

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1975-1976

Four-to-Three Decisions

4-3 Alignments

Justices	Total	Case Names
Wilkie, Day, Heffernan, Beilfuss	6	<i>Westring; McWilliams; In re Kading; Wisconsin Solid Waste Recycling; Variance; Antoniewicz</i>
Day, Heffernan, C. Hansen, R. Hansen	1	<i>Blooming Grove</i>

4-3 Membership in the Majority

Justice	Votes
Wilkie	6
Day	7
Heffernan	7
Beilfuss	6
C. Hansen	1
Hanley	0
R. Hansen	1

4-3 Majority Opinions Authored

	Opinions
Wilkie	3
Day	1
Heffernan	2
Beilfuss	0
C. Hansen	1
Hanley	0
R. Hansen	0
Total	7

Decisions by Vote Split¹

7-0 (or 6-0)	6-1 (or 5-1)	5-2 (or 4-2)	4-3
272/288 (94%)	5/288 (2%)	4/288 (1%)	7/288 (2%)
<i>Sutter v. State, Dep't of Natural Resources</i>	<i>State v. Wachsmuth</i>	<i>De Leeuw v. Department of Industry, Labor & Human Relations</i>	<i>Blooming Grove v. Madison</i>
<i>Kubart v. State</i>	<i>Bergenthal v. State</i>	<i>Taake v. Taake</i>	<i>Westring v. James</i>
<i>State v. Schaller</i>	<i>Dumer v. St. Michael's Hospital</i>	<i>Mulkovich v. State</i>	<i>McWilliams v. Guzinski</i>
<i>Quarles v. State</i>	<i>State v. Rogers</i>	<i>State ex rel. Milwaukee County v. Wisconsin Council on Criminal Justice (4-2)</i>	<i>In re Kading</i>
<i>Kubly v. Wisconsin Dep't of Revenue</i>	<i>State ex rel. Lynch v. Conta (5-1)</i>		<i>Wisconsin Solid Waste Recycling Authority v. Earl</i>
<i>Ocanas v. State</i>			<i>Variance, Inc. v. Losinske</i>
<i>Melby v. State</i>			<i>Antoniewicz v. Reszczynski</i>
<i>Victorson v. Milwaukee & Suburban Transport Co.</i>			
<i>Racine Fire & Police Com. v. Stanfield</i>			
<i>Spannuth v. State</i>			
<i>Dolphin v. Board of Review</i>			
<i>Micke v. Jack Walters & Sons Corp.</i>			
<i>Zweck v. D P Way Corp.</i>			
<i>Seegers v. Sprague</i>			
<i>Mulvaney v. Tri State Truck & Auto Body, Inc.</i>			
<i>First Wisconsin Land Corp. v. Bechtel Corp.</i>			
<i>Shelley v. Wisconsin Dep't of Revenue</i>			
<i>Lutz v. Shelby Mut. Ins. Co.</i>			
<i>In re Estate of Mingesz</i>			
<i>State ex rel. Van Dyke Ford, Inc. v. Cane</i>			
<i>Kroske v. Anaconda American Brass Co.</i>			
<i>Kilgust Heating Div. of Wolff, Kubly & Hirsig, Inc. v. Kemp</i>			
<i>Big Foot Country Club v. Wisconsin Dep't of Revenue</i>			
<i>State ex rel. Smith v. Chicks</i>			
<i>Schmitz v. Schmitz</i>			
<i>Riley Constr. Co. v. Schillmoeller & Krofl Co.</i>			
<i>Vande Zande v. Department of Industry, Labor & Human Relations</i>			

(continued on following page)

¹ As the result of rounding, the percentages do not add up to one hundred. In few instances, a justice authored a separate opinion that concurred in part and dissented 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.

<i>Howard v. State Farm Mut. Auto. Liability Ins. Co.</i>			
<i>Meier v. Purdun</i>			
<i>Bialas v. Portage County</i>			
<i>Household Utilities, Inc. v. Andrews Co.</i>			
<i>State v. Gibbons</i>			
<i>State ex rel. Carl v. Charles</i>			
<i>Olguin v. Allstate Ins. Co.</i>			
<i>Milwaukee Enforcers, Inc. v. Ball</i>			
<i>State ex rel. Lynch v. Dancey</i>			
<i>Chicago & North Western Transp. Co. v. Thoreson Food Products, Inc.</i>			
<i>Madison General Hospital Asso. v. Madison</i>			
<i>Anchor Coatings, Inc. v. De Gelleke Co.</i>			
<i>State ex rel. Department of Health & Social Services v. Circuit Court for Dane County, Branch 2</i>			
<i>State ex rel. Renner v. Department of Health & Social Services, Correctional Div.</i>			
<i>Capitol Sand & Gravel Co. v. Waffenschmidt</i>			
<i>Sabinasz v. Milwaukee & Suburban Transport Corp.</i>			
<i>First Wisconsin Nat'l Bank v. KSW Invest., Inc.</i>			
<i>Severson v. Severson</i>			
<i>Brown v. Brown</i>			
<i>Wisconsin Area Health & Welfare Fund v. Cate</i>			
<i>Omernick v. Department of Natural Resources</i>			
<i>Lawver v. Boling</i>			
<i>Hicks v. Milwaukee County</i>			
<i>Kleinstick v. Daleiden</i>			
<i>Danielson v. Brody Seating Co.</i>			
<i>Luther Hospital v. Garborg</i>			
<i>Mutual Federal Sav. & Loan Asso. v. Wisconsin Wire Works</i>			
<i>Dalton v. Meister</i>			
<i>International Chiropractors Ins. Co. v. Gonstead</i>			
<i>Milwaukee v. Milwaukee Civic Devs.</i>			
<i>Milwaukee v. Wisconsin Employment Relations Com.</i>			
<i>Jones v. State</i>			
<i>Val-Lo-Will Farms, Inc. v. Irv Azoff & Associates, Inc.</i>			
<i>DeGroff v. Schmude</i>			
<i>In re Estate of Kersten</i>			

(continued on following page)

<i>Gamble-Skogmos, Inc. v. Chicago & North Western Transp. Co.</i>			
<i>Merco Distributing Corp. v. O & R Engines, Inc.</i>			
<i>Peterson v. Schrieber</i>			
<i>Fox Valley Builders Corp. v. Day</i>			
<i>Davison v. Wilson</i>			
<i>Schroeder v. Ajax Corp.</i>			
<i>Knight v. Heritage Mut. Ins. Co.</i>			
<i>Green Bay Packaging, Inc. v. Department of Industry, Labor & Human Relations</i>			
<i>State v. Rosen</i>			
<i>Hurst v. State</i>			
<i>Donovan v. Schlesner</i>			
<i>Buerosse v. Dutchland Dairy Restaurants, Inc.</i>			
<i>State ex rel. Pyatskowitz v. Montour</i>			
<i>Bahr v. Bahr</i>			
<i>Hernke v. Coronet Ins. Co.</i>			
<i>Crawford v. Dickman</i>			
<i>Titus v. Polan</i>			
<i>State v. Besso</i>			
<i>College Mobile Home Park & Sales, Inc. v. Hoffmann</i>			
<i>Patti v. Western Machine Co.</i>			
<i>Wisconsin Gas Co. v. Craig D. Lawrenz & Associates, Inc.</i>			
<i>Walsh v. Wild Masonry Co.</i>			
<i>Siegel v. American Interstate Ins. Corp.</i>			
<i>United States Fidelity & Guaranty Co. v. Frantl Industries, Inc.</i>			
<i>Miles v. Ace Van Lines & Movers, Inc.</i>			
<i>Christenson v. Green Bay</i>			
<i>Lemm v. Lemm</i>			
<i>Three Lions Supper Club, Ltd. v. Wisconsin Dep't of Revenue</i>			
<i>Hallmark Ins. Co. v. Crary Enterprises, Inc.</i>			
<i>Gross v. Joecks</i>			
<i>In re Estate of Schaefer</i>			
<i>State ex rel. Muntwyler v. Wisconsin Dep't of Health & Social Services</i>			
<i>In re Pewaukee</i>			
<i>Anderson v. Anderson</i>			
<i>State v. Smith</i>			
<i>Weatherall v. State</i>			
<i>State v. Ross</i>			
<i>State v. Van Meter</i>			
<i>Nichols v. State</i>			

(continued on following page)

<i>Soczka v. Rechner</i>			
<i>Paterson v. Paterson</i>			
<i>Stevens Constr. Corp. v. Draper Hall, Inc.</i>			
<i>Alexander v. Sloan</i>			
<i>Hartwig v. Wenzel</i>			
<i>Markey v. Hauck</i>			
<i>Gossett v. State</i>			
<i>Johnson v. Heintz</i>			
<i>Roach v. Keane</i>			
<i>Featherly v. Continental Ins. Co.</i>			
<i>Polsky v. Levine</i>			
<i>In re Estate of Boots</i>			
<i>Greco v. Greco</i>			
<i>State ex rel. Bena v. Crosetto</i>			
<i>State v. Phelps</i>			
<i>In re Estate of Malnar</i>			
<i>Jax v. Jax</i>			
<i>State ex rel. Cutler v. Schmidt</i>			
<i>La Crosse Lutheran Hospital v. Oldenburg</i>			
<i>State ex rel. Solie v. Schmidt</i>			
<i>Cummings v. State</i>			
<i>Lemacher v. Circle Constr. Co.</i>			
<i>Binder v. Madison</i>			
<i>Consolidated Constr. Co. v. Casey</i>			
<i>State ex rel. Niederer v. Cady</i>			
<i>Allen v. State Farm Fire & Casualty Co.</i>			
<i>Treps v. Racine</i>			
<i>Rollie Johnson Plumbing & Heating Service, Inc. v. State, Dep't of Transp. (Div. of Highways)</i>			
<i>In re Estate of Weger</i>			
<i>State ex rel. Wisconsin's Environmental Decade, Inc. v. Joint Committee for Review of Administrative Rules</i>			
<i>Hartman v. Buerger</i>			
<i>State v. Theoharopoulos</i>			
<i>Muhich v. Family Finance Corp.</i>			
<i>Behnke v. Hertz Corp.</i>			
<i>Giwosky v. Journal Co.</i>			
<i>Alt v. American Family Mut. Ins. Co.</i>			
<i>In re Will of Pauly</i>			
<i>State ex rel. Tyznik v. Department of Health & Social Services</i>			
<i>Reddington v. Beefeeders Tables, Inc.</i>			
<i>Swiss Colony, Inc. v. Department of Industry, Labor & Human Relations</i>			

(continued on following page)

<i>Metropolitan Sewerage Com. v. R. W. Constr., Inc.</i>			
<i>State ex rel. Sundby v. Adamany</i>			
<i>Barter v. General Motors Corp.</i>			
<i>Hough v. State</i>			
<i>Washington v. Altoona</i>			
<i>Greiten v. La Dow</i>			
<i>McGowan v. Story</i>			
<i>Hasley v. Black, Sivalls & Bryson, Inc.</i>			
<i>State ex rel. De Luca v. Common Council of Franklin</i>			
<i>Amans v. Department of Health & Social Services</i>			
<i>Gensler v. Wisconsin Dep't of Revenue</i>			
<i>Moedern v. McGinnis</i>			
<i>Beloit by Beloit City School Board v. Wisconsin Employment Relations Com.</i>			
<i>Grennier v. State</i>			
<i>In re Refusal to Submit to Chemical Test</i>			
<i>Baird v. La Follette</i>			
<i>State ex rel. Wisconsin Electric Power Co. v. Bardwell</i>			
<i>McKissick v. Schroeder</i>			
<i>Korenak v. Curative Workshop Adult Rehabilitation Ctr.</i>			
<i>Garcia v. State</i>			
<i>Lambert v. State</i>			
<i>Muetze v. State</i>			
<i>Ramaker v. State</i>			
<i>Heldt v. Nicholson Mfg. Co.</i>			
<i>La Crosse v. Schubert, Schroeder & Associates, Inc.</i>			
<i>West Allis v. Wisconsin Employment Relations Com.</i>			
<i>Schwartz v. Department of Industry, Labor & Human Relations, Workmen's Compensation Div.</i>			
<i>Kruse v. Schieve</i>			
<i>Vandervelde v. Green Lake</i>			
<i>Billingsley v. Zickert</i>			
<i>Schattschneider v. Milwaukee & Suburban Transport Corp.</i>			
<i>Kaski v. First Federal Sav. & Loan Asso.</i>			
<i>Gimbels Midwest, Inc. v. Northwestern Nat'l Ins. Co.</i>			
<i>Wisconsin Dep't of Revenue v. A. O. Smith Harvestore Products, Inc.</i>			
<i>Schoolway Transp. Co. v. Division of Motor Vehicles, Dep't of Transp.</i>			
<i>State v. Graf</i>			

(continued on following page)

<i>In re Estate of Tierney</i>			
<i>Rosen v. Milwaukee</i>			
<i>Miles v. Mackle Bros., Div. Deltona Corp.</i>			
<i>Czaicki v. Czaicki</i>			
<i>State ex rel. Prentice v. County Court, Milwaukee County</i>			
<i>Wisconsin Dep't of Revenue v. Nagle-Hart, Inc.</i>			
<i>State ex rel. Conway v. Elvod Lafayette v. Chippewa Falls</i>			
<i>Howes v. Deere & Co.</i>			
<i>Smith v. Plankinton de Pulaski</i>			
<i>Barth v. Downey Co.</i>			
<i>Rossow Oil Co. v. Heiman</i>			
<i>State v. Consolidated Freightways Corp.</i>			
<i>State ex rel. Prellwitz v. Schmidt</i>			
<i>Ceplina v. South Milwaukee School Board</i>			
<i>Beckett v. State</i>			
<i>Ladish Co. v. Wisconsin Dep't of Revenue</i>			
<i>Harris v. Kelley</i>			
<i>Putnam v. McCauley</i>			
<i>State v. O'Brien</i>			
<i>Lerner v. Division of Family Services, Dep't of Health & Social Services</i>			
<i>Richmond v. Murdock</i>			
<i>In re Guardianship of Schmidt</i>			
<i>Getka v. Lader</i>			
<i>Joint School Dist. v. State Appeal Board</i>			
<i>Aqua-Tech, Inc. v. Como Lake Protection & Rehabilitation Dist.</i>			
<i>State v. Spraggin</i>			
<i>Wendricks v. State</i>			
<i>State v. Killory</i>			
<i>Grant v. State</i>			
<i>Peterson v. State</i>			
<i>Wangerin v. State</i>			
<i>Yingling v. State</i>			
<i>Security Ins. Co. v. Wisconsin Dep't of Industry, Labor & Human Relations</i>			
<i>Abendroth v. Wisconsin Dep't of Industry, Labor & Human Relations</i>			
<i>Coffee-Rich, Inc. v. Wisconsin Dep't of Agriculture</i>			
<i>Kolbeck v. Rural Mut. Ins. Co.</i>			
<i>Center v. Appleton</i>			
<i>Schiavo v. Schiavo</i>			
<i>Schleiss v. State</i>			
<i>Butala v. State</i>			

(continued on following page)

<i>Mentek v. State</i>			
<i>Thompson v. Beecham</i>			
<i>Nelson, Inc. of Wisconsin v. Sewerage Com. of Milwaukee</i>			
<i>Rabe v. Outagamie County</i>			
<i>Trimble v. Wisconsin Builders, Inc.</i>			
<i>Walberg v. State</i>			
<i>Desjarlais v. State</i>			
<i>Scott v. State</i>			
<i>Rosado v. State</i>			
<i>Joint School Dist. v. Wisconsin Rapids Education Asso.</i>			
<i>Kenosha Unified School Dist. v. Kenosha Education Asso.</i>			
<i>State v. Isham</i>			
<i>Baranowski v. Milwaukee</i>			
<i>First Nat'l Bank v. Scalzo</i>			
<i>Germantown v. Germantown</i>			
<i>Drexler v. All American Life & Casualty Co.</i>			
<i>Rotter v. Milwaukee County Expressway & Transp. Com.</i>			
<i>Genge v. Baraboo</i>			
<i>Pettit v. State</i>			
<i>State v. Gloudemans</i>			
<i>State v. Neutz</i>			
<i>De Gayner & Co. v. Department of Natural Resources</i>			
<i>Manitowoc v. Manitowoc Police Dep't</i>			
<i>Ray-O-Vac, Div. of E.S.B., Inc. v. Wisconsin Dep't of Industry, Labor & Human Relations</i>			
<i>Gonis v. New York Life Ins. Co.</i>			
<i>De Montigny v. De Montigny</i>			
<i>State Medical Soc. v. Commissioner of Ins.</i>			
<i>Hoeft v. Friedel</i>			
<i>Ewing v. General Motors Corp.</i>			
<i>State v. Russo</i>			
<i>H. Samuels Co. v. Wisconsin Dep't of Revenue</i>			
<i>Watkins v. Department of Industry, Labor & Human Relations</i>			
<i>Butler v. Renner Mfg. Co.</i>			
<i>Laabs v. Chicago Title Ins. Co.</i>			
<i>De Bruin v. County of Green</i>			
<i>Peters v. State</i>			
<i>Jones v. State</i>			
<i>Jones v. State</i>			
<i>Foster v. State</i>			
<i>State ex rel. Perry v. Wolke</i>			
<i>Schneider Fuel & Supply Co. v. West Allis State Bank</i>			

(continued on following page)

<i>Drake v. Milwaukee Mut. Ins. Co.</i>			
<i>Lavota v. Lavota</i>			
<i>In re Estate of Christen</i>			
<i>Carley Ford, Lincoln, Mercury, Inc. v. Bosquette</i>			
<i>Marshall & Ilsley Bank v. Palmer (6-0)</i>			
<i>Weaver v. State Personnel Board (6-0)</i>			
<i>Lister v. Board of Regents of University of Wisconsin System (6-0)</i>			
<i>Wisconsin Dep't of Revenue v. Wisconsin Tel. Co. (6-0)</i>			
<i>McGraw-Edison Co. v. Dep't of Industry, Labor & Human Relations (6-0)</i>			
<i>In re Estate of Meister (6-0)</i>			
<i>Madison v. Hyland, Hall & Co. (6-0)</i>			
<i>State v. Suits (6-0)</i>			
<i>Fontana v. Fontana-On-Geneva Lake (6-0)</i>			

Frequency in the Majority

These tables display how frequently each justice voted in the majority in decisions filed during the 1975-76 term. The first table includes all cases in which a justice voted (out of the total of 288 cases specified above), while the second table includes only cases decided by split votes.

All Cases

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Wilkie	286	288	99%
Day	279	281	99%
Heffernan	285	287	99%
Beilfuss	284	286	99%
C. Hansen	281	288	98%
Hanley	280	287	98%
R. Hansen	276	288	96%

Non-Unanimous Decisions

Justice	Majority Votes Cast	Total Votes Cast	Percent in Majority
Wilkie	14	16	88%
Day	12	14	86%
Heffernan	14	16	88%
Beilfuss	14	16	88%
C. Hansen	9	16	56%
Hanley	9	16	56%
R. Hansen	4	16	25%

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.²

Opinion Author	7-0 (or 6-0)	6-1 (or 5-1)	5-2 (4-2)	4-3
Wilkie	34	0	1	3
Day	37	0	0	1
Heffernan	38	1	1	2
Beilfuss	41	1	1	0
C. Hansen	35	2	1	1
Hanley	42	1	0	0
R. Hansen	45	0	0	0

Opinion Author	Concurring Opinions	Dissenting Opinions
Wilkie	1	2
Day	0	0
Heffernan	2	3
Beilfuss	1	0
C. Hansen	0	2
Hanley	0	0
R. Hansen	0	11

² The first table does not include *Security Sav. & Loan Asso. v. Wauwatosa Colony, Inc.*, which yielded a fragmented decision, but the second table does credit the two dissents authored in this case.

Days Between Oral Argument and Opinion Filing

This table shows the average number of days between oral argument and the filing of majority (or lead) opinions authored by each of the justices. Given that a variety of factors could influence the length of time between oral argument and the filing of an opinion in a particular case—including the time taken by other justices to write concurring or dissenting opinions—averages for individual justices should be compared over an extended period. (Of course, the table does not include the 122 cases that were submitted on briefs.)³

	Number of Majority/Lead Opinions Authored in Cases that Included Oral Argument	Ave. No. of Days From Oral Argument to Opinion Filing
Wilkie	21	45
Day	23	77
Heffernan	27	50
Beilfuss	23	29
C. Hansen	23	35
Hanley	23	31
R. Hansen	27	35

³ This table includes the lead opinion authored by Justice Connor Hansen in the fragmented decision for *Security Sav. & Loan Assn. v. Wauwatosa Colony, Inc.*

Number of Oral Arguments Presented

The following table displays firms and agencies that participated in at least two oral arguments during the twelve months under consideration.

Firms and Agencies	Number of Oral Arguments
Aberg, Bell, Blake & Metzner	2
Axley, Brynelson, Herrick & Gehl	5
Boardman, Suhr, Curry & Field	2
Braden & Olson	2
Coffey, Murray & Coffey	2
Cook & Franke	2
Dane County District Attorney's Office	2
Davis, Kuelthau, Vergeront, Stover & Leichtfuss	3
Department of Industry, Labor & Human Relations	3
deVries, Vlasak & Schallert	2
DeWitt, McAndrews & Porter	2
Eisenberg & Kletzke	2
Foley & Capwell	2
Foley & Lardner	6
Francis X. Krembs	3
Fulton, Menn & Nehs	2
Geisler & Kay	2
Godfrey & Trump	3
Goldberg, Previant & Uelmen	3
Hamilton & Mueller	2
John A. Udovc	2
John T. McCann	3
John W. Emmerling	2
Kaftan, Kaftan, Kaftan, Kuehne & Van Egeren	2
Kasdorf, Dall, Lewis & Swietlik	3
Kluwin, Dunphy, Hankin & McNulty	3
Lawton & Cates	8
Legal Aid Society of Milwaukee	3
Lehman & Seymour	2
Michael, Best & Friedrich	2
Milwaukee City Attorney's Office	5
Milwaukee County Corporation Counsel's Office	2
Noll, Donovan, Bolgrien & Rut	2
O'Melia, Melby, Simon & Smith	2

(continued on next page)

Phillips, Hoffman & Bloch	2
Prosser, Wiedabach, Lane & Quale	2
Quarles & Brady	4
Samson, Friebert, Finerty & Burns	3
Schroeder, Gedlen, Riester & Moerke	2
Sigman, Schiff, Janssen & Zoesch	4
Simarski, Goodrich, Brennan & Stack	2
Stafford, Rosenbaum, Reiser & Hansen	4
State Attorney General's Office	73
State Public Defender's Office	24
Terwilliger, Wakeen, Piehler, Conway & Rouse	2
Walther & Halling	3
Whyte & Hirschboeck	4
Wolfe, O'Leary, Kenney & Wolfe	2