Siebecker, Kerwin	1	<i>Guaranteed Inv. Co. v. Van Metre</i>
Vinje, Timlin, Winslow, Marshall	1	<i>Reichert v. Milwaukee County</i>
Vinje, Timlin, Kerwin, Marshall	1	<i>Van Dyke v. City of Milwaukee</i>
Winslow, Siebecker, Kerwin, Barnes	1	<i>State ex rel. Postel v. Marcus</i>
Vinje, Timlin, Marshall, Barnes	1	<i>State ex rel. Owen v. Donald</i>

4-3 Membership in the Majority

Justice	Votes
Vinje	4
Timlin	4
Winslow	4
Siebecker	2
Kerwin	3
Marshall	4
Barnes	3

4-3 Majority Opinions Authored

	Opinions
Vinje	1
Timlin	1
Winslow	3
Siebecker	0
Kerwin	0
Marshall	1
Barnes	0
Total	6

Decisions by Vote Split¹

7-0 (or 6-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
263/311 (85%)	26/311 (8%)	16/311 (5%)	6/311 (2%)
<i>State ex rel. Mengel v. Steber</i>	<i>Pagel v. United States Casualty Co.</i>	<i>Tyre v. Krug</i>	<i>Wetutzke v. Wetutzke</i>
<i>Hecht v. Chase</i>	<i>Rakowski v. Zimmerman</i>	<i>State ex rel. Zabel v. Board of Canvassers</i>	<i>Guaranteed Inv. Co. v. Van Metre</i>
<i>W. T. RAWLEIGH MED. CO. v. TILLMAN</i>	<i>Mueller Real Estate & Inv. Co. v. Cohen</i>	<i>State ex rel. Wendling v. Board of Police & Fire Comm'rs</i>	<i>Reichert v. Milwaukee County</i>
<i>Baker v. Bohnert</i>	<i>Kurtz v. Pauly</i>	<i>Bur v. Bong</i>	<i>VAN DYKE v. CITY OF MILWAUKEE</i>
<i>ROCKWELL v. ESTATE OF ROBINSON</i>	<i>Smith v. De Wolf</i>	<i>Secord v. John Schroeder Lumber Co.</i>	<i>State ex rel. Postel v. Marcus</i>
<i>Multerer v. Dallendorfer</i>	<i>Schmidt v. State</i>	<i>Gillett v. Flanner-Steger Land & Lumber Co.</i>	<i>State ex rel. Owen v. Donald</i>
<i>Neck v. Marquette Cement Mfg. Co.</i>	<i>Bejma v. Chicago & M. E. R. Co.</i>	<i>Olson v. Whitney Bros. Co.</i>	
<i>C v. C</i>	<i>Bejma v. Johnson</i>	<i>Fandek v. Barnett & R. Co.</i>	
<i>Hannon v. Scanlon</i>	<i>Minneapolis, S. P. & S. S. M. R. Co. v. Menasha Wooden Ware Co.</i>	<i>McKnelly v. Brotherhood of American Yeomen</i>	
<i>State v. Kenosha Home Tel. Co.</i>	<i>McLain v. State</i>	<i>W. H. Pipkorn Co. v. Tratnik</i>	
<i>Olmsted v. McCrory</i>	<i>Pietsch v. McCarthy</i>	<i>State ex rel. Schumacher v. Markham</i>	
<i>Radtko v. Rothschild Water Power Co.</i>	<i>State ex rel. Board of Regents v. Ekern</i>	<i>MURPHY v. ESTATE OF SKINNER</i>	
<i>State ex rel. West Point v. Price</i>	<i>State ex rel. Schroeder v. Feuerstein</i>	<i>WILL OF BOECK</i>	
<i>Closson v. Chase</i>	<i>Bibelhausen v. Bibelhausen</i>	<i>Apfelbacher v. State</i>	
<i>DILGER v. ESTATE OF MCQUADE</i>	<i>Berger-Crittenden Co. v. Chicago, M. & S. P. R. Co.</i>	<i>Milwaukee v. Ritzow (per curiam)</i>	
<i>Cazier v. Hart</i>	<i>Milwaukee Western Fuel Co. v. Industrial Com. of Wisconsin</i>	<i>State ex rel. Husting v. State Canvassers (4-2)</i>	
<i>State ex rel. Carey v. Ballard</i>	<i>Illinois Steel Co. v. Bilot</i>		
<i>Rogers v. Rosenfeld</i>	<i>Frey v. Etzel</i>		
<i>Kiefert v. Maple Valley Mut. Home Fire Ins. Co.</i>	<i>Koscak v. State</i>		
<i>State ex rel. Pierce v. Board of Trustees</i>	<i>MORRISON v. FISHER</i>		
<i>State ex rel. Kletzsch v. Widule</i>	<i>Callahan v. Chicago & N. W. R. 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 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>Gehl v. Peycke Bros. Com. Co.</i>	<i>Duluth S. R. Co. v. Railroad Com.</i>		
<i>Rose v. Gordon</i>	<i>Voelz v. Industrial Com.</i>		
<i>Keck v. Michigan Quartz Silica Co.</i>	<i>United States Glue Co. v. Oak Creek</i>		
<i>Kuhn v. Milwaukee E. R. & L. Co.</i>	<i>Lyons v. Rossmeissl</i>		
<i>Deno v. Hersh</i>	<i>Casper v. Kalt-Zimmers Mfg. Co. (5-1)</i>		
<i>Segnitz v. A. Grossenbach Co.</i>			
<i>Ernst v. Milwaukee Western Fuel Co.</i>			
<i>Rosenthal v. Insurance Co. of North America</i>			
<i>C. C. Hendee Co. v. Insurance Co. of Pennsylvania</i>			
<i>Becker v. Beaver Mfg. Co.</i>			
<i>Morin v. Pilon</i>			
<i>Schmidt v. Milwaukee E. R. & L. Co.</i>			
<i>State ex rel. Burdick v. Tyrrell</i>			
<i>Sobek v. George H. Smith Steel Casting Co.</i>			
<i>Foster v. Holbrook-Armstrong Iron Co.</i>			
<i>Puza v. C. Hennecke Co.</i>			
<i>Wolosek v. Chicago & M. E. R. Co.</i>			
<i>Milwaukee v. Binner</i>			
<i>State ex rel. Merrimac v. Hazelwood</i>			
<i>Friedman v. Plous</i>			
<i>Bugajski v. Milwaukee Western Fuel Co.</i>			
<i>Lloyd v. Pugh</i>			
<i>Kalman v. Pieper</i>			
<i>DALLMANN v. DALLMANN</i>			
<i>Sawyer Biscuit Co. v. Steiner</i>			
<i>Pawalowski v. Hartford Plow Co.</i>			
<i>Engel v. Milwaukee</i>			
<i>Roth v. Massachusetts Bonding & Ins. Co.</i>			
<i>Knauer v. Joseph Schiltz Brewing Co.</i>			
<i>Carrick Theatre Co. v. Gimbel Bros.</i>			
<i>Bernstein v. Milwaukee</i>			
<i>Flood v. Pabst Brewing Co.</i>			
<i>Fernekes v. Nugent Sanitarium</i>			
<i>Illinois Steel Co. v. Rogall</i>			
<i>Reliance Auto Repair Co. v. Nugent</i>			
<i>MEHEGAN v. FABER</i>			
<i>Voigt v. Milwaukee County</i>			
<i>Reichert v. Neacy</i>			
<i>Ziebell v. Fraternal Reserve Ass'n</i>			
<i>MANZ v. KLIPPEL</i>			
<i>Van Dinter v. Worden-Allen Co.</i>			
<i>Kasik v. Janssen</i>			
<i>Pfeifer v. Layton Park Oil & Soap Co.</i>			
<i>Mangan v. Shea</i>			
<i>Hirschberg v. Bacher</i>			
<i>Steuerwald v. Richter</i>			
<i>Czapinski v. Thomas Furnace Co.</i>			
<i>State v. Milwaukee</i>			
<i>Behling v. Wisconsin Bridge & Iron Co.</i>			
<i>Milwaukee v. Patton</i>			
<i>Foote v. Foote</i>			
<i>ESTATE OF BEAN</i>			

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<i>Farmers & Merchants Bank v. Richland Center</i>			
<i>MORROW v. TOWNSEND</i>			
<i>State ex rel. Maughan v. Boerner</i>			
<i>Bennett v. Beavers Reserve Fund Fraternity</i>			
<i>Hutchinson v. Oshkosh</i>			
<i>German Nat'l Bank v. Barber</i>			
<i>Trzebietowski v. Jereski</i>			
<i>Goldman v. Dieves</i>			
<i>Curkeet v. Joint School Dist.</i>			
<i>Verbeck v. Minneapolis S. P. & S. S. M. R. Co.</i>			
<i>Rayborn v. Galena Iron Works Co.</i>			
<i>Steinke v. Oshkosh</i>			
<i>Cox v. Chicago, M. & S. P. R. Co.</i>			
<i>Pennell v. Rumely Products Co.</i>			
<i>Govier v. Brechler</i>			
<i>Lutheran T. Congregation v. St. Paul's E. E. L. Congregation</i>			
<i>Chicago & N. W. R. Co. v. Menasha Paper Co.</i>			
<i>DINGMAN v. HILBERRY</i>			
<i>Williams v. Hicks Printing Co.</i>			
<i>FIRST NAT'L BANK OF TIGERTON v. HACKETT</i>			
<i>In re Morse's Will</i>			
<i>Bloede v. Lutz</i>			
<i>BICHLMEIR v. MINNEAPOLIS, ST. PAUL & SAULT STE. MARIE RY. CO.</i>			
<i>State ex rel. Ballard v. Goodland</i>			
<i>State ex rel. Wickham v. Nygaard</i>			
<i>Graber v. Duluth, S. S. & A. R. Co.</i>			
<i>International Text-Book Co. v. Mabbott</i>			
<i>Peterson v. Lemke</i>			
<i>Klooz v. Hood</i>			
<i>Oldenberg v. Industrial Com.</i>			
<i>Olson v. White Star Lumber Co.</i>			
<i>De Pas v. Southern W. R. Co.</i>			
<i>Jacob v. Chicago & N. W. R. Co.</i>			
<i>Bourne v. Wiele</i>			
<i>Webster Mfg. Co. v. Montreal River Lumber Co.</i>			
<i>State ex rel. Owen v. Hammerlund</i>			
<i>Stoughton State Bank v. Stoughton</i>			
<i>John A. Tolman & Co. v. Smith</i>			
<i>Studebaker Corp. v. Gollmar</i>			
<i>Gimbel Bros. v. McConnell</i>			
<i>Schmit v. Frederickson</i>			
<i>Smith v. Onalaska</i>			
<i>Minneapolis, S. P. & S. S. M. R. Co. v. Douglas County</i>			
<i>Skulhus v. State</i>			
<i>Zuleger v. Zeh</i>			
<i>First Sav. & Trust Co. v. Cazenovia & S. C. R. Co.</i>			
<i>Falkner v. Schultz</i>			
<i>Hewitt v. Southern W. R. Co.</i>			
<i>Best v. Great N. R. Co.</i>			
<i>McMillen v. Strange</i>			

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<i>Menasha Woodenware Co. v. Winter</i>			
<i>Henry Rahr's Sons Co. v. Buckley</i>			
<i>Ekegren v. Marcotte</i>			
<i>Andrews v. United States Casualty Co.</i>			
<i>Hoening v. Industrial Com. of Wisconsin</i>			
<i>Baringer v. Rock County Sugar Co.</i>			
<i>Romey v. Rock County Sugar Co.</i>			
<i>LOGUIDICE v. STATE</i>			
<i>Carlson v. Washburn</i>			
<i>Staszczuk v. Gilman Mfg. Co.</i>			
<i>State ex rel. Shea v. Evenson</i>			
<i>Jones v. Keefe</i>			
<i>Jewel Tea Co. v. Weber</i>			
<i>Legro v. Garley</i>			
<i>Lewis v. Farmers' Mut. F. Ins. Co.</i>			
<i>De Grand v. Barkhausen Coal & Dock Co.</i>			
<i>Murphy v. Baldwin</i>			
<i>Klas v. Kuehl</i>			
<i>Dishmaker v. Heck</i>			
<i>J. S. Stearns Lumber Co. v. Travelers' Ins. Co.</i>			
<i>Runge v. State</i>			
<i>Hyde v. State</i>			
<i>State ex rel. Johnson v. Maurer</i>			
<i>Kopplin v. Kopplin</i>			
<i>Liebman v. Welsh</i>			
<i>State ex rel. Owen v. Donald</i>			
<i>Milwaukee Coke & Gas Co. v. Industrial Com.</i>			
<i>HANSEN v. CAMPBELL LAUNDRY CO.</i>			
<i>Childs v. Dahlke</i>			
<i>Greene v. Agnew</i>			
<i>Jenks v. Arms</i>			
<i>Corn Exch. Nat'l Bank v. Kaiser</i>			
<i>Milwaukee v. Industrial Com.</i>			
<i>Rigby v. Herzfeld-Phillipson Co.</i>			
<i>Rump v. Bresnan</i>			
<i>State ex rel. Rich v. Steiner</i>			
<i>Marlatt v. Chipman</i>			
<i>Rieck v. Chicago & M. E. R. Co.</i>			
<i>Pauloni v. Simmons Mfg. Co.</i>			
<i>GIST v. EQUITABLE SUR. CO.</i>			
<i>Brazeau v. McBride</i>			
<i>Wood v. General R. S. Co.</i>			
<i>Musso v. State</i>			
<i>Foster v. State</i>			
<i>Northern Land Co. v. Wisconsin Live Stock Asso.</i>			
<i>Parkes v. Lindenmann</i>			
<i>State ex rel. Koch v. Melms</i>			
<i>Mehlos v. Milwaukee</i>			
<i>Kowalski v. American Candy Co.</i>			
<i>Smale v. Wrought Washer Mfg. Co.</i>			
<i>Lauth v. McKenna Steel Working Co.</i>			
<i>McCaughey v. McCaughey</i>			
<i>Tucker v. Skobis Bros. Co.</i>			
<i>First Trust Co. v. Miller</i>			
<i>Dibbert v. Metropolitan Inv. Co.</i>			

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<i>William Marnitz Co. v. Richards</i>			
<i>Reuter v. Hickman, Lauson & Diener Co.</i>			
<i>Kuligowski v. Kieckhefer Box Co.</i>			
<i>Karny v. Northwestern Malleable Iron Co.</i>			
<i>Gadow v. Hunholz</i>			
<i>Sadowski v. Thomas Furnace Co.</i>			
<i>Northwestern Realty Co. v. Hardy</i>			
<i>Schmitt v. Franke</i>			
<i>E. L. ESSLEY MACH. CO. v. FIRST TRUST CO.</i>			
<i>In re Establishment of Certain Drainage Dist.</i>			
<i>Racine Puttyless Window Co. v. Chas. Guetzkow Co.</i>			
<i>Powell v. Powell</i>			
<i>Bishop-Babcock-Becker Co. v. Keeley</i>			
<i>Kill v. Industrial Com. of Wisconsin</i>			
<i>Denniston v. Johnson</i>			
<i>Redlin v. Wagner</i>			
<i>KOSSEL v. POTRATZ</i>			
<i>Mumbrue v. Larson</i>			
<i>Buckland v. Chicago, S. P., M. & O. R. Co.</i>			
<i>Hanson v. Feuling</i>			
<i>Gunsten v. Gordon</i>			
<i>Brown v. Eastern W. R. & L. Co.</i>			
<i>GUNDERSON v. ROGERS</i>			
<i>Wunnicke v. Dederich</i>			
<i>Meissner v. Southern W. R. Co.</i>			
<i>Calahan v. Moll</i>			
<i>Oleson v. Fader</i>			
<i>Superior v. Industrial Com. of Wisconsin</i>			
<i>Ludke v. Burck</i>			
<i>Meany v. Staehle</i>			
<i>State ex rel Ruemmele v. Haugen</i>			
<i>Tellett v. Albregtson</i>			
<i>Fitzpatrick v. Yache</i>			
<i>Swanson v. Swanson</i>			
<i>Northwestern Iron Co. v. Industrial Com.</i>			
<i>HEILEMAN BREWING CO. v. INDUSTRIAL COMM'N</i>			
<i>August Brandt & Co. v. Verhagen</i>			
<i>Baskfield v. Molthen</i>			
<i>Wisconsin Farm Co. v. Watson</i>			
<i>WISCONSIN DRAINAGE CO. v. INDUSTRIAL COMM'N</i>			
<i>Hull v. Doheny</i>			
<i>Dorwin v. North Wisconsin Farmers' Mut. Cyclone Ins. Co.</i>			
<i>Bennington County Sav. Bank v. Lowry</i>			
<i>Wahrer v. Aldrich</i>			
<i>Koenig v. Sproesser</i>			
<i>State ex rel. Quinn v. Thompson's Malted Food Co.</i>			
<i>Wilger v. Wisconsin Traction Light, Heat & Power Co.</i>			

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<i>NOLAN v. FIRST NAT'L BANK OF JANESVILLE</i>			
<i>Wiedenbeck-Dobelin Co. v. Mahoney</i>			
<i>SCHROEDER v. CITY OF WATERTOWN</i>			
<i>Natalie v. Chicago & M. E. R. Co.</i>			
<i>Stoecker v. Cedarburg</i>			
<i>Astor Co. v. Dengel</i>			
<i>Langer v. Finch</i>			
<i>United States Nat'l Bank v. Lake Superior T. & T. R. Co.</i>			
<i>Leach v. Koch</i>			
<i>Taylor v. Northern Coal & Dock Co.</i>			
<i>Todd v. Loomis</i>			
<i>Ogden v. Bradshaw</i>			
<i>State ex rel. Manitowoc Gas Co. v. Wisconsin Tax Com.</i>			
<i>Lindquist v. Bradley</i>			
<i>Boutin v. Andreas</i>			
<i>McCartney v. Boyd</i>			
<i>Marcus v. Medford</i>			
<i>State ex rel. Gurney Lumber Co. v. Risjord</i>			
<i>Kelly v. Kneeland-McLurg Lumber Co.</i>			
<i>Brust v. Lamoreux</i>			
<i>Shequin v. Shequin</i>			
<i>State ex rel. Dorwin v. White</i>			
<i>SAYLES v. CITY OF HARTFORD</i>			
<i>Oshkosh Water Works Co. v. Railroad Com.</i>			
<i>Gilkey & Anson Co. v. Doolittle</i>			
<i>Shaffer v. Peavey</i>			
<i>Huber v. Seeger</i>			
<i>Hott v. West Allis Iron Works</i>			
<i>NORTHWESTERN FUEL CO. v. INDUSTRIAL COMM'N</i>			
<i>State v. Cleveland</i>			
<i>Colburn v. Chicago & N. W. R. Co.</i>			
<i>Sterling Engineering & Constr. Co. v. Berg</i>			
<i>Emond v. Kimberly-Clark Co. (6-0)</i>			
<i>Westberg v. Kimberly-Clark Co. (6-0)</i>			
<i>Curtis v. Modern Woodmen of America (6-0)</i>			
<i>Boland v. Chicago & N. W. R. Co. (6-0)</i>			
<i>Chicago & N. W. R. Co. v. Milwaukee N. R. Co. (6-0)</i>			
<i>State ex rel. Kimberly-Clark Co. v. Williams (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
Vinje	305	311	98%
Timlin	300	309	97%
Winslow	303	311	97%
Siebecker	297	311	95%
Kerwin	293	307	95%
Marshall	301	311	97%
Barnes	294	309	95%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Vinje	42	48	88%
Timlin	37	46	80%
Winslow	40	48	83%
Siebecker	34	48	71%
Kerwin	34	48	71%
Marshall	38	48	79%
Barnes	33	48	69%

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
Vinje	39	5	3	1
Timlin	22	0	1	1
Winslow	41	4	1	3
Siebecker	39	8	2	0
Kerwin	41	4	0	0
Marshall	41	2	5	1
Barnes	40	3	3	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Vinje	0	2
Timlin	3	5
Winslow	3	3
Siebecker	0	4
Kerwin	0	4
Marshall	3	4
Barnes	1	4

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 second table, for instance, one finds that Justices Timlin and Barnes voted together in 50% of the decisions, while the figure for Justices Vinje and Marshall was 79%.

Agreement Between Pairs of Justices—All Decisions

	Timlin	Winslow	Siebecker	Kerwin	Marshall	Barnes
Vinje	296/309=96%	303/311=97%	291/311=94%	287/307=93%	301/311=97%	290/309=94%
	Timlin	293/309=95%	288/309=93%	285/305=93%	292/309=94%	284/307=93%
		Winslow	293/311=94%	287/307=93%	293/311=94%	292/309=94%
			Siebecker	297/307=97%	287/311=92%	286/309=93%
				Kerwin	283/307=92%	282/305=92%
					Marshall	288/309=93%
						Barnes

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Timlin	Winslow	Siebecker	Kerwin	Marshall	Barnes
Vinje	33/46=72%	40/48=83%	28/48=58%	28/48=58%	38/48=79%	29/48=60%
	Timlin	30/46=65%	25/46=54%	26/46=57%	29/46=63%	23/46=50%
		Winslow	30/48=63%	28/48=58%	30/48=63%	31/48=65%
			Siebecker	38/48=79%	24/48=50%	25/48=52%
				Kerwin	24/48=50%	25/48=52%
					Marshall	27/48=56%
						Barnes