Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Timlin, Siebecker, Kerwin, Barnes	2	*Prochnow v. Northwestern Iron Co.; Pedlas v. Golbus*
Timlin, Siebecker, Kerwin, Marshall	2	*Bonnell v. Chicago, S. P. M. & O. R. Co.; State ex rel. Milwaukee v. Milwaukee E. R. & L. Co.*
Vinje, Winslow, Marshall, Barnes	3	*Houser v. Wisconsin Chair Co.; International Harvester Co. v. Industrial Com. of Wisconsin; Sadowski v. Thomas Furnace Co.*
Timlin, Winslow, Kerwin, Marshall	1	*Sparrow v. Menasha Paper Co.*
Timlin, Winslow, Siebecker, Kerwin	1	*State ex rel. City Const. Co. v. Kotecki*

4-3 Membership in the Majority

Justice	Votes
Vinje	3
Timlin	6
Winslow	5
Siebecker	5
Kerwin	6
Marshall	6
Barnes	5

4-3 Majority Opinions Authored

	Opinions
Vinje	0
Timlin	3
Winslow	0
Siebecker	1
Kerwin	2
Marshall	2
Barnes	1
Total	**9**

Decisions by Vote Split[1]

7-0 (or 6-0, 5-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
312/367 (85%)	**30/367 (8%)**	**16/367 (4%)**	**9/367 (2%)**
Adlington v. Viroqua	*Adams v. Bucyrus Co.*	*Besnys v. Herman Zohrlaut Leather Co.*	*Prochnow v. Northwestern Iron Co.*
Aetna Acci. & Liability Co. v. Lyman	*Green Bay & M. Canal Co. v. Kaukauna Gas, E. L. & P. Co.*	*Brunner v. Minneapolis, S. P. & S. S. M. R. Co.*	*Bonnell v. Chicago, S. P. M. & O. R. Co.*
Alexander v. Minneapolis, S. P. & S. S. M. R. Co.	*Mayhew v. Wisconsin Zinc Co.*	*De Pouw v. Chicago & N. W. R. Co.*	*Houser v. Wisconsin Chair Co.*
Altschuler v. Atchison, T. & S. F. R. Co.	*Merrill v. Comstock*	*Sicklesteel v. Edmonds*	*International Harvester Co. v. Industrial Com. of Wisconsin*
AMERICAN GRANITE CO. v. KRINGEL	*Board of School Directors v. Kuhnke*	*Emberg v. Great N. R. Co.*	*Pedlas v. Golbus*
Anderson v. Firemen's Relief Ass'n	*Corrigan v. New Dells Lumber Co.*	*Cooper v. Huerth*	*Sadowski v. Thomas Furnace Co.*
Arnold v. Pike	*Cashman v. Ross*	*BELSTNER v. TOWN OF SHMNER*	*Sparrow v. Menasha Paper Co.*
Athanasiou v. Garton Toy Co.	*Cawker v. Trimmel*	*Johnson v. Aetna L. Ins. Co.*	*State ex rel. City Const. Co. v. Kotecki*
Bagnall v. Milwaukee	*Heineman v. Old Nat'l Bank*	*D. Canale & Co. v. Pauly & Pauly Cheese Co.*	*State ex rel. Milwaukee v. Milwaukee E. R. & L. Co.*
Baird v. Carle	*Horlick's Malted Milk Co. v. A. Spiegel Co.*	*Carthew v. Platteville*	
Banaszek v. F. Mayer Boot & Shoe Co.	*Huggard v. Chicago, M. & S. P. R. Co.*	*Moroder v. Fox*	
Baraboo v. Stone	*Kinziger v. Chicago & N. W. R. Co.*	*PETERSON v. WIDULE*	
Bartl v. C. H. Starke Dredge & Dock Co.	*Kresge v. Maryland Casualty Co.*	*Sixta v. Ontonagon Valley Land Co.*	
Berry v. Wadhams Oil Co.	*Krueck v. Phoenix Chair Co.*	*State ex rel. Attorney Gen. v. Northern P. R. Co.*	
Bertrand v. Milwaukee E. R. & L. Co.	*Langos v. Menasha Paper Co.*	*Wisconsin Traction Light, Heat & Power Co. v. Menasha*	
Boardman v. Lorentzen	*McDougall v. Racine County*	*Zohrlaut v. Mengelberg* (4-2)	
Boehmer v. Kalk	*Meade v. Dane County*		
Boettger v. Two Rivers	*Parmentier v. McGinnis*		
Burroughs v. School Dist.	*Ricketson v. Milwaukee*		
C. W. BEGGS, SONS & CO. v. ESTATE OF BEHREND	*Rosholt v. Worden-Allen Co.*		
Gauger v. Gauger	*Smith v. Lederer*		
Ingalls v. Morrissey	*Tripp v. Foster*		

(continued on following page)

[1] As a result of 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.

Knudson v. George	*Van Valkenburgh v. Milwaukee*		
Liesner v. Wanie	*Wallis v. First Nat'l Bank* [155 Wis. 306]		
LINDENMANN v. KOPCZYNSKI	*Wallis v. First Nat'l Bank* [155 Wis. 533]		
Pabst Brewing Co. v. Milwaukee Lithographing Co.	*Youngs v. Wegner*		
Ross v. Northrup, King & Co.	*Zartner v. George*		
State ex rel. Forrestal v. Eschweiler	*Zodrow v. State*		
Botorowicz v. Kieckhefer Box Co.	*Minneapolis, S. P. & S. S. M. R. Co. v. Railroad Com. of Wisconsin* (5-1)		
Breen v. Arnold	*Madison v. Southern W. R. Co.* (5-1)		
Breen v. Kennedy			
Brennan v. Healy			
Brittingham & H. Lumber Co. v. Sparta			
Burstein v. Phillips			
Butler v. Joint School Dist.			
Carlson v. Dixon			
Cass v. Haskins			
Chicago, M. & S. P. R. Co. v. Railroad Com.			
Christensen v. Christopher			
Citizens Tel. Co. v. Railroad Com.			
Cointe v. Congregation of St. John The Baptist			
Cook v. Gust			
Cowan v. Beans			
Culver v. Marx [155 Wis. 453]			
Culver v. Marx [157 Wis. 320]			
Dalberg v. Jung Brewing Co.			
De Witt v. State			
Derouso v. International Harvester Co.			
Dixon v. Russell			
Dolphin v. Peacock Min. Co.			
Donovan v. Hoenig			
Drovers' Deposit Nat'l Bank v. Tichenor			
DUHNE v. HATTENDORF			
Esser v. Breckheimer Brewing Co.			
ESTATE OF HEMPHILL			
ESTATE OF RYAN v. PUFFER			
ESTATE OF WELLS			
Evans v. Chicago & N. W. R. Co.			
First State Bank v. Boetcher			
Fond Du Lac v. Barber Asphalt Paving Co.			
Francis H. Leggett & Co. v. West Salem Canning Co.			
Franke v. H. P. Nelson Co.			
Fred Miller Brewing Co. v. Milwaukee			
Free High School Dist. v. Fountain Prairie			
Friedrich v. Huth			
Fugina v. Northwestern Nat'l Life Ins. Co.			

(continued on following page)

Garage Equipment Mfg. Co. v. Danielson			
Germania Nat'l Bank v. Lachenmaier			
Glander v. Milwaukee E. R. & L. Co.			
Glass v. Zachow			
Goldstine v. Tolman			
Gordon v. State			
Gosczinski v. Carlson			
Gotham v. Wachsmuth Lumber Co.			
Gowran v. Lennon			
Grab v. Lucas			
Grant v. Milwaukee			
Greeler v. Redmond			
Greeney v. Greeney			
GRUBBE v. PIERCE			
Guaranteed Inv. Co. v. St. Croix Consol. Copper Co.			
Andrzejewski v. Northwestern Fuel Co.			
Cream City Bill Posting Co. v. Milwaukee			
Dibbert v. Metropolitan Inv. Co.			
Erin Prairie v. Wells			
First Sav. & Trust Co. v. Milwaukee County			
Gist v. Johnson-Carey Co.			
In re Skrinsrud's Will			
Lamberson v. Bailey			
Marchand v. Bellin			
Oakes v. Marshall-Wells Hardware Co.			
State v. Solomon			
Thomas Cusack Co. v. Milwaukee			
Adams v. Menasha Paper Co.			
Arnold v. Schmidt			
Free v. Western Union Tel. Co.			
Hanna v. Chicago, M. & S. P. R. Co.			
Sweet v. Chicago & N. W. R. Co.			
Zucker v. Johnson			
Brooks v. Dike			
Bruhnke v. La Crosse			
Burnham v. Milwaukee			
Cardine v. Schaffenbuhl			
Cooper v. Chicago & N. W. R. Co.			
Dreblow v. Albert			
DUEL v. BLUEMBKE			
Hains v. Johnson			
Fuhrmann v. Coddington Engineering Co.			
Fehlhaber v. McFadden			
Laun v. Kipp			
Hannon v. Kelly			
Hannon v. Van Dycke Co.			
Hansen v. Milwaukee Coke & Gas Co.			
Hanson v. Chicago, M. & S. P. R. Co.			
Hanson v. Clinton			
Haueter v. Marty			
Hilden v. Great Lakes Coal & Dock Co.			
HILSENHOFF v. FASS			
Hoefer v. Milwaukee			

(continued on following page)

Hollenbeck v. Chippewa Sugar Co.			
Howard v. Brunette			
Illinois Steel Co. v. Budzisz			
Illinois Surety Co. v. Maguire			
In re Citizens' Sav. & Trust Co.			
In re Ehler's Will			
In re Hyde's Will			
In re Reeseville Drainage Dist.			
In re Rose's Will			
Inglehardt v. Mueller			
Jahn v. Northwestern Lithographing Co.			
James v. Knox			
Janes v. Racine			
Janesville Water Co. v. Janesville			
Janiak v. Milwaukee Western Fuel Co.			
John Deere Plow Co. v. Edgar Farmer Store Co.			
Johnson v. Bank of Sun Prairie			
Johnson v. Door County			
Jungdorf v. Little Rice			
Karel v. Conlan			
Kassuba Com. Co. v. Blodgett			
Kazmierczak v. Kokot			
Keeley v. Great N. R. Co.			
Kelleher v. Reedal			
Kendzewski v. Wausau Sulphate Fibre Co.			
Kerwin v. Albrecht			
Kindervater v. Till			
Kneeland-McLurg Lumber Co. v. Lillie			
Koch v. State			
Koeffler v. State			
Kowalkowski v. Milwaukee N. R. Co.			
Kranz v. Wisconsin Trust Co.			
Krenn v. State			
Landauer v. Kasik			
Landry v. Webster Mfg. Co.			
Langlade Realty Co. v. Magee			
LAUERMAN BROS. CO. v. RIEHL			
Layng v. Stout			
Legault v. Malacker			
Leora v. Minneapolis, S. P. & S. S. M. R. Co.			
Lese v. Chicago & N. W. R. Co.			
Lewandowski v. McClintic-Marshall Const. Co.			
Linden v. Minneapolis, S. P. & S. S. M. R. Co.			
Lingelbach v. Theresa Village Mut. Fire Ins. Co.			
Lisko v. Retzlaff			
Lotharius v. Milwaukee E. R. & L. Co.			
Lowe v. Crocker			
Luebke v. Salzwedel			
Lueckel v. Preston			
Luther v. Shaw [157 Wis. 231]			
Luther v. Shaw [157 Wis. 234]			
Maahs v. Antigo Lumber Co.			
Maas v. Chicago & N. W. R. Co.			

(continued on following page)

Madix v. Hochgreve Brewing Co.			
Manthey v. Manger			
Mayville v. Methodist Episcopal Church			
McCabe v. Milwaukee E. R. & L. Co.			
McGarvey v. Independent Oil & Grease Co.			
McGowan v. Paul			
MCKENNA v. RICKEY			
Mehlos v. Milwaukee			
Meldrum v. Southwick-Sellers Land Co.			
Miller v. Prescott			
Mills v. Morris			
Milwaukee v. Milwaukee E. R. & L. Co.			
Milwaukee v. Plath			
Milwaukee v. Reiff			
Milwaukee v. Ruplinger			
Milwaukee Worsted Mills v. Winsor			
Moering v. Falk Co.			
Montreal Mining Co. v. State			
MORITZ v. SANDS LUMBER CO.			
Murphy v. Interlake Pulp & Paper Co.			
Murray v. Paine Lumber Co.			
Nelson v. Snoyenbos			
NILAND v. NILAND			
Northwestern Mut. Life Ins. Co. v. Adams			
Oconto County v. Macallister			
Oconto Land Co. v. Wallschlaeger			
OESAU v. ESTATE OF OESAU			
Olmsted v. Greenfield			
Olson v. McDonald			
O'Sullivan v. J. S. Stearns Lumber Co.			
Ouellette v. Superior Motor & Machine Works			
Pabst Brewing Co. v. Milwaukee			
Panoff v. Chicago, M. & S. P. R. Co.			
Paradies v. Woodard			
Patzer v. State			
Pennsylvania Coal & Supply Co. v. Schmidt			
POLEBITZKE v. JOHN WEEK LUMBER CO.			
Polk v. Railroad Com.			
Polly v. Gumney			
Pomainville v. Grand Rapids			
Priebe v. Hirsch			
PRZYBYLA v. CHAIN BELT CO.			
Quinn v. Ross Motor Car Co.			
R. G. Uhlmann Fur Co. v. Gates			
Raether v. Filer & Stowell Mfg. Co.			
Riger v. Chicago & N. W. R. Co.			
Ripon Hardware Co. v. Haas			
Rix v. Sprague Canning Machinery Co.			
ROBERTSON v. Dow			
ROGERS v. HOLLISTER			
Salus v. Great N. R. Co.			

(continued on following page)

Schacht v. Oriental Storage & Transfer Co.			
SCHAUT v. BARKHAUSEN COAL & DOCK CO.			
Schenck v. Sterling Engineering & Constr. Co.			
Schmidt v. Milwaukee			
Schmuhl v. Milwaukee E. R. & L. Co.			
Schneider v. Miller			
Second Ward Sav. Bank v. Leuch			
Seifert v. Mueller			
Shaffer v. Minneapolis, S. P. & S. S. M. R. Co.			
Shall v. Minneapolis, S. P. & S. S. M. R. Co.			
Shaw v. Crandon Printing Co.			
Sommerfeld v. Chicago, M. & S. P. R. Co.			
State ex rel. Althen v. Klein			
State ex rel. Arnold v. Milwaukee			
State ex rel. Arpin v. Eberhardt			
State ex rel. Bloomer v. Canavan			
State ex rel. Chandler v. Mayor, etc. of Superior			
State ex rel. Dammann v. Carney			
State ex rel. Elliott v. Kelly			
State ex rel. Ilsley v. Leuch			
State ex rel. Johnson v. Hintgen			
State ex rel. Marshall & Ilsley Bank v. Leuch [155 Wis. 499]			
State ex rel. Marshall & Ilsley Bank v. Leuch [155 Wis. 500]			
State ex rel. Mengel v. Steber			
State ex rel. Ringer v. Harper			
State ex rel. Small v. Bosacki			
State ex rel. Thomas Furnace Co. v. Milwaukee			
State ex rel. Wilczewski v. Common Council of Milwaukee			
State ex rel. Wills v. Larkin			
State ex rel. Wisconsin Trust Co. v. Leuch			
State ex rel. Yager v. Wilcox			
State v. Bading			
State v. Boliski			
STATKAWICZ v. LAGUNA			
Sturm v. Green Bay & De Pere Mut. Fire Ins. Co.			
Sullivan v. Ashland L. P. & S. R. Co.			
Sullivan v. Kuolt			
Superior v. Allouex Bay Dock Co.			
Sutherland v. Drolet			
Tallman v. Chippewa Sugar Co.			
Thomas v. Beaver Dam Mfg. Co.			
Thomas v. Citizens Nat'l Bank			
Tobin v. Nichols			
Toepfer v. Sterr			
Toledo Computing Scale Co. v. Polanis			
Tomscyk v. Badger Box & Lumber Co.			

(continued on following page)

Torbe v. Strauss			
Tourtellotte v. New York Life Ins. Co.			
Transfer Realty Co. v. Superior			
Vicker v. Byrne			
Voss v. Voss			
Walczakowski v. Milwaukee E. R. & L. Co.			
Walker v. Rockman			
Walter Bros. Brewing Co. v. Kluck			
Washburn Water Works Co. v. Washburn			
WEBSTER v. CORCORAN BROS. CO.			
Weichman v. Kast			
Weissman v. Weissman			
Westra v. Roberts			
Wettengel v. United States Lloyds			
Whalen v. Eagle Lime Products Co.			
Whinfield v. Trustees of Diocese of Fond Du Lac			
Wilcox v. Porth			
Wildes v. Franke			
Will of Mitchell			
Will of Powell			
Wille v. Maas			
Wisconsin C. R. Co. v. Schug			
Wisdom v. Wisdom			
Yates v. Yates			
Yawkey-Crowley Lumber Co. v. De Longe			
Young v. Young			
Zellmer v. Martin			
Zimmerman v. Northern P. R. Co.			
Zwietusch v. Luehring			
Conway v. Zender (6-0)			
Covault v. Nevitt (6-0)			
Drella v. Connor Lumber & Land Co. (6-0)			
Chicago & N. W. R. Co. v. Railroad Com. (6-0)			
Diana Shooting Club v. Kohl (6-0)			
Diana Shooting Club v. Husting (6-0)			
Hathaway v. Ernest A. Arnold Land Co. (6-0)			
Kuchler v. Milwaukee E. R. & L. Co. (6-0)			
Milwaukee v. Althoff (6-0)			
Pulp Wood Co. v. Green Bay Paper & Fiber Co. (6-0)			
Ruhland v. King (6-0)			
State ex rel. Kleinsteuber v. Kotecki (6-0)			
SZELIWICKI v. CONNOR LUMBER & LAND CO. (6-0)			
Milwaukee v. Miller (5-0)			

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	357	366	**98%**
Timlin	339	363	**93%**
Winslow	360	367	**98%**
Siebecker	354	362	**98%**
Kerwin	353	366	**96%**
Marshall	355	366	**97%**
Barnes	344	361	**95%**

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Vinje	46	55	**84%**
Timlin	30	54	**56%**
Winslow	48	55	**87%**
Siebecker	46	54	**85%**
Kerwin	42	55	**76%**
Marshall	44	55	**80%**
Barnes	37	54	**69%**

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, 50)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
Vinje	48	5	2	0
Timlin	48	3	2	3
Winslow	56	3	2	0
Siebecker	18	4	2	1
Kerwin	49	4	0	2
Marshall	45	4	4	2
Barnes	48	7	4	1

Opinion Author	Concurring Opinions	Dissenting Opinions
Vinje	0	2
Timlin	3	13
Winslow	2	4
Siebecker	0	2
Kerwin	0	3
Marshall	3	5
Barnes	6	8

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 25% of the decisions, while the figure for Justices Vinje and Marshall was 82%.

Agreement Between Pairs of Justices—All Decisions

	Timlin	Winslow	Siebecker	Kerwin	Marshall	Barnes
Vinje	329/362=**91%**	358/366=**98%**	348/361=**96%**	343/365=**94%**	355/365=**97%**	342/360=**95%**
Timlin		332/363=**91%**	335/359=**93%**	344/362=**95%**	327/362=**90%**	317/357=**89%**
Winslow			347/362=**96%**	346/366=**95%**	352/366=**96%**	347/361=**96%**
Siebecker				348/361=**96%**	342/361=**95%**	335/356=**94%**
Kerwin					341/365=**93%**	332/360=**92%**
Marshall						336/360=**93%**
Barnes						

Agreement Between Pairs of Justices—Non-Unanimous Decisions

	Timlin	Winslow	Siebecker	Kerwin	Marshall	Barnes
Vinje	21/54=**39%**	47/55=**85%**	41/54=**76%**	33/55=**60%**	45/55=**82%**	36/54=**67%**
Timlin		23/54=**43%**	29/53=**55%**	36/54=**67%**	19/54=**35%**	13/53=**25%**
Winslow			39/54=**72%**	35/55=**64%**	41/55=**75%**	40/54=**74%**
Siebecker				41/54=**76%**	35/54=**65%**	32/53=**60%**
Kerwin					31/55=**56%**	26/54=**48%**
Marshall						30/54=**56%**
Barnes						