

STATISTICS ON WISCONSIN SUPREME COURT DECISIONS, 1968-69

Four-to-Three Decisions

4-3 Alignments

| Justices | Total | Case Names |
|----------------------------------------|-------|--------------------------------------------------------|
| Wilkie, Heffernan, Beilfuss, C. Hansen | 1 | <i>Cartwright v. Sharpe</i> |
| Hallows, C. Hansen, Hanley, R. Hansen | 1 | <i>Milwaukee Protestant Home for Aged v. Milwaukee</i> |
| Wilkie, Hallows, C. Hansen, Hanley | 1 | <i>Jacobs v. Jacobs</i> |
| Beilfuss, C. Hansen, Hanley, R. Hansen | 1 | <i>State v. Lingford</i> |

4-3 Membership in the Majority

| Justice | Votes |
|-----------|-------|
| Wilkie | 2 |
| Hallows | 2 |
| Heffernan | 1 |
| Beilfuss | 2 |
| C. Hansen | 4 |
| Hanley | 3 |
| R. Hansen | 2 |

4-3 Majority Opinions Authored

| | Opinions |
|--------------|----------|
| Wilkie | 0 |
| Hallows | 0 |
| Heffernan | 0 |
| Beilfuss | 1 |
| C. Hansen | 0 |
| Hanley | 1 |
| R. Hansen | 2 |
| Total | 4 |

Decisions by Vote Split¹

(Because of rounding, the percentages do not add up to 100.)

| 7-0 (or 6-0, 5-0) | 6-1 | 5-2 | 4-3 |
|---------------------------------------------------------------------|--------------------------------------------------------|-----------------------------------------------------------|--------------------------------------------------------|
| 264/283 (93%) | 7/283 (2%) | 8/283 (3%) | 4/283 (1%) |
| <i>Dietz Constr. Co. v. Carpenters Union A. F. L.</i> | <i>Chicago & N. W. R. Co. v. La Follette</i> | <i>State v. Zwicker</i> | <i>Cartwright v. Sharpe</i> |
| <i>Gelhaar v. State</i> | <i>National Amusement Co. v. Department of Revenue</i> | <i>State v. Groppi</i> | <i>Milwaukee Protestant Home for Aged v. Milwaukee</i> |
| <i>State ex rel. Lutchin v. County Court of Outagamie County</i> | <i>Mitchell Aero, Inc. v. Milwaukee</i> | <i>State ex rel. Gall v. Wittig</i> | <i>Jacobs v. Jacobs</i> |
| <i>State ex rel. Johnson v. County Court Branch II</i> | <i>State ex rel. Kurkierewicz v. Cannon</i> | <i>Jones v. Fisher</i> | <i>State v. Lingford</i> |
| <i>State ex rel. Simos v. Burke</i> | <i>Ianni v. Grain Dealers Mut. Ins. Co.</i> | <i>Walber v. Walber</i> | |
| <i>Hawthorne v. State</i> | <i>State v. Muhammad</i> | <i>Furrer v. Milwaukee & Suburban Transport Corp.</i> | |
| <i>Whipp v. Iverson</i> | <i>Prechel v. Monroe</i> | <i>Stoffel v. American Family Life Ins. Co.</i> | |
| <i>State ex rel. Journal Co. v. County Court for Racine County</i> | | <i>State v. Wilson</i> | |
| <i>Dees v. Dees</i> | | | |
| <i>Holifield v. Setco Industries, Inc.</i> | | | |
| <i>Holesome v. State</i> | | | |
| <i>Dittman v. Nagel</i> | | | |
| <i>Bisenius v. Karns</i> | | | |
| <i>Ervin v. State</i> | | | |
| <i>Milwaukee v. Firemen's Relief Ass'n</i> | | | |
| <i>Congress Bar & Restaurant, Inc. v. Transamerica Ins. Co.</i> | | | |
| <i>Roberts v. State</i> | | | |
| <i>Belcher v. State</i> | | | |
| <i>Waukesha v. Godfrey</i> | | | |
| <i>Medford v. Chauffeurs, etc. Union</i> | | | |
| <i>State v. Biastock</i> | | | |
| <i>Johnson v. Johnson</i> | | | |
| <i>A. O. Smith Corp. v. Wisconsin Dep't of Revenue</i> | | | |
| <i>Kiggins v. Mackyol</i> | | | |
| <i>Herro v. Wis. Fed. Surplus Property Dev. Corp.</i> | | | |
| <i>Massen v. State</i> | | | |
| <i>Prunty v. Schwantes</i> | | | |
| <i>Hauer v. Christon</i> | | | |

(continued on following page)

¹ 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>International Union, etc. v. Hamilton Beach Mfg. Co.</i> | | | |
| <i>State v. Cartagena</i> | | | |
| <i>Lukaszewicz v. Concrete Research, Inc.</i> | | | |
| <i>Detter v. Department of Indus., Labor & Human Rels.</i> | | | |
| <i>State v. Robbins</i> | | | |
| <i>Rosar v. General Ins. Co.</i> | | | |
| <i>In re Estate of Chayka</i> | | | |
| <i>Finger v. State</i> | | | |
| <i>Berg v. Board of Regents</i> | | | |
| <i>Flowers v. State</i> | | | |
| <i>Henry v. White River Corp.</i> | | | |
| <i>Gray v. State</i> | | | |
| <i>State v. Harrell</i> | | | |
| <i>Lautenschlager v. Hamburg</i> | | | |
| <i>State v. Holmstrom</i> | | | |
| <i>Townsend v. Wisconsin Desert Horse Asso.</i> | | | |
| <i>Vanderkarr v. Bergsma</i> | | | |
| <i>Young v. Anaconda American Brass Co.</i> | | | |
| <i>Buchanan v. State</i> | | | |
| <i>In re Guardianship of Colliton</i> | | | |
| <i>Milwaukee Cheese Co. v. Olafsson</i> | | | |
| <i>R. T. Madden, Inc. v. Dep't of Industry, Labor & Human Relations</i> | | | |
| <i>Spath v. Sereda</i> | | | |
| <i>State v. Conway</i> | | | |
| <i>State v. Laabs</i> | | | |
| <i>State v. Midell</i> | | | |
| <i>Wisconsin Fertilizer Ass'n v. Karns</i> | | | |
| <i>Burton v. Department of Indus., Labor & Human Rels.</i> | | | |
| <i>Hoelt v. Milwaukee & Suburban Transport Corp.</i> | | | |
| <i>In re Estate of Thayer</i> | | | |
| <i>Jensen v. Rural Mut. Ins. Co.</i> | | | |
| <i>Lefebvre v. State</i> | | | |
| <i>Porter v. General Casualty Co.</i> | | | |
| <i>Reiff v. State</i> | | | |
| <i>State ex rel. Freemon v. Cannon</i> | | | |
| <i>Wells v. State</i> | | | |
| <i>Trible v. Tower Ins. Co.</i> | | | |
| <i>Briggs & Stratton Corp. v. Department of Industry, Labor & Human Relations</i> | | | |
| <i>Fond Du Lac v. Hernandez</i> | | | |
| <i>Hause v. Schesel</i> | | | |
| <i>Milwaukee v. Wisconsin Employment Relations Com.</i> | | | |
| <i>Westerman v. Richardson</i> | | | |
| <i>Smith v. Beloit Corp.</i> | | | |
| <i>Dusek v. Pierce County</i> | | | |
| <i>Fitzwilliams v. O'Shaughnessy</i> | | | |

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| <i>Humble Oil & Refining Co. v. Schneider Fuel & Supply Co.</i> | | | |
| <i>Kurschner v. Department of Indus., Labor & Human Rels.</i> | | | |
| <i>State v. Eberhardt</i> | | | |
| <i>Wisconsin Collectors Ass'n v. Thorp Finance Corp.</i> | | | |
| <i>Boller v. Cofrances</i> | | | |
| <i>Khatib v. Frenn</i> | | | |
| <i>State v. Herrington</i> | | | |
| <i>Curl v. State</i> | | | |
| <i>Iowa Nat'l Mut. Ins. Co. v. Liberty Mut. Ins. Co.</i> | | | |
| <i>Ross v. Smigelski</i> | | | |
| <i>Scheeler v. Bahr</i> | | | |
| <i>Schicker v. Leick</i> | | | |
| <i>Carlson v. Taylor</i> | | | |
| <i>State v. Gresens</i> | | | |
| <i>Whitefish Bay v. Hardtke</i> | | | |
| <i>Menasha v. Menasha</i> | | | |
| <i>Vande Hei v. Vande Hei</i> | | | |
| <i>Spitz v. Continental Casualty Co.</i> | | | |
| <i>State ex rel. Peterson v. Burt</i> | | | |
| <i>Fenestra, Inc. v. Merle Patnode Co.</i> | | | |
| <i>New Amsterdam Casualty Co. v. Acorn Products Co.</i> | | | |
| <i>United Contractors, Inc. v. Cantrall</i> | | | |
| <i>Volk v. McCormick</i> | | | |
| <i>Appliance Buyers Credit Corp. v. Crivello</i> | | | |
| <i>Berg v. State</i> | | | |
| <i>Glomstead v. Chicago & N. W. R. Co.</i> | | | |
| <i>In re Estate of Milbrot</i> | | | |
| <i>State ex rel. Brelsford v. Retirement Board of Policemen's Annuity & Bene. Fund</i> | | | |
| <i>West Allis v. Public Service Com.</i> | | | |
| <i>Chicago & N. W. R. Co. v. Public Service Com.</i> | | | |
| <i>Fehrenbach v. Fehrenbach</i> | | | |
| <i>Mattek v. Malofsky</i> | | | |
| <i>Reuter v. Department of Natural Resources</i> | | | |
| <i>Koldrich v. Koldrich</i> | | | |
| <i>Cedarburg Light & Water Com. v. Glens Falls Ins. Co.</i> | | | |
| <i>State v. Stoeckle</i> | | | |
| <i>Freeman v. Krause Milling Co.</i> | | | |
| <i>Verrette v. Chicago & N. W. R. Co.</i> | | | |
| <i>Dick v. Shawano Municipal Hospital</i> | | | |
| <i>Bernfeld v. Bernfeld</i> | | | |
| <i>In re Fond Du Lac Metropolitan Sewerage Dist.</i> | | | |
| <i>Koslowsky v. Koslowsky</i> | | | |

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| <i>Schmiedeck v. Gerard</i> | | | |
| <i>Carey v. Dairyland Mut. Ins. Co.</i> | | | |
| <i>Crotty v. Bright</i> | | | |
| <i>Fry v. Toth</i> | | | |
| <i>Galvin v. State</i> | | | |
| <i>In re Estate of Erbach</i> | | | |
| <i>In re Fed. Wholesale Meats & Frozen Foods, Inc.</i> | | | |
| <i>Logan v. State</i> | | | |
| <i>McConnell v. L. C. L. Transit Co.</i> | | | |
| <i>McCraw v. Witynski</i> | | | |
| <i>Neider v. Spoehr</i> | | | |
| <i>Page v. American Family Mut. Ins. Co.</i> | | | |
| <i>Seventeen Seventy-Six Peachtree Corp. v. Miller</i> | | | |
| <i>Sipero v. State</i> | | | |
| <i>State ex rel. Ryan v. Pietrzykowski</i> | | | |
| <i>Wells v. National Indem. Co.</i> | | | |
| <i>State ex rel. Dore v. Stoltz</i> | | | |
| <i>Blackwell v. State</i> | | | |
| <i>Bunbury v. Krauss</i> | | | |
| <i>Cranston v. Bluhm</i> | | | |
| <i>Doelger & Kirsten, Inc. v. National Union Fire Ins. Co.</i> | | | |
| <i>Ebert v. Kohl's Food Stores Howell, Inc.</i> | | | |
| <i>Hardscrabble Ski Area, Inc. v. First Nat'l Bank</i> | | | |
| <i>In re Estate of Van Epps</i> | | | |
| <i>Kinsman v. Panek</i> | | | |
| <i>McGrath v. State</i> | | | |
| <i>Milwaukee v. Wroblewski</i> | | | |
| <i>Moose v. Western States Mut. Ins. Co.</i> | | | |
| <i>Reich v. Department of Indus., Labor & Human Rels.</i> | | | |
| <i>State ex rel. Boostrom v. Board of Review</i> | | | |
| <i>State v. Ruud</i> | | | |
| <i>State v. Watkins</i> | | | |
| <i>Tuskiewicz v. Lepins</i> | | | |
| <i>Woodhull v. State</i> | | | |
| <i>Lange v. Dep't of Industry, Labor & Human Relations</i> | | | |
| <i>Alonzo Cudworth Post v. Milwaukee</i> | | | |
| <i>Baldwin v. Anderson</i> | | | |
| <i>Boutelle v. Winne</i> | | | |
| <i>Diamond Homes, Inc. v. Bodovinac</i> | | | |
| <i>In re Estate of Allen</i> | | | |
| <i>In re Estate of Haberli</i> | | | |
| <i>In re Estate of Kohn</i> | | | |
| <i>In re Estate of Ritter</i> | | | |
| <i>In re Trust of Salimes</i> | | | |
| <i>Joint School Dist. v. United School Dist.</i> | | | |

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| <i>Menge v. State Farm Mut. Auto. Ins. Co.</i> | | | |
| <i>Moskowitz v. Mark</i> | | | |
| <i>Muehrcke v. Behrens</i> | | | |
| <i>Neider v. J. G. Van Holten & Son, Inc.</i> | | | |
| <i>Quinn Distributors, Inc. v. Miller</i> | | | |
| <i>Security Nat'l Bank v. Cohen</i> | | | |
| <i>Stadler v. Rohm</i> | | | |
| <i>State ex rel. Hernandez v. McConahey</i> | | | |
| <i>State v. Bond</i> | | | |
| <i>State v. Greene</i> | | | |
| <i>State v. Harrell</i> | | | |
| <i>State v. V-Systems of Wisconsin, Inc.</i> | | | |
| <i>Strait v. State</i> | | | |
| <i>Zimmer v. Daun</i> | | | |
| <i>Deja v. State</i> | | | |
| <i>Baez v. Dep't of Industry, Labor & Human Relations</i> | | | |
| <i>Cayo v. Milwaukee</i> | | | |
| <i>Chicago & N. W. R. Co. v. Public Service Com.</i> | | | |
| <i>Coxe v. Mid-America Ranch & Recreation Corp.</i> | | | |
| <i>Griffin v. State</i> | | | |
| <i>In re Estate of Pfaff</i> | | | |
| <i>In re School Dist.</i> | | | |
| <i>Jandrt v. State</i> | | | |
| <i>J. & S. Corp. v. Mortgage Associates, Inc.</i> | | | |
| <i>Kohler Co. v. Department of Industry, Labor & Human Relations</i> | | | |
| <i>Krantz v. Harris</i> | | | |
| <i>Krempel v. Noltze</i> | | | |
| <i>Ledges Constr. Co. v. Butler</i> | | | |
| <i>Liphford v. State</i> | | | |
| <i>Michels v. Green Giant Co.</i> | | | |
| <i>Milwaukee v. Kelly</i> | | | |
| <i>Powalka v. State Mut. Life Assurance Co.</i> | | | |
| <i>Schroeder v. Department of Indus., Labor & Human Rels.</i> | | | |
| <i>Schwartz v. Milwaukee</i> | | | |
| <i>Skybrock v. Concrete Constr. Co.</i> | | | |
| <i>State ex rel. Knudsen v. Board of Education</i> | | | |
| <i>State v. Doyle</i> | | | |
| <i>State v. Harris</i> | | | |
| <i>Walter Laev, Inc. v. Karns</i> | | | |
| <i>Brickson v. Dep't of Industry, Labor & Human Relations</i> | | | |
| <i>Dibble v. Department of Indus., Labor & Human Rels.</i> | | | |
| <i>Employers Ins. of Wausau v. Sheedy</i> | | | |
| <i>First Credit Corp. v. Myricks</i> | | | |

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| <i>Gamma Tau Educational Foundation v. Ohio Casualty Ins. Co.</i> | | | |
| <i>Hall v. State</i> | | | |
| <i>Huckstorf v. Vince L. Schneider Enterprises</i> | | | |
| <i>In re Estate of Zastrow</i> | | | |
| <i>Lease v. Zarndt</i> | | | |
| <i>Lofy v. Joint School Dist.</i> | | | |
| <i>State ex rel. Beierle v. Civil Service Com.</i> | | | |
| <i>State v. Beal</i> | | | |
| <i>Stauffacher v. Sun Prairie</i> | | | |
| <i>Van De Hey v. Calumet County</i> | | | |
| <i>Vulcan Materials Co. v. Quality Limestone Products, Inc.</i> | | | |
| <i>Balcom v. Royal Ins. Co.</i> | | | |
| <i>Hilbert v. Dep't of Industry, Labor & Human Relations</i> | | | |
| <i>In re Estate of Brehmer</i> | | | |
| <i>Jacobs v. Milwaukee & Suburban Transport Corp.</i> | | | |
| <i>Knief v. Sargent</i> | | | |
| <i>Van Dien v. Riopelle</i> | | | |
| <i>Wolff v. Sisters of St. Francis</i> | | | |
| <i>Hansen v. State</i> | | | |
| <i>Board of Regents of State Univs. v. Department of Indus., Labor & Human Rels.</i> | | | |
| <i>Fahrenkrug v. D. M. Builders, Inc.</i> | | | |
| <i>George v. Milwaukee</i> | | | |
| <i>Ramer v. State</i> | | | |
| <i>Schwab v. Department of Indus., Labor & Human Rels.</i> | | | |
| <i>County of Milwaukee v. Schmidt, Garden & Erikson</i> | | | |
| <i>Cudahy Junior Chamber of Commerce v. Quirk</i> | | | |
| <i>Ferguson v. State</i> | | | |
| <i>State ex rel. Westlund v. Nehls</i> | | | |
| <i>Williams v. State</i> | | | |
| <i>Milwaukee Acceptance Corp. v. Kuper</i> | | | |
| <i>Nichols v. Nichols</i> | | | |
| <i>Meyer v. State</i> | | | |
| <i>Ifc Collateral Corp. v. Commercial Units, Inc.</i> | | | |
| <i>Simonson v. Mc Inville</i> | | | |
| <i>State v. Draper</i> | | | |
| <i>Universal Organization of Municipal Foremen, etc. v. Wisconsin Employment Relations Com.</i> | | | |
| <i>Giese v. Giese</i> | | | |
| <i>La Claw v. State</i> | | | |
| <i>Schmidt v. Schmidt</i> | | | |
| <i>Block v. State</i> | | | |
| <i>In re Estate of Behr</i> | | | |

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| <i>Kenosha v. Dennis</i> | | | |
| <i>Bruno v. Biesecker</i> | | | |
| <i>Fitzgerald v. Ludwig</i> | | | |
| <i>Greer v. State</i> | | | |
| <i>State ex rel. Evanow v. Seraphim</i> | | | |
| <i>Milwaukee Acceptance Corp. v. Dore</i> | | | |
| <i>O'Leary v. Porter</i> | | | |
| <i>Schuster v. Germantown Mut. Ins. Co.</i> | | | |
| <i>Severson v. Beloit</i> | | | |
| <i>Peters v. State</i> | | | |
| <i>Weinstein v. McCabe</i> | | | |
| <i>Gerovac v. Hribar Trucking, Inc.</i> | | | |
| <i>Johnson v. State</i> | | | |
| <i>State ex rel. Lemieux v. Zimmerman (per curiam, 7-0)</i> | | | |
| <i>Foregger v. Foregger (6-0)</i> | | | |
| <i>Board of School Directors v. Wisconsin Employment Relations Com. (6-0)</i> | | | |
| <i>Shohet v. Shohet (6-0)</i> | | | |
| <i>Walsch v. Deanovich (6-0)</i> | | | |
| <i>Knoll v. Klatt (6-0)</i> | | | |
| <i>Bohlman v. Mutual Indem. Co. (6-0)</i> | | | |

Frequency in the Majority

These tables display how frequently each justice voted in the majority in decisions filed during the 1968-69 term. 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 |
|-----------|---------------------|------------------|---------------------|
| Wilkie | 274 | 281 | 98% |
| Hallows | 279 | 283 | 99% |
| Heffernan | 276 | 282 | 98% |
| Beilfuss | 279 | 282 | 99% |
| C. Hansen | 283 | 283 | 100% |
| Hanley | 277 | 283 | 98% |
| R. Hansen | 272 | 281 | 97% |

Non-Unanimous Decisions

| Justice | Majority Votes Cast | Total Votes Cast | Percent in Majority |
|-----------|---------------------|------------------|---------------------|
| Wilkie | 12 | 19 | 63% |
| Hallows | 15 | 19 | 79% |
| Heffernan | 13 | 19 | 68% |
| Beilfuss | 16 | 19 | 84% |
| C. Hansen | 19 | 19 | 100% |
| Hanley | 13 | 19 | 68% |
| R. Hansen | 10 | 19 | 53% |

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 | 5-2 | 4-3 |
|----------------|--------------|-----|-----|-----|
| Wilkie | 41 | 1 | 1 | 0 |
| Hallows | 34 | 1 | 1 | 0 |
| Heffernan | 36 | 2 | 0 | 0 |
| Beilfuss | 35 | 1 | 2 | 1 |
| C. Hansen | 38 | 0 | 2 | 0 |
| Hanley | 40 | 1 | 1 | 1 |
| R. Hansen | 39 | 1 | 1 | 2 |

| Opinion Author | Concurring Opinions | Dissenting Opinions |
|----------------|---------------------|---------------------|
| Wilkie | 1 | 4 |
| Hallows | 1 | 3 |
| Heffernan | 3 | 3 |
| Beilfuss | 1 | 2 |
| C. Hansen | 0 | 0 |
| Hanley | 0 | 3 |
| R. Hansen | 3 | 6 |

² *Per curiam* decisions are not included. Three justices (Wilkie, Heffernan, and Beilfuss) co-authored a dissent in *Milwaukee Protestant Home for Aged v. Milwaukee*, and all three are credited here. However, in *Furrer v. Milwaukee & Suburban Transport Corporation*, Justices Hanley and R. Hansen dissented without authoring an opinion, and neither justice is credited.

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 *per curiam* decisions.)

| | Number of Majority/Lead Opinions Authored in Cases that Included Oral Argument | Ave. No. of Days From Oral Argument to Opinion Filing |
|-----------|---------------------------------------------------------------------------------------|--------------------------------------------------------------|
| Wilkie | 43 | 33 |
| Hallows | 36 | 34 |
| Heffernan | 38 | 30 |
| Beilfuss | 39 | 31 |
| C. Hansen | 40 | 32 |
| Hanley | 43 | 31 |
| R. Hansen | 43 | 31 |