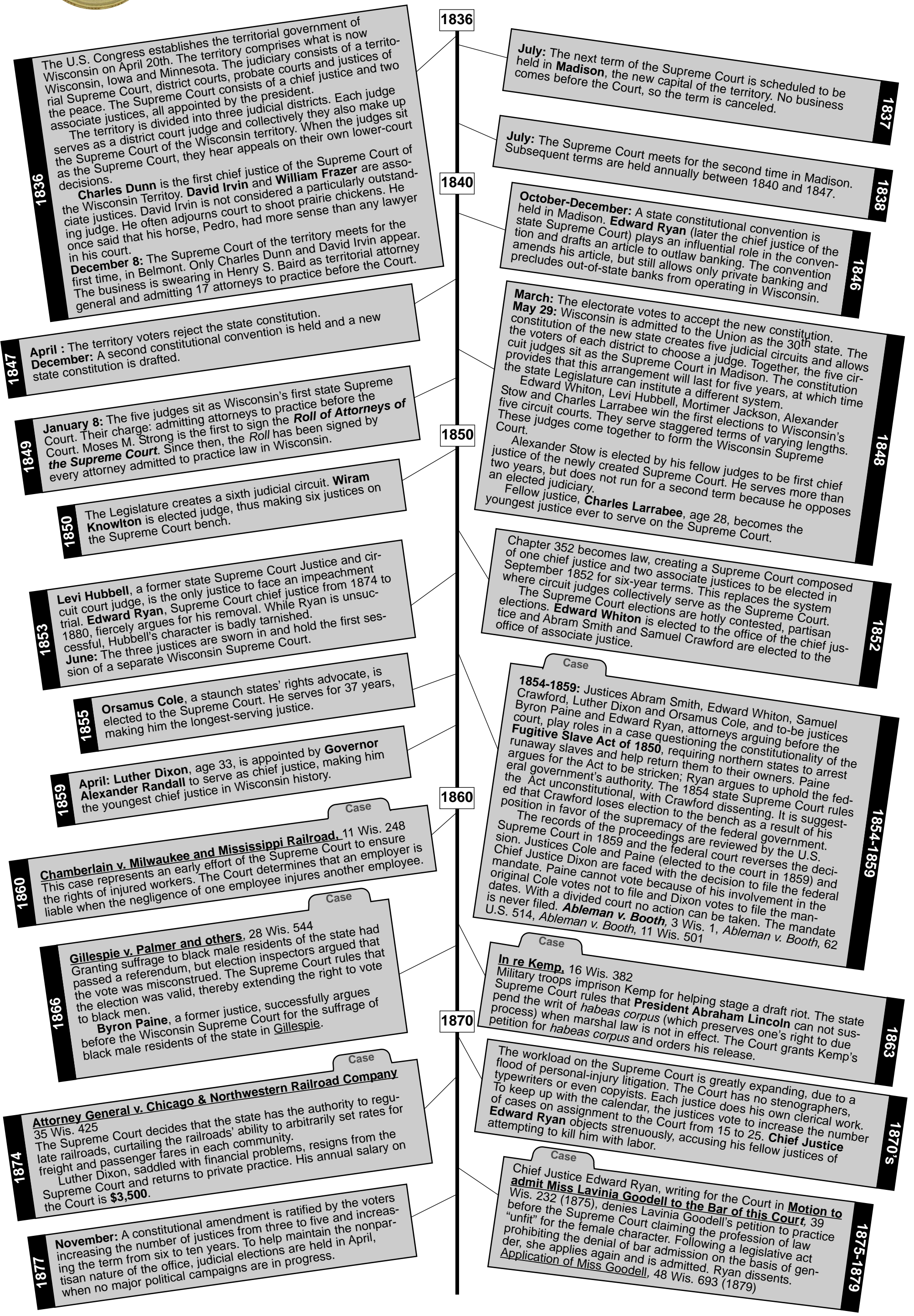


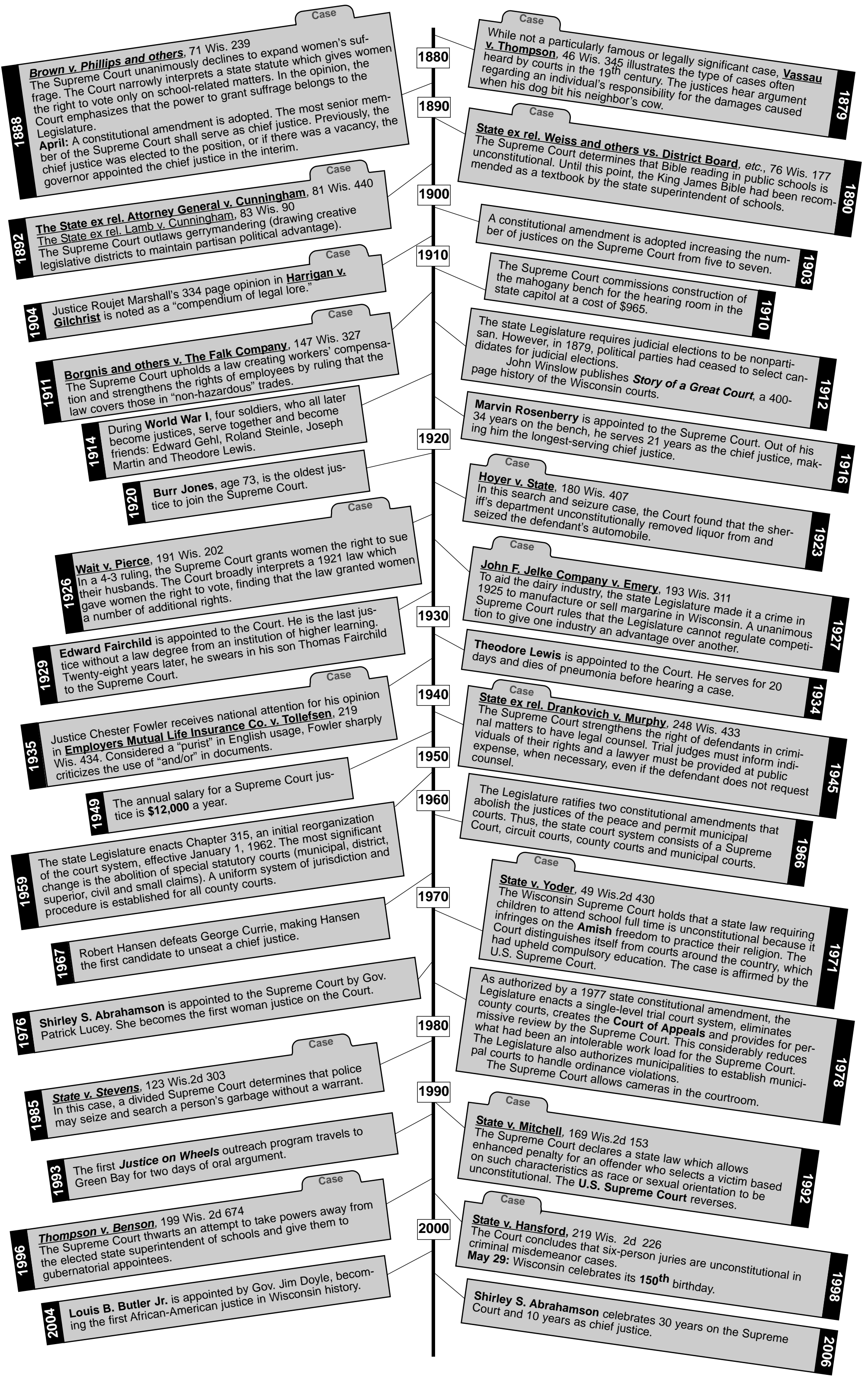


# THE WISCONSIN SUPREME COURT

MILESTONES IN JUSTICE: A CHRONOLOGY OF THE CASES, EVENTS AND PEOPLE







**Case**  
While not a particularly famous or legally significant case, **Vassau v. Thompson**, 46 Wis. 345 illustrates the type of cases often heard by courts in the 19<sup>th</sup> century. The justices hear argument regarding an individual's responsibility for the damages caused when his dog bit his neighbor's cow.

**Case**  
**State ex rel. Weiss and others vs. District Board, etc.**, 76 Wis. 177  
The Supreme Court determines that Bible reading in public schools is unconstitutional. Until this point, the King James Bible had been recommended as a textbook by the state superintendent of schools.

A constitutional amendment is adopted increasing the number of justices on the Supreme Court from five to seven.

**Case**  
The Supreme Court commissions construction of the mahogany bench for the hearing room in the state capitol at a cost of \$965.

The state Legislature requires judicial elections to be nonpartisan. However, in 1879, political parties had ceased to select candidates for judicial elections.  
John Winslow publishes **Story of a Great Court**, a 400-page history of the Wisconsin courts.

**Marvin Rosenberry** is appointed to the Supreme Court. Out of his 34 years on the bench, he serves 21 years as the chief justice, making him the longest-serving chief justice.

**Case**  
**Hoyer v. State**, 180 Wis. 407  
In this search and seizure case, the Court found that the sheriff's department unconstitutionally removed liquor from and seized the defendant's automobile.

**Case**  
**John F. Jelke Company v. Emery**, 193 Wis. 311  
To aid the dairy industry, the state Legislature made it a crime in 1925 to manufacture or sell margarine in Wisconsin. A unanimous Supreme Court rules that the Legislature cannot regulate competition to give one industry an advantage over another.

**Theodore Lewis** is appointed to the Court. He serves for 20 days and dies of pneumonia before hearing a case.

**Case**  
**State ex rel. Drankovich v. Murphy**, 248 Wis. 433  
The Supreme Court strengthens the right of defendants in criminal matters to have legal counsel. Trial judges must inform individuals of their rights and a lawyer must be provided at public expense, when necessary, even if the defendant does not request counsel.

The Legislature ratifies two constitutional amendments that abolish the justices of the peace and permit municipal courts. Thus, the state court system consists of a Supreme Court, circuit courts, county courts and municipal courts.

**Case**  
**State v. Yoder**, 49 Wis.2d 430  
The Wisconsin Supreme Court holds that a state law requiring children to attend school full time is unconstitutional because it infringes on the **Amish** freedom to practice their religion. The Court distinguishes itself from courts around the country, which had upheld compulsory education. The case is affirmed by the U.S. Supreme Court.

As authorized by a 1977 state constitutional amendment, the Legislature enacts a single-level trial court system, eliminates county courts, creates the **Court of Appeals** and provides for permissive review by the Supreme Court. This considerably reduces what had been an intolerable work load for the Supreme Court. The Legislature also authorizes municipalities to establish municipal courts to handle ordinance violations.  
The Supreme Court allows cameras in the courtroom.

**Case**  
**State v. Mitchell**, 169 Wis.2d 153  
The Supreme Court declares a state law which allows enhanced penalty for an offender who selects a victim based on such characteristics as race or sexual orientation to be unconstitutional. The **U.S. Supreme Court** reverses.

**Case**  
**State v. Hansford**, 219 Wis. 2d 226  
The Court concludes that six-person juries are unconstitutional in criminal misdemeanor cases.  
**May 29:** Wisconsin celebrates its **150<sup>th</sup>** birthday.

**Shirley S. Abrahamson** celebrates 30 years on the Supreme Court and 10 years as chief justice.

**Case**  
**Brown v. Phillips and others**, 71 Wis. 239  
The Supreme Court unanimously declines to expand women's suffrage. The Court narrowly interprets a state statute which gives women the right to vote only on school-related matters. In the opinion, the Court emphasizes that the power to grant suffrage belongs to the Legislature.  
**April:** A constitutional amendment is adopted. The most senior member of the Supreme Court shall serve as chief justice. Previously, the chief justice was elected to the position, or if there was a vacancy, the governor appointed the chief justice in the interim.

**Case**  
**The State ex rel. Attorney General v. Cunningham**, 81 Wis. 440  
**The State ex rel. Lamb v. Cunningham**, 83 Wis. 90  
The Supreme Court outlaws gerrymandering (drawing creative legislative districts to maintain partisan political advantage).

**Case**  
Justice Roujet Marshall's 334 page opinion in **Harrigan v. Gilchrist** is noted as a "compendium of legal lore."

**Case**  
**Borgnis and others v. The Falk Company**, 147 Wis. 327  
The Supreme Court upholds a law creating workers' compensation and strengthens the rights of employees by ruling that the law covers those in "non-hazardous" trades.

During **World War I**, four soldiers, who all later become justices, serve together and become friends: Edward Gehl, Roland Steinle, Joseph Martin and Theodore Lewis.

**Burr Jones**, age 73, is the oldest justice to join the Supreme Court.

**Case**  
**Wait v. Pierce**, 191 Wis. 202  
In a 4-3 ruling, the Supreme Court grants women the right to sue their husbands. The Court broadly interprets a 1921 law which gave women the right to vote, finding that the law granted women a number of additional rights.

**Edward Fairchild** is appointed to the Court. He is the last justice without a law degree from an institution of higher learning. Twenty-eight years later, he swears in his son Thomas Fairchild to the Supreme Court.

**Case**  
Justice Chester Fowler receives national attention for his opinion in **Employers Mutual Life Insurance Co. v. Tollefsen**, 219 Wis. 434. Considered a "purist" in English usage, Fowler sharply criticizes the use of "and/or" in documents.

The annual salary for a Supreme Court justice is **\$12,000** a year.

The state Legislature enacts Chapter 315, an initial reorganization of the court system, effective January 1, 1962. The most significant change is the abolition of special statutory courts (municipal, district, superior, civil and small claims). A uniform system of jurisdiction and procedure is established for all county courts.

Robert Hansen defeats George Currie, making Hansen the first candidate to unseat a chief justice.

**Shirley S. Abrahamson** is appointed to the Supreme Court by Gov. Patrick Lucey. She becomes the first woman justice on the Court.

**Case**  
**State v. Stevens**, 123 Wis.2d 303  
In this case, a divided Supreme Court determines that police may seize and search a person's garbage without a warrant.

The first **Justice on Wheels** outreach program travels to Green Bay for two days of oral argument.

**Case**  
**Thompson v. Benson**, 199 Wis. 2d 674  
The Supreme Court thwarts an attempt to take powers away from the elected state superintendent of schools and give them to gubernatorial appointees.

**Louis B. Butler Jr.** is appointed by Gov. Jim Doyle, becoming the first African-American justice in Wisconsin history.