

INDIANA LAW REVIEW

VOLUME 14

1980-81

The Trustees of Indiana University
Copyright © 1980-1981

Indiana Law Review

Volume 14

1981

MARK R. WENZEL
Editor-in-Chief

JOHN C. TRIMBLE
Executive Editor

RAYMOND H. CARLSON
ELIZABETH A. KIRSCHLING
N. KENT SMITH
JOHN W. TANSALLE
Articles Editors

LANA M. KRUSE
DEBRA L. EASTERDAY
Managing Editors

DANIEL G. AREAUX
S. ANDREW BOWMAN
NANCY J. DAVIS
NANCY L. MARSHALL
PATRICIA S. BAILEY
R. GEORGE WRIGHT
Note and Development Editors

ALAN D. ALBRIGHT
DAYLE L. ANDERSON
JAMES H. AUSTEN
JANET W. AVERETT
CATHERINE CHAMBERS
CHERYL A. DANBERRY
THOMAS V. EASTERDAY
JANET E. ELLIS
MARSHALL W. GRATE
MARY C. GREIVES
MICHAEL J. GRISHAM
RICHARD E. HAGENMAIER
WILLIAM J. HANCOCK
EDWARD R. HANNON
BRANDT H. HARDY
BETH E. HOLLAND
BRENDA S. HORN
EDWARD A. KEIRN
JANET C. KNAPP
LYNNE D. LIDKE
ROBERT D. MAAS
ROBERT D. MACGILL
ALAN K. MILLS
MARY JO MORRISON
R. RUSSELL PETTERSON
PAMELA L. RHINE
JOAN M. SAYLOR
DONALD S. SMITH
DAVID W. STEED
JUDITH A. STEWART
RAYMOND R. STOMMEL, JR.
SUSAN P. STUART
WILLIAM M. THOMPSON
JOHN C. WALL

MERLIN P. WHITEMAN
Associate Editors

PAUL J. GALANTI
Faculty Advisor

GWEN I. WILSON
Editorial Assistant

Indiana Law Review

VOLUME 14 • 1981 • NUMBER 1



1980 Survey of Recent Developments in Indiana Law

- | | |
|---|--|
| I. Foreword: Products Liability | <i>Jordan H. Leibman</i> |
| II. Administrative Law | <i>Harold Greenberg</i> |
| III. Business Associations | <i>Paul J. Galanti</i> |
| IV. Civil Procedure and Jurisdiction | <i>William F. Harvey</i> |
| V. Constitutional Law | <i>Stephen E. Arthur & Christopher D. Seigel</i> |
| VI. Contracts, Commercial Law, and Consumer Law | <i>Gerald L. Bepko</i> |
| VII. Criminal Law and Procedure | <i>Alan Raphael & Allen Steinberg</i> |
| VIII. Decedents' Estates and Trusts | <i>Debra A. Falender</i> |
| IX. Domestic Relations | <i>Helen Garfield</i> |
| X. Evidence | <i>Henry C. Karlson</i> |
| XI. Insurance | <i>Janet W. Averett & John C. Trimble</i> |
| XII. Labor Law | <i>Edward P. Archer</i> |
| XIII. Professional Responsibility | <i>Donald L. Jackson</i> |
| XIV. Property | <i>Walter W. Krieger</i> |
| XV. Secured Transactions and Creditors' Rights | <i>R. Bruce Townsend</i> |
| XVI. Taxation | <i>J. B. King</i> |
| XVII. Torts | <i>Judith T. Kirtland</i> |
| XVIII. Workmen's Compensation | <i>John A. Rader</i> |
-

New from Shepard's .

JURY SELECTION

Your next case could be won long before the opening statements!

A WINNING VERDICT IS NO ACCIDENT . . .

It is not based solely on your ability to argue a case . . . nor does a winning verdict come from the facts alone. It begins with the jury—one that will be understanding and sympathetic to your client's cause through every step of the trial.

Now, the art and skillful technique of selecting the best possible jury—for any type of case—is finally revealed in *JURY SELECTION* by Judge Walter E. Jordan. A veteran of hundreds of trials as a lawyer and on the bench, Judge Jordan thoroughly discusses the everyday problems that can arise in choosing a jury and offers practical advice for avoiding or solving them.

Along with the latest coverage of virtually every aspect of picking a jury, *JURY SELECTION* places special emphasis on the process of voir dire. It includes extensive coverage of voir dire in specific types of civil and criminal litigation. Plus, with each type of case, are examples of actual voir dire questions.

Invaluable to the attorney before entering the

courtroom, is Judge Jordan's important list of "Do's" and "Don'ts" for approaching the panel. He gives helpful advice on challenges for cause and their grounds, the use of peremptory challenges, problems of selecting a jury in highly publicized cases, and the use of psychologists, sociologists and other scientists, in determining juror attitudes.

While other books and law review articles only highlight the jury system as a whole, *JURY SELECTION* is the first comprehensive guide to give in-depth treatment to selecting a jury for all types of cases. And now, this outstanding guide can be yours for a 30-day trial examination.

Hardbound, 1980 edition, 500 pages. Supplemented annually. 1 volume, \$50 plus \$1 postage and handling.

JUDGE WALTER E. JORDAN

The author is District Judge for the 48th Judicial District of Texas in Fort Worth. After 16 years of private practice as a trial lawyer, Judge Jordan was appointed to the bench in 1963. In his 17 years as a trial judge he has presided over hundreds of cases, both jury and non-jury, and he has seen all types of lawyers select a jury.



Shepard's/McGraw-Hill, Box 1235, Colo. Springs, Colo.

Available for 30 days Trial Examination

Jury Selection \$50
plus postage & handling \$ 1

My order includes future materials such as pocket parts, supplements, replacement pages, advance sheets and replacement, revised, recompiled or split volumes, future new editions and additional companion or related volumes. At any time, I will be free to cancel or change my order for upkeep services. Prices subject to change without notice.

Orders Subject to Acceptance in Colo. Springs.
Title remains with vendor until paid for in full.

- Bill me. My order includes future upkeep service
- Charge my Shepard's Acct # _____
- I'll save postage by enclosing full payment plus applicable sales tax.

Name _____

Address _____

City _____ State _____ Zip _____

Phone _____

Brighten Things Up with Interest on Checking

Earn 5¼% compounded daily on the money you keep in your checking account.

Think of it. With this exciting new Indiana National feature, you can earn interest on your checking funds for the first time. Maintain a minimum \$1,500 balance, and you pay no service charge, no matter how many checks you write.*

It's true, other financial institutions can now offer interest on checking. But none offer you more interest than our 5¼%. And *none* give you the additional benefits of BANK BY PHONE, PASSPORT® Check Card and MONEYMOVER® 24 Hour Teller at no additional charge.

That's a good reason to change banks. Or, even combine other accounts you may have around town. Interest on Checking with no service charge . . . and the convenience of branch locations all over town.

Come in today to any Indiana National branch and ask about Interest on Checking. It might just brighten things up for you.

*If your monthly minimum balance falls below \$1,500, your service charge is \$3.00. Below \$1,000, your charge is \$6.00.

INDIANA NATIONAL BANK

Member FDIC



.....

**Please enter my subscription to the
INDIANA LAW REVIEW**

NAME _____

ADDRESS _____

Enclosed is \$ _____ for _____ subscriptions.

Bill me for _____ subscriptions.

Mail to:

INDIANA LAW REVIEW
INDIANA UNIVERSITY
SCHOOL OF LAW—INDIANAPOLIS
735 West New York Street
Indianapolis, Indiana 46202

Subscription Rates (one year):

Regular, \$15.00; Foreign, \$18.50; Survey, \$9.00

Indiana Law Review

Volume 14

1981

Number 1

Copyright © 1980 by the Trustees of Indiana University

1980 Survey of Recent Developments in Indiana Law

Table of Cases	vii
I. Foreword: Products Liability <i>Jordan H. Leibman</i>	1
A. <i>Introduction; Products Liability and the Workplace Accident</i>	1
B. <i>Open and Obvious Dangers</i>	8
C. <i>Incurred Risk</i>	13
D. <i>Misuse and Later Alteration</i>	19
E. <i>Safety Devices and Safeguards</i>	29
F. <i>Adequacy of Warnings</i>	32
G. <i>Causation</i>	35
H. <i>Stream of Commerce: Privity</i>	46
I. <i>Negligence Per Se: Government Standards</i>	51
J. <i>Statutes of Limitation and Statutes of Repose</i>	56
K. <i>Damages and Remedies</i>	58
L. <i>Abnormally Dangerous Activities</i>	62
M. <i>Alternative Designs</i>	63
N. <i>Conclusion</i>	64
II. Administrative Law <i>Harold Greenberg</i>	65
A. <i>Scope of Judicial Review</i>	65
B. <i>The Requirement of Findings</i>	69
C. <i>Hearsay Evidence</i>	72
D. <i>Standing</i>	72
E. <i>Finality</i>	73
F. <i>Exhaustion</i>	74
G. <i>Primary Jurisdiction</i>	79
H. <i>Procedural Due Process</i>	80
I. <i>Res Judicata</i>	86
J. <i>Equitable Estoppel</i>	86
K. <i>Mandamus</i>	87
L. <i>Freedom of Information</i>	88
M. <i>Warrantless Administrative Inspections</i>	89

Volume 14

January 1981

Number 1

The INDIANA LAW REVIEW (ISSN 0090-4198) is the property of Indiana University and is published four times yearly, January, March, April, and June, by the Indiana University School of Law — Indianapolis, which assumes complete editorial responsibility therefor. Subscription rates: one year, \$15.00; foreign \$18.50. Single copies: annual Survey issue, \$9.00; other issues, \$4.50. Back issues, volume 1 through volume 11, are available from Fred B. Rothman & Co., 10368 W. Centennial Rd., Littleton, Co. 80123. Please notify us one month in advance of any change of address and include both old and new addresses with zip codes to ensure delivery of all issues. Send all correspondence to Editorial Assistant, Indiana Law Review, Indiana University School of Law — Indianapolis, 735 West New York Street, Indianapolis, Indiana 46202. Publication office: 735 West New York Street, Indianapolis, Indiana 46202. Second class postage paid at Indianapolis, Indiana 46201.

III.	Business Associations	<i>Paul J. Galanti</i>	91
	A. <i>Securities Act Derivative Liability</i>		91
	B. <i>Limited Partnership Liability</i>		101
	C. <i>Franchisor Liability</i>		108
	D. <i>Indiana Business Takeover Offers Act</i>		112
	E. <i>Consideration for Shares</i>		117
	F. <i>Liability of Agents</i>		119
	G. <i>Corporate Officer's Authority</i>		122
	H. <i>Partnership Status</i>		124
	I. <i>Special Charter Corporation</i>		126
	J. <i>Statutory Developments</i>		126
IV.	Civil Procedure and Jurisdiction	<i>William F. Harvey</i>	129
	A. <i>Introduction</i>		129
	B. <i>Jurisdiction, Process, Venue, Standing, and Claims in General</i>		129
	C. <i>Pleadings and Pre-trial Motions</i>		149
	D. <i>Parties and Discovery</i>		154
	E. <i>Trial and Judgment</i>		164
	F. <i>Appeals</i>		171
V.	Constitutional Law	<i>Stephen A. Arthur & Christopher D. Seigel</i>	195
	A. <i>Introduction</i>		195
	B. <i>State Decisions</i>		195
	C. <i>Federal Decisions</i>		215
VI.	Contracts, Commercial Law, and Consumer Law	<i>Gerald L. Bepko</i>	223
	A. <i>Introduction</i>		223
	B. <i>Scope of UCC Article 2</i>		223
	C. <i>Are Farmers Merchants?</i>		225
	D. <i>Recovery of Attorney's Fees in Consumer Warranty Actions</i>		227
	E. <i>Monetary Damages for Breach of Warranty</i>		229
	F. <i>Warranty of Habitability—Notice Requirement</i>		232
	G. <i>Liability of Agents on Checks</i>		236
	H. <i>Customer's Duty to Examine Bank Statements</i>		238
	I. <i>Check Forgery</i>		240
	J. <i>Truth in Lending</i>		247
VII.	Criminal Law and Procedure	<i>Alan Raphael & Allen Steinberg</i>	257
	A. <i>Sentencing</i>		257
	B. <i>Right to Counsel</i>		265
	C. <i>Double Jeopardy and Lesser Included Offenses</i>		268
	D. <i>Searches and Confessions</i>		274
	E. <i>Speedy Trial</i>		279
	F. <i>Conspiracy</i>		283
	G. <i>Armed Robbery</i>		285
	H. <i>Sexually Explicit Materials</i>		287
VIII.	Decedents' Estates and Trusts	<i>Debra A. Falender</i>	291
	A. <i>Claims Against Decedents' Estates</i>		292
	B. <i>Will Contests</i>		301
	C. <i>Evidence</i>		302
	D. <i>Final Appealable Judgments</i>		303
	E. <i>Self-dealing by a Fiduciary</i>		304
	F. <i>Res Judicata</i>		305
	G. <i>Interpretation of Trust Terms</i>		307
	H. <i>Purchase Money Resulting Trusts</i>		308

IX.	Domestic Relations	<i>Helen Garfield</i>	315
	A. <i>Adoption</i>		315
	B. <i>Child Custody</i>		320
	C. <i>Child Support</i>		328
	D. <i>Dissolution of Marriage</i>		338
	E. <i>Marriage</i>		354
	F. <i>Paternity</i>		355
X.	Evidence	<i>Henry C. Karlson</i>	359
	A. <i>Impeachment</i>		359
	B. <i>Hearsay</i>		368
	C. <i>Judicial Notice</i>		373
	D. <i>The Original Document Rule</i>		375
	E. <i>Competency</i>		376
XI.	Insurance	<i>Janet Averett & John C. Trimble</i>	379
	A. <i>Issuance and Delivery</i>		379
	B. <i>Misrepresentation</i>		389
	C. <i>Uninsured Motorist Coverage</i>		393
	D. <i>Subrogation—Builder's Risk Insurance</i>		397
	E. <i>Insurer's Duty to Settle</i>		399
	F. <i>Waiver and Estoppel</i>		401
	G. <i>Arbitration</i>		406
	H. <i>Financial Responsibility Act</i>		409
XII.	Labor Law	<i>Edward P. Archer</i>	413
	A. <i>The IPS Strike</i>		413
	B. <i>Remedial Powers of the EERB</i>		420
	C. <i>Teacher Bargaining Act</i>		423
	D. <i>Interrelationship of the Teacher Contract Act, General Powers Act, and Teacher Bargaining Act</i>		427
XIII.	Professional Responsibility and Liability	<i>Donald L. Jackson</i>	433
	A. <i>Professional Responsibility</i>		433
	B. <i>Professional Liability</i>		451
XIV.	Property	<i>Walter W. Krieger</i>	459
	A. <i>Adverse Possession</i>		463
	B. <i>Concurrent Estates and Partition</i>		467
	C. <i>Easements and Restrictive Covenants</i>		470
	D. <i>Landlord and Tenant Relations</i>		477
	E. <i>Real Estate Transactions</i>		485
XV.	Secured Transactions and Creditors' Rights	<i>R. Bruce Townsend</i>	489
	A. <i>Secured Transactions</i>		490
	B. <i>Creditors' Rights</i>		500
XVI.	Taxation	<i>J. B. King</i>	523
	A. <i>Introduction</i>		523
	B. <i>The Courts' Emphasis on Strict Construction of Tax Statutes</i>		523
	C. <i>Taxpayer Class Actions</i>		527
	D. <i>Other Significant Gross Income Tax Decisions</i>		530
	E. <i>Indiana Sales and Use Tax</i>		534
	F. <i>Adjusted Gross Income Tax</i>		538
	G. <i>Ad Valorem Property Tax Decisions</i>		540
	H. <i>Indiana Intangibles Tax</i>		542
XVII.	Torts	<i>Judith T. Kirtland</i>	545
	A. <i>Negligence</i>		545

	<i>B. Defamation</i>	553
	<i>C. Fraudulent Misrepresentation</i>	554
	<i>D. Malicious Prosecution</i>	556
	<i>E. Medical Malpractice</i>	563
	<i>F. Retaliatory Discharge</i>	564
	<i>G. Wrongful Death</i>	565
	<i>H. Liability of Government Officials</i>	567
	<i>I. Settlement Tools</i>	569
XVIII.	Workmen's Compensation <i>John A. Rader</i>	571
	<i>A. Assignment of Error</i>	571
	<i>B. Permanent Total Disability</i>	571
	<i>C. Liability for Contractor's Employees</i>	573
	<i>D. Tolling of Modification Period for Fraud</i>	574
	<i>E. Retaliatory Discharge—Limitations</i>	575
	<i>F. Medical Malpractice</i>	575
	<i>G. Recovery Limitations</i>	576
	<i>H. Statutory Changes</i>	577
	<i>I. Briefly Noted</i>	578

TABLE OF CASES

A

AAA Wrecking Co. v. Barton, Curle & McLaren, Inc., 392
 Addison v. Review Board of the Indiana Employment Security Division, 85
 Adoption of Infant Hewitt, *In re*, 315
 Aetna Life & Casualty Insurance Co. v. Winchell, 139, 399
 A.F.E. Industries, Inc., Shanks v., 3, 28, 30, 38, 39, 49
 Aikens v. Alexander, 73
 Alexander, Aikens v., 73
 Allegretti, Hammond v., 547
 Alumbaugh, Chrysler v., 41
 Aluminum Co. of America, State Board of Tax Commissioners v., 540
 American Dairy, Inc., Indiana Department of State Revenue v., 534
 American Drywall, Inc., Blade Corp. v., 507
 American Oil Co., McLaughlin v., 149, 575
 American Optical Co. v. Weidenhamer, 27, 32, 59
 American Standard Insurance Co. v. Durham, 389
 American Underwriters Inc. v. Curtis, 152, 411, 512
 Amermac, Inc. v. Gordon, 56
 Amos v. Keplinger, 167, 187
 Anderson, Anderson v., 141, 350, 453, 456
 Anderson, DeHart v., 177
 Anderson, Ferdinand Furniture Co. v., 58, 153, 164
 Anderson v. Anderson, 141, 350, 453, 456
 Anson v. Estate of Anson, 296, 518
 Anthony Wayne Bank, Gemmer v., 145, 521
 Archbold v. State, 283
 Arkansas v. Sanders, 275
 Armstrong, Armstrong v., 341
 Armstrong v. Armstrong, 341
 Arnold v. Dirrim, 91, 156, 512, 516
 Augustine v. First Federal Savings & Loan Association, 160
 Austin v. New Hampshire, 528
 Automobile Underwriters, Inc. v. Hitch, 383
 Ayres v. Smith, 452

B

Back v. Starke Circuit Court, 280
 Bailey, Plaza Realty Investors, Inc. v., 101
 Baker v. Chambers, 468
 Balido v. Improved Machinery, Inc., 31
 Ball Memorial Hospital Association, Bright v., 254
 Banta v. Clark, 138
 Barker v. Wingo, 279
 Barlow's, Inc., Marshall v., 89
 Barnes v. Mac Brown & Co., 232
 Barr v. The Insurance Co. of North America, 380
 Barton, Curle & McLaren, Inc., AAA Wrecking Co. v., 392
 Bateson, Holmes v., 94
 Baysinger, State v., 199
 Beard, Mitchell v., 97
 Becker, Bixwood, Inc. v., 491
 Bemis Co. v. Rubush, 8, 13, 14, 30, 40, 58, 61
 Beneficial Finance Co. v. Wegmiller Bender Lumber Co., 503, 505
 Bennett, Dreibelbis v., 40
 Bennett v. Slater, 399
 Berghoff v. McDonald, 121
 Bergner v. State, 365
 Berrey v. Jean, 463, 492
 Berryman v. Fettig Canning Corp., 578
 Berstein, Gibson v., 464
 Bethlehem Shipbuilding Corp., Myers v., 77
 Billman v. Hensel, 486
 Bitzegaio, Criss v., 308
 Bixwood, Inc. v. Becker, 491
 Blade Corp. v. American Drywall, Inc., 507
 Blake, Blake v., 305
 Blake v. Blake, 305
 Blakley v. Currence, 487
 Blankenship v. Huesman, 551
 Blazek, Xaver v., 547
 Blue Cross & Blue Shield of Indiana, Hazellett v., 79
 Board of Commissioners, James v., 142
 Board of School Trustees, Brown v., 427
 Board of School Trustees, Reidenbach v., 78, 430

- Board of School Trustees, State *ex rel.* Newton v., 71
- Bochnowski, Justak v., 162, 170
- Boehning, State *ex rel.* Indiana State Employees' Association v., 81
- Boswell v. Lyon, 493, 494
- Boswell, Peachey v., 200
- Bowen, Colvin v., 134
- Bowyer, Kirkpatrick v., 566
- Boyle-Midway, Inc., Spruill v., 34
- Bradford v. State, 274
- Bradshaw, Telvest, Inc. v., 117
- Brand v. Monumental Life Insurance Co., 405
- Brandes v. Burbank, 549
- Brandon v. State, 278, 369
- Branstad, Branstad v., 329
- Branstad v. Branstad, 329
- Braunfield v. Brown, 208
- Brendonwood Common v. Franklin, 475, 495
- Brewer, Gerrish v., 17, 552
- Bright v. Ball Memorial Hospital Association, 254
- Brinegar, Shahan v., 479
- Broadrick v. Oklahoma, 201
- Brokaw, Brokaw v., 331
- Brokaw v. Brokaw, 331
- Brown, Braunfield v., 208
- Brown, Kriss v., 80
- Brown v. Board of School Trustees, 427
- Brown v. State, 271
- Brumfield, Merimee v., 562
- Brummett v. Pilotte, 478
- Brunson v. State, 265
- Buck v. P.J.T., 147, 356
- Burbank, Brandes v., 549
- Burford, Burford v., 469
- Burford v. Burford, 469
- Burk, Northern Indiana Transit, Inc. v., 550
- Burton v. L.O. Smith Foundry Products Co., 12
- C**
- C & S Lathing and Plastering Co., Lawyers Title Insurance Corp. v., 158
- Caban v. Mohammed, 318
- Calcar Quarries, Inc., State Department of Revenue v., 536
- Caldwell, Dayton Walther Corp. v., 165
- California, Miller v., 196
- Campo v. Scofield, 9, 14
- Canden Corp., E.N. Maisel and Associates v., 159
- Carrier, Coyle Chevrolet Co. v., 229
- Castello, *In re*, 439
- Census Federal Credit Union v. Wann, 495
- Central Indiana Gas Co., Frampton v., 575
- Chalmers v. Estate of Market, 150
- Chambers, Baker v., 468
- Chance, Chance v., 327
- Chance v. Chance, 327
- Chapman, Ortho Pharmaceutical Corp. v., 33
- Chorely, Lawrence County Commissioners v., 140
- Chrysler v. Alumbaugh, 41
- Citizens Energy Coalition, Inc. v. Indiana & Michigan Electric Co., 65
- City Investing Co. v. Simecox, 112
- City of Anderson v. State *ex rel.* Page, 85
- City of Bloomington, Holt v., 568
- City of Evansville v. Southern Indiana Gas & Electric Co., 65
- City of Evansville v. Verplank Concrete & Supply, Inc., 500
- City of Logansport, Connell v., 71
- City of South Bend, Smith v., 150, 163
- Clark, Banta v., 138
- Clark, Clark v., 323
- Clark Equipment Co., Greeno v., 21
- Clark Equipment Co., Posey v., 31
- Clark, Fenley Farms, Inc. v., 472, 492
- Clark v. Clark, 323
- Clark v. Lee, 523, 527
- Clark v. State, 278
- Coleman v. De Moss, 484
- Coleman v. Indiana Veneers, Inc., 579
- Collins v. Gilbreath, 328
- Colpaert Realty Corp., Indiana Department of State Revenue v., 532
- Colvin v. Bowen, 134
- Companion Insurance Co., Liddy v., 393, 408
- Conder v. Hull Lift Truck, Inc., 25, 31, 43, 61
- Connell v. City of Logansport, 71
- Construction Associates v. Peru Community School Building Corp., 153
- Continental Casualty Co. v. Novy, 182
- Continental Steel Corp., Indiana Department of State Revenue v., 538
- Contract Beverage Packers, Inc., Fox v., 576
- Cooper v. Robert Hall Clothes, Inc., 569
- Cordial v. Grimm, 455
- Cornette v. Searjeant Metal Products, Inc., 24, 50
- Coulter, Lucas v., 107

County Department of Public Welfare, Kyees v., 218, 318
 Coyle Chevrolet Co. v. Carrier, 229
 C.P. Lesh Paper Co., Davis v., 578
 Craven, *In re*, 443
 Crim v. State, 280
 Criss v. Bitzegaio, 308
 Cross, State *ex rel.* Dunlap v., 82
 Crown Development Co., Department of State Revenue v., 532
 Crown Life Insurance Co., Gary National Bank v., 390
 C.T.S. Corp. v. Schoulton, 72
 Culver Educational Foundation, Peterson v., 154
 Cunningham v. Hiles, 473
 Currence, Blakley v., 487
 Curtis, American Underwriters, Inc. v., 152, 411, 512
 Custer, Michigan Mutual Life Insurance Co. v., 406

D

Dahlin, Dahlin v., 343
 Dahlin v. Dahlin, 343
 Daisy-Heddon, Dias v., 28, 63
 Dagnello v. Long Island Rail Road, 59
 Daly, Shipley v., 567
 Darby, *In re*, 443
 Dave McIntire Chevrolet, Inc., Hudson v., 188, 231
 Davis, Davis v., 344
 Davis v. C.P. Lesh Paper Co., 578
 Davis v. Davis, 344
 Davis v. Schneider, 375
 Dayton Walther Corp. v. Caldwell, 165
 Deetz v. McGowan, 511, 519
 DeHart v. Anderson, 177
 De Later v. Hudak, 520
 Delaware County v. Powell, 140
 De Moss, Coleman v., 484
 Department of Insurance, Foremost Life Insurance Co. v., 517
 Department of Public Welfare, Lutheran Hospital, Inc. v., 72, 136, 155
 Department of State Revenue v. Crown Development Co., 532
 Dias v. Daisy-Heddon, 28, 63
 Diaz, Hovanec v., 151
 Dickey, Whipple v., 521
 Dirrim, Arnold v., 91, 156, 512, 516
 Doe v. Renfrow, 214
 Dolph v. Mangus, 471
 Dominguez v. Gallmeyer, 154
 Donahue v. Permacel Tape Corp., 481

Doran v. Salem Inn, Inc., 200
 Douglas, Metropolitan Development Commission v., 186, 488
 Drake v. State, 166
 Dreflak, Dreflak v., 345
 Dreflak v. Dreflak, 345
 Dreibelbis v. Bennett, 40
 Drum-Co Engineering Corp., Pathman Construction Co. v., 145, 162
 Dudley Sports Co. v. Schmidt, 12
 Duncan v. State, 448
 Dupont Feedmill Corp. v. Standard Supply Corp., 486
 Durham, American Standard Insurance Co. v., 389
 Dwyer, Shideler v., 456

E

Eads, Thomas v., 565, 566
 Echterling v. Kalvaitis, 465
 Eichman v. Indiana State University Board of Trustees, 221
 Elmore v. State, 269
 Endress & Hauser, Inc., Indiana Department of State Revenue v., 526
 Endsley v. Game-Show Placements, Ltd., 124
 English, Purcell v., 483, 545
 E.N. Maisel and Associates v. Camden Corp., 159
 Estate of Anson, Anson v., 296, 518
 Estate of Cameron v. Kuster, 294, 302
 Estate of Garwood, *In re*, 303
 Estate of Geib, Geib v., 161
 Estate of Market, Chalmers v., 150
 Estate of Voelker, 161
 Estate of Voelker, *In re*, 302
 Estate of Williams, *In re*, 298, 519
 Estelle v. Williams, 449
 Eure v. Grand Metropolitan Ltd., 116
 Evans v. General Motors Corp., 20, 26, 45
 Evansville-Vanderburgh School Corp. v. Roberts, 422
 Excel Mold, Inc. Garbe v., 117
 Extruded Alloys, Slinkard v., 571
 E-Z Rake, Inc., Morton v., 122

F

Faco, Inc., Indiana National Corp. v., 238
 Farm Estates, Inc., Rzepka v., 97
 Farmers Bank & Trust Co. v. Ross, 164, 499
 Farmers Insurance Group, McNall v., 188, 406
 Fechtman v. Stover, 53

Federal Pacific Electric Co., Moore v., 18
 Fenley Farmers, Inc. v. Clark, 472, 492
 Ferdinand Furniture Co. v. Anderson, 58,
 153, 164
 Fessler, Rising Sun State Bank v., 295, 518
 Fettig Canning Corp., Berryman v., 578
 Finn, Howard Dodge & Sons, Inc. v., 119
 First Federal Savings & Loan Association,
 Augustine v., 160
 Fisher, *In re*, 445
 Fleetwood Corp. v. Mirich, 554
 Foelker v. Kwake, 97
 Food Marketing Corp., Indiana Depart-
 ment of State Revenue v., 531
 Ford Motor Company, Peck v., 40, 548
 Ford Motor Co., State v., 36, 55
 Ford Motor Credit Co. v. Milhollin, 522
 Ford v. State, 195, 287
 Foremost Life Insurance Co. v. Depart-
 ment of Insurance, 517
 Forrestal Village, Inc. v. Graham, 99
 Fort Wayne City Plan Commission, Wild-
 wood Park Community Hospital v., 137
 Fox v. Contract Beverage Packers, Inc.,
 576
 Frampton v. Central Indiana Gas Co., 575
 Franklin, Brendonwood Common v., 475,
 495
 Frazier, Stephenson v., 223
 Fuller v. Housing Authority, 546

G

Gaither, Health & Hospital Corp. v., 153
 Gallagher v. Marion County Victim Advo-
 cate Program, Inc., 88
 Gallmeyer, Dominguez v., 154
 Game-Show Placements, Ltd., Endsley v.,
 124
 Garbe v. Excel Mold, Inc., 117
 Garcia v. State, 283
 Gardner v. State, 258
 Garrett, *In re*, 445
 Gary National Bank v. Crown Life Insur-
 ance Co., 390
 Gayheart v. Newnam Foundry Co., 574
 Geake, *In re*, 307
 Geckler v. Review Board of Indiana Em-
 ployment Security Division, 207
 Geib v. Estate of Geib, 161
 Gemmer v. Anthony Wayne Bank, 145, 521
 General Motors Corp., Evans v., 20, 26, 45
 General Motors Corp., Larsen v., 21
 General Motors, Latimer v., 20

General Motors, Schemel v., 20
 George v. State, 161, 449
 Georgia, Stanley v., 289
 Gerrish v. Brewer, 17, 552
 Gibson v. Berstein, 464
 Gilbert, New England Box Co. v., 121
 Gilbert v. Stone City Construction Co., 29
 Gilbreath, Collins v., 328
 Gilstrap, Gilstrap v., 156
 Gilstrap v. Gilstrap, 156
 Givhan v. Western Line Consolidated
 School District, 221
 Glendale-Glenbrook Associates, Indiana
 Department of Revenue v., 524
 Glenn, McQueeney v., 82
 GM Sub Corp. v. Liggett Group, Inc., 116
 Gordon, Amermac, Inc. v., 56
 Government Employees Insurance Co.,
 Grimes v., 409
 Graham, Forrestal Village, Inc. v., 99
 Grand Metropolitan Ltd., Eure v., 116
 Great Western United Corp. v. Kidwell,
 115
 Greenbriar Department Corp., Old State
 Utility Corp. v., 71
 Greenman v. Yuba Power Products, Inc.,
 19
 Greeno v. Clark Equipment Co., 21
 Green v. State Farm Mutual Automobile
 Insurance Co., 410
 Grey v. State, 278
 Griffin v. State, 259
 Grimes v. Government Employees Insur-
 ance Co., 409
 Grimm, Cordial v., 455
 Gulf Oil Corp. v. McManus, 181
 Gumz v. Starke County Farm Bureau
 Cooperative Association, 160

H

Haas v. South Bend Community School
 Corp., 81
 Haeger v. State, 359
 Hakey, Monumental Life Insurance Co. v.,
 379
 Hall, Lustick v., 565
 Hamilton, Wheat v., 107
 Hammond v. Allegretti, 547
 Harding v. State, 376
 Hargis v. United Farm Bureau Mutual In-
 surance Co., 401
 Harnischfeger Corp., Zahora v., 12

- Harris, Treloar v., 557
Harrison Steel Castings Co., Indiana Department of State Revenue v., 534
Harry David Zutz Insurance, Inc. v. H.M.S. Associates, Ltd., 105
Haun, Kroger Co. v., 18, 552
Hawkins v. Marion County Board of Review, 493
Hawley v. South Bend Department of Redevelopment, 72
Hazelett v. Blue Cross & Blue Shield of Indiana, 79
Health & Hospital Corp. v. Gaither, 153
Heathe v. State, 268
Hedges v. Public Service Co. of Indiana, 46, 62
Heitner, Shaffer v., 132, 515
Helvey v. Wabash County REMC, 47
Henderlong Lumber Co. v. Zinn, 502
Henderson, Henderson v., 346
Henderson v. Henderson, 346
Hensel, Billman v., 486
Heuer, Theis v., 232
Hicks, Stewart v., 169
Highfield v. Lang, 237
Highley, School City of Lafayette v., 428
Hiles, Cunningham v., 473
Hill v. Standard Mutual Casualty Co., 410
Hilton, Malbin & Bullock, Inc. v., 512, 516
Hinton v. State, 262
Hitch, Automobile Underwriters, Inc. v., 383
H.M.S. Associates, Ltd., Harry David Zutz Insurance, Inc. v., 105
Holding v. Indiana & Michigan Electric Co., 471
Holmes v. Bateson, 94
Holt v. City of Bloomington, 568
Hornaday v. Sun Life Insurance Co. of America, 379
Horn, Mid-American Homes v., 501
Housing Authority, Fuller v., 546
Hovanec v. Diaz, 151
Howard Dodge & Sons, Inc. v. Finn, 119
Hudak, De Later v., 520
Hudson v. Dave McIntire Chevrolet, Inc., 188, 231
Hudson v. Tyson, 511, 516
Huesman, Blankenship v., 551
Huff v. White Motor Corp., 20, 26, 45, 58, 60, 215
Hull Lift Truck, Inc., Conder v., 25, 31, 43, 61
Hunter, S & F Supply Co. v., 95
Huntington, Sims v., 166
Hurt v. Polak, 168
- I**
- Ice v. State, 139
Illinois, Rakas v., 214
Improved Machinery, Inc., Balido v., 31
Indiana Alcoholic Beverage Commission v. State *ex rel.* Harmon, 567
Indiana & Michigan Electric Co., Citizens Energy Coalition, Inc. v., 65
Indiana & Michigan Electric Co., Holding v., 471
Indiana Bell Telephone Co. v. Owens, 573
Indiana Civil Rights Commission v. Sutherland Lumber, 210
Indiana Department of Revenue v. Glendale-Glenbrook Associates, 524
Indiana Department of Revenue v. Kimberly-Clark Corp., 538
Indiana Department of Revenue v. Waterfiled [*sic*] Mortgage Co., 533
Indiana Department of State Revenue v. American Dairy, Inc., 534
Indiana Department of State Revenue v. Colpaert Realty Corp., 532
Indiana Department of State Revenue v. Continental Steel Corp., 538
Indiana Department of State Revenue v. Endress & Hauser, Inc., 526
Indiana Department of State Revenue v. Food Marketing Corp., 531
Indiana Department of State Revenue v. Harrison Steel Castings Co., 534
Indiana Department of State Revenue v. Martin Marietta Corp., 538
Indiana Department of State Revenue v. Northern Indiana Steel Supply Co., 532
Indiana Department of State Revenue, Park 100 Development Co. v., 524
Indiana Department of State Revenue v. RCA Corp., 534
Indiana Environmental Management Board v. Indiana-Kentucky Electric Corp., 68, 78
Indiana Forge & Machine Co. v. Northern Indiana Public Service Co., 76, 79
Indiana Gas Co., Wilfong v., 66
Indiana Insurance Co. v. Ivers, 393
Indiana-Kentucky Electric Corp., Indiana Environmental Management Board v., 68, 78
Indiana National Corp. v. Faco, Inc., 238
Indiana State University Board of Trustees, Eichman v., 221

Indiana Veneers, Inc., Coleman v., 579
 Indianapolis Morris Plan Corp., Martin v.,
 139, 148, 168
 Indianapolis Power & Light Co., L.S.
 Ayres & Co. v., 65
In re Adoption of Infant Hewitt, 315
In re Castello, 439
In re Craven, 443
In re Darby, 443
In re Estate of Garwood, 303
In re Estate of Voelker, 302
In re Estate of Williams, 298
In re Fisher, 445
In re Garrett, 445
In re Geake, 307
In re Kesler, 433, 437, 438
In re Lemond, 322
In re Marriage of McManama, 339
In re Neal, 442
In re Perrello, 436, 440
In re Riley, 444
In re Terry, 435, 441
In re Weaver, 441
 Insurance Co. of North America v. Purdue
 National Bank, 240, 243
 International Shoe Co. v. Washington, 133,
 515
 Ivers, Indiana Insurance Co. v., 393

J

Jackson, Spears v., 396
 Jameson Chemical Co. v. Love, 228
 James v. Board of Commissioners, 142
 Jean, Berrey v., 463, 492
 Jeffries v. Stewart, 394
 J. I. Case Co. v. Sandefur, 9
 Johnson Circuit Court, State *ex rel.* Hasch
 v., 281
 Jones, Rossow v., 483, 545
 Justak v. Bochnowski, 162, 170

K

Kaiser v. National Farmers Union Life
 Insurance Co., 379
 Kalvaitis, Echterling v., 465
 Kaptur, Orient Insurance Co. v., 408
 Katz, NLRB v., 424
 Keck v. Kerbs, 168
 Kellam & Foley, Walters v., 64
 Kentucky-Indiana Municipal Power Assoc-
 iation v. Public Service Co., 185
 Keplinger, Amos v., 167, 187
 Kerbs, Keck v., 168

Kesler, *In re*, 433, 437, 438
 Kidwell, Great Western United Corp. v.,
 115
 Kimberly-Clark Corp., Indiana Depart-
 ment of Revenue v., 538
 Kimble, Pontius v., 561
 Kimmel, Stevens v., 563, 575
 Kingsford Packing Co., Sheraton Corp.
 of America v., 112
 Kirkpatrick v. Bowyer, 566
 Knox Circuit Court, State *ex rel.* Board
 of Trustees v., 420
 Kohlmeyer, Larkins v., 551
 Konduris, Perfection Paint Color Co. v., 21,
 28
 Kriss v. Brown, 80
 Kroger Co. v. Haun, 18, 552
 Kuhn, Kuhn v., 334, 513
 Kuhn, Kuhn v., 334, 513
 Kuntz v. Review Board of Indiana Em-
 ployment Security Division, 66
 Kuster, Estate of Cameron v., 294, 302
 Kwake, Foelker v., 97
 Kyees v. County Department of Public
 Welfare, 218, 318

L

Lang, Highfield v., 237
 LaPlante v. LaZear, 545
 Larkins v. Kohlmeyer, 551
 Larsen v. General Motors Corp., 21
 Latimer v. General Motors, 20
 Lawrence County Commissioners v.
 Chorely, 140
 Lawyers Title Insurance Corp. v. C & S
 Lathing and Plastering Co., 158
 LaZear, LaPlante v., 545
 Lee, Clark v., 523, 527
 Lee v. Weston, 553
 LeFevre, Soft Water Utilities, Inc. v., 182
 Lemond, *In re*, 322
 Liddy v. Companion Insurance Co., 393,
 408
 Liggett Group, Inc., GM Sub Corp. v., 116
 Livengood, White v., 187
 Long Island Rail Road, Dagnello v., 59
 L. O. Smith Foundry Products Co., Burton
 v., 12
 Louisville & Nashville Railroad v. Wollen-
 mann, 158
 Love, Jameson Chemical Co. v., 228
 L. S. Ayres & Co. v. Indianapolis Power
 & Light Co., 65

Lucas v. Coulter, 107
 Lukowski v. Vecta Educational Corp., 47
 Lusher v. State, 361
 Lustick v. Hall, 565
 Lutes v. State, 274
 Lutheran Hospital, Inc. v. Department of
 Public Welfare, 72, 136, 155
 Lyon, Boswell v., 493, 494

M

McCarthy, McCarthy v., 325
 McCarthy v. McCarthy, 325
 McCarty, Niemeyer v., 363
 McCarty v. Sheets, 466
 McCaslin v. State, 479
 McCormick, State v., 202, 260
 McDandal v. State, 268
 McDonald, Berghoff v., 121
 McGowan, Deetz v., 511, 519
 McKinley v. State, 286
 McLaughlin v. American Oil Co., 149, 575
 McLendon v. Safe Realty Corp., 493
 McManus, Gulf Oil Corp. v., 181
 McNall v. Farmers Insurance Group, 188,
 406
 McNeill, Rochester Bridge Co. v., 555
 McNew v. State, 261
 McQueeney v. Glenn, 82
 McQueen v. State, 138, 433
 Mac Brown & Co., Barnes v., 232
 Macon Telegraph Publishing Co., Willing-
 ham v., 210
 Malbin & Bullock, Inc. v. Hilton, 512, 516
 Mangus, Dolph v., 471
 Mansfield v. Shippers Dispatch, Inc., 42
 Marcum, Munster v., 301
 Marion County Board of Review, Hawkins
 v., 493
 Marion County Superior Court, Civil Divi-
 sion, State *ex rel.* Indiana State Board
 of Finance v., 87
 Marion County Superior Court, State *ex*
rel. Marcum v., 320
 Marion County Superior Court, State *ex*
rel. Payntor v., 77
 Marion County Victim Advocate Program,
 Inc., Gallagher v., 88
 Marlin American Corp., Oberlin v., 108, 160
 Marriage of McManama, *In re*, 339
 Marshall, Skendzel v., 492, 493
 Marshall v. Barlow's, Inc., 89
 Martin Marietta Corp., Indiana Depart-

ment of State Revenue v., 538
 Martin v. Indianapolis Morris Plan Corp.,
 139, 148, 168
 Martin v. Simplimatic Engineering Corp.,
 51
 Mashburn, Prestige Casualty Co. v., 382
 Massachusetts Board of Retirement v.
 Murgia, 205
 Mata v. State, 279
 May's Family Centers, Inc., Unishops, Inc.
 v., 481
 Meadowlark Farms, Inc. v. Warken, 15, 19,
 30, 37, 39, 63
 Medical Licensing Board, Thompson v., 76
 Medical Licensing Board, Thompson v., 135
 Meier v. Pearlman, 451
 Menke v. Southern Railway Co., 217
 Meridian Mortgage Co. v. State, 542
 Meridian Mutual Insurance Co., Stock-
 berger v., 385, 387
 Merimee v. Brumfield, 562
 Metropolitan Development Commission v.
 Douglas, 186, 488
 Micallef v. Miehle Co., 14
 Michigan Mutual Life Insurance Co. v.
 Custer, 406
 Mid-American Homes v. Horn, 501
 Miehle Co., Micallef v., 14
 Milhollin, Ford Motor Credit Co. v., 522
 Miller, State *ex rel.* Austin v., 81
 Miller, United States v., 377
 Miller v. California, 196
 Mirich, Fleetwood Corp. v., 554
 Mitchell v. Beard, 97
 Modlin v. Riggle, 302
 Moehlenkamp v. Shatz, 468, 490
 Moerman v. Zipco, Inc., 97
 Moffett v. State, 448
 Mohammed, Caban v., 318
 Monumental Life Insurance Co., Brand v.,
 405
 Monumental Life Insurance Co. v. Hakey,
 379
 Moore v. Federal Pacific Electric Co., 18
 Moore v. Spann, 185
 Morris v. State, 275
 Morsches Lumber, Inc. v. Probst, 397
 Morton v. E-Z Rate, Inc., 122
 Mulry v. State, 276
 Munden, Munden v., 145, 349
 Munden v. Munden, 145, 349
 Munster v. Marcum, 301
 Murgia, Massachusetts Board of Retire-
 ment v., 205
 Myers v. Bethlehem Shipbuilding Corp., 77

N

National Education Association South Bend, South Bend Federation of Teachers v., 74, 86
 National Farmers Union Life Insurance Co., Kaiser v., 379
 Neal, *In re*, 442
 Neill v. Ridner, 357
 Nelson v. State, 448
 New England Box Co. v. Gilbert, 121
 New Hampshire, Austin v., 528
 Newnam Foundry Co., Gayheart v., 574
 New Palestine Bank, Payroll Check Cashing v., 240
 Niemeyer v. McCarty, 363
 Nissen Trampoline Co. v. Terre Haute First National Bank, 34
 NLRB v. Katz, 424
 Noonan, Wagner Construction Co. v., 232
 Norris, Van Bibber v., 496, 497
 Northern Indiana Public Service Co., Indiana Forge & Machine Co. v., 76, 79
 Northern Indiana Public Service Co., Petroski v., 46, 63
 Northern Indiana Steel Supply Co., Indiana Department of State Revenue v., 532
 Northern Indiana Transit, Inc. v. Burk, 550
 Novy, Continental Casualty Co. v., 182

O

Oberlin v. Marlin American Corp., 108, 160
 Odd Fellows' Mutual Aid Association v. Sweetser, 406
 Oklahoma, Broadrick v., 201
 Old State Utility Corp. v. Greenbriar Development Corp., 71
 Organization of Foster Families, Smith v., 220
 Orient Insurance Co. v. Kaptur, 408
 Ortho Pharmaceutical Corp. v. Chapman, 32
 Osborne, Osborne v., 346
 Osborne v. Osborne, 346
 Owen v. State, 373
 Owens, Indiana Bell Telephone Co. v., 573
 Owens, Owens v., 335
 Owens v. Owens, 335

P

Pactor, Pactor v., 348
 Pactor v. Pactor, 348
 Palmer, State v., 265
 Pappas, Puzich v., 125

Paris Adult Theatre I v. Slaton, 198, 289
 Park 100 Development Co. v. Indiana Department of State Revenue, 524
 Parker v. State, 82, 205
 Parkinson, Zeigler Building Materials, Inc. v., 520
 Pathman Construction Co. v. Drum-Co Engineering Corp., 145, 162
 Pavone v. State, 376
 Payroll Check Cashing v. New Palestine Bank, 240
 Peachey v. Boswell, 200
 Pearlman, Meier v., 451
 Pearson v. Winfield, 107
 Peck v. Ford Motor Company, 40, 548
 Penn-Dixie Steel Corp. v. Savage, 66, 70, 572
 Peoples Bank & Trust Co. v. Stock, 556
 Perez v. United States Steel Corp., 571
 Perfection Paint & Color Co. v. Konduris, 21, 28
 Permacel Tape Corp., Donahue v., 481
 Perrello, *In re*, 436, 440
 Perschke, Sebasty v., 225
 Peru Community School Building Corp., Construction Associates v., 153
 Peterson v. Culver Educational Foundation, 154
 Petroski v. Northern Indiana Public Service Co., 46, 63
 Pillars v. State, 269, 282
 Pilotte, Brummett v., 478
 Piskorowski v. Shell Oil Co., 482
 P.J.T., Buck v., 147, 356
 Plaza Realty Investors v. Bailey, 101
 P-M Gas & Wash Co. v. Smith, 173, 177
 Polak, Hurt v., 168
 Pollard v. Saxe & Yolles Development Co., 233
 Pontius v. Kimble, 561
 Posey v. Clark Equipment Co., 31
 Powell, Delaware County v., 140
 Prestige Casualty Co. v. Mashburn, 382
 Price, State Farm Mutual Automobile Insurance Co. v., 391
 Probst, Morseches Lumber, Inc. v., 397
 Prudential Insurance Co. of America v. Smith, 391
 Public Service Co., Kentucky-Indiana Municipal Power Association v., 185
 Public Service Co. of Indiana, Hedges v., 46, 62
 Public Service Commission, Scott Paper Co. v., 185
 Purcell v. English, 483, 545

Purdue National Bank, Insurance Co. of
North America v., 240, 243
Puzich v. Pappas, 125

R

Rakas v. Illinois, 214
RCA Corp., Indiana Department of State
Revenue v., 534
R.D.S. v. S.L.S., 355
Rector v. State, 448
Redmon, State v., 270
Reidenbach v. Board of School Trustees,
78, 430
Renfrow, Doe v., 214
Review Board of the Indiana Employment
Security Division, Addison v., 85
Review Board of Indiana Employment
Security Division, Geckler v., 207
Review Board of Indiana Employment
Security Division, Kuntz v., 66
Review Board of Indiana Employment
Security Division, Thomas v., 206
Revord v. Russell, 563
Ridner, Neill v., 357
Riggins v. Sadowsky, 505
Riggle, Modlin v., 302
Riley, *In re*, 444
Rising Sun State Bank v. Fessler, 295, 518
Robert Hall Clothes, Inc., Cooper v., 569
Roberts, Evansville-Vanderburgh School
Corp. v., 422
Robinson v. State, 280
Rochester Bridge Co. v. McNeill, 555
Roddy v. State, 272
Rogier, Wallace v., 478, 491
Rose, Rose v., 348, 454
Rose v. Rose, 348, 454
Ross, Farmers Bank & Trust Co. v., 164,
499
Rossow v. Jones, 483, 545
Ross, Ross v., 152, 330
Ross v. Ross, 152, 330
Ross v. Schubert, 186, 564, 576
Roth, Seider v., 132, 515
Roth v. United States, 197, 288
Rubush, Bemis Co. v., 8, 13, 14, 30, 40, 58,
61
Rush v. Savchuk, 132, 195
Russell, Revord v., 563
Rzepka v. Farm Estates, Inc., 97

S

Sadowsky, Riggins v., 505
Safe Realty Corp., McLendon v., 493
Salem Inn, Inc., Doran v., 200
Salk v. Weinraub, 67, 72
Sam Klain & Sons, Inc., Templeton v., 500,
508
Sandefur, J.I. Case Co. v., 9
Sanders, Arkansas v., 275
S & F Supply Co. v. Hunter, 95
Savage, Penn-Dixie Steel Corp. v., 66, 70,
572
Savchuk, Rush v., 132, 195
Saxe & Yolles Development Co., Pollard
v., 233
Schemel v. General Motors, 20
Schmidt, Dudley Sports Co. v., 12
Schneider, Davis v., 375
School City of Lafayette v. Highley, 428
Schoulton, C.T.S. Corp. v., 72
Schubert, Ross v., 186, 564, 576
Schofield, Campo v., 9, 14
Scott Paper Co. v. Public Service Com-
mission, 185
Scott v. Union Tank Car Co., 564, 575
Seagram & Sons, Inc. v. Willis, 578
Searjeant Metal Products, Inc., Cornette
v., 24, 50
Sears, Roebuck & Co., Second National
Bank v., 53
Sebasto v. Perschke, 225
SEC v. Texas Gulf Sulfur Co., 96
Second National Bank v. Sears, Roebuck
& Co., 53
Seider v. Roth, 132, 515
Shaffer v. Heitner, 132, 515
Shahan v. Brinegar, 479
Shambaugh & Son, Inc., South Tippecanoe
School Building Corp. v., 397
Shanks v. A.F.E. Industries, Inc., 3, 28, 30,
38, 39, 49
Shatz, Moehlenkamp v., 468, 490
Sheets, McCarty v., 466
Sheffield Developers, Inc., Tippecanoe
County Area Plan Commission v., 86
Shell Oil Co., Piskorowski v., 482
Shelton v. State, 267
Sheraton Corp. of America v. Kingsford
Packing Co., 112
Sherbert v. Verner, 208
Sherry v. State Bank of Indiana, 479
Shideler v. Dwyer, 456
Shiple v. Daly, 567
Shippers Dispatch, Inc., Mansfield v., 42
Simcox, City Investing Co. v., 112
Simplimatic Engineering Corp., Martin v.,
51
Sims v. Huntington, 166

- Skendzel v. Marshall, 492, 493
 Skolnick v. State, 167
 Slater, Bennett v., 399
 Slaton, Paris Adult Theatre I v., 198, 289
 Slinkard v. Extruded Alloys, 571
 S.L.S., R.D.S. v., 355
 Smith, Ayres v., 452
 Smith, P-M Gas & Wash Co. v., 173, 177
 Smith, Prudential Insurance Co. of America v., 391
 Smith v. City of South Bend, 150, 163
 Smith v. Organization of Foster Families, 220
 Smith v. State, 449
 Snyder v. Tell City Clinic, 169
 Soft Water Utilities, Inc. v. Le Fevre, 182
 South Bend Community School Corp., Haas v., 81
 South Bend Department of Redevelopment, Hawley v., 72
 South Bend Federation of Teachers v. National Education Association South Bend, 74, 86
 Southern Indiana Gas & Electric Co., City of Evansville v., 65
 Southern Indiana Health Systems Agency, Inc. v. State Board of Health, 75
 Southern Railway Co., Menke v., 217
 South Tippecanoe School Building Corp. v. Shambaugh & Son, Inc., 397
 Spann, Moore v., 185
 Spears v. Jackson, 396
 Spears v. State, 368
 Spence v. State, 371
 Springer v. United States, 360
 Spruill v. Boyle-Midway, Inc., 34
 Standard Mutual Casualty Co., Hill v., 410
 Standard Supply Corp., Dupont Feedmill Corp. v., 486
 Stanley v. Georgia, 289
 Stapinski v. Walsh Construction Co., 50, 54
 Starke Circuit Court, Back v., 280
 Starke County Farm Bureau Cooperative Association, Gumz v., 160
 Staley v. Stephens, 487
 State, Archbold v., 283
 State Bank of Indiana, Sherry v., 479
 State, Bergner v., 365
 State Board of Tax Commissioners v. Aluminum Co. of America, 540
 State Board of Tax Commissioners, Stokley-Van Camp, Inc. v., 70
 State, Bradford v., 274
 State, Brandon v., 278, 369
 State, Brown v., 271
 State, Brunson v., 265
 State, Clark v., 278
 State, Crim v., 280
 State Department of Revenue v. Calcar Querries, Inc., 536
 State, Drake v., 166
 State, Duncan v., 448
 State, Elmore v., 269
 State *ex rel.* Austin v. Miller, 81
 State *ex rel.* Board of Trustees v. Knox Circuit Court, 420
 State *ex rel.* Dunlap v. Cross, 82
 State *ex rel.* Harmon, Indiana Alcoholic Beverage Commission v., 567
 State *ex rel.* Hasch v. Johnson Circuit Court, 281
 State *ex rel.* Indiana Department of Insurance, Union Insurance Co. v., 126, 152
 State *ex rel.* Indiana Life & Health Insurance Guaranty Association v. Superior Court, 147
 State *ex rel.* Indiana State Board of Finance v. Marion County Superior Court, Civil Division, 87
 State *ex rel.* Indiana State Employees' Association v. Boehning, 81
 State *ex rel.* Marcum v. Marion County Superior Court, 320
 State *ex rel.* Newton v. Board of School Trustees, 71
 State *ex rel.* Page, City of Anderson v., 85
 State *ex rel.* Payntor v. Marion County Superior Court, 77
 State Board of Health, Southern Indiana Health Systems Agency, Inc. v., 75
 State Farm Mutual Automobile Insurance Co., Green v., 410
 State Farm Mutual Automobile Insurance Co. v. Price, 391
 State, Ford v., 195, 287
 State, Garcia v., 283
 State, Gardner v., 258
 State, George v., 161, 449
 State, Grey v., 278
 State, Griffin v., 259
 State, Haeger v., 359
 State, Harding v., 376
 State, Heathe v., 268
 State, Hinton v., 262
 State, Ice v., 139
 State, Lusher v., 361
 State, Lutes v., 274
 State, McCaslin v., 479
 State, McCormick v., 260
 State, McDandal v., 268

State, McKinley v., 286
 State, McNew v., 261
 State, McQueen v., 138, 433
 State, Mata v., 279
 State, Meridian Mortgage Co. v., 542
 State, Moffett v., 448
 State, Morris v., 275
 State, Mulry v., 276
 State, Nelson v., 448
 State, Owen v., 373
 State, Parker v., 82, 205
 State, Pavone v., 376
 State, Pillars v., 269, 282
 State, Rector v., 448
 State, Robinson v., 280
 State, Roddy v., 272
 State, Shelton v., 267
 State, Skolnick v., 167
 State, Smith v., 449
 State, Spears v., 368
 State, Spence v., 371
 State, Sumpter v., 374
 State, Swan v., 363
 State, Taylor v., 263
 State, Terry v., 279
 State, Thompson v., 268
 State v. Baysinger, 199
 State v. Ford Motor Co., 36, 55
 State v. McCormick, 202
 State v. Palmer, 265
 State v. Redmon, 270
 State v. Tindell, 89
 State, Williams v., 285
 Stephenson v. Frazier, 223
 Stephens, Staley v., 487
 Stevens v. Kimmel, 563, 575
 Stewart, Jeffries v., 394
 Stewart v. Hicks, 169
 Stockberger v. Meridian Mutual Insurance Co., 385, 387
 Stock, Peoples Bank & Trust Co. v., 556
 Stokley-Van Camp, Inc. v. State Board of Tax Commissioners, 70
 Stone City Construction Co., Gilbert v., 29
 Stout v. Tippecanoe County Department of Public Welfare, 316
 Stover, Fechtman v., 53
 Sumpter v. State, 374
 Sun Life Insurance Co. of America, Hornaday v., 379
 Sun 'N Sand, Inc. v. United California Bank, 246
 Superior Court, State *ex rel.* Indiana Life & Health Insurance Guaranty Association v., 147

Sutherland Lumber, Indiana Civil Rights Commission v., 210
 Swan v. State, 363
 Sweetser, Odd Fellows' Mutual Aid Association v., 406

T

Taylor v. State, 263
 Tell City Clinic, Snyder v., 169
 Telvest, Inc. v. Bradshaw, 117
 Templeton v. Sam Klain & Sons, Inc., 500, 508
 Terre Haute First National Bank, Nissen Trampoline Co. v., 34
 Terry, *In re*, 435, 441
 Terry v. State, 279
 Texas Gulf Sulfur Co., SEC v., 96
 Thatcher, Vernon Fire & Casualty Insurance Co. v., 555
 The Insurance Co. of North America, Barr v., 380
 Theis v. Heuer, 232
 Thomas v. Eads, 565, 566
 Thomas v. Review Board of Indiana Employment Security Division, 206
 Thompson v. Medical Licensing Board, 76, 135
 Thompson v. Medical Licensing Board, 134
 Thompson v. State, 268
 Thrasher v. Van Buren Township, 132, 151, 567
 Tindell, State v., 89
 Tippecanoe County Area Plan Commission v. Sheffield Developers, Inc., 86
 Tippecanoe County Department of Public Welfare, Stout v., 316
 Trash v. U-Drive-It Co., 51
 Treloar v. Harris, 557
 Tyson, Hudson v., 511, 516

U

U-Drive-It Co., Trash v., 51
 Union Insurance Co. v. State *ex rel.* Indiana Department of Insurance, 126, 152
 Union Tank Co., Scott v., 564, 575
 Unishops, Inc. v. May's Family Centers, Inc., 481
 United California Bank, Sun 'N Sand, Inc. v., 246
 United Farm Bureau Mutual Insurance Co., Hargis v., 401
 United States, Roth v., 197, 288
 United States, Springer v., 360
 United States Steel Corp., Perez v., 571
 United States v. Miller, 377

V

- Van Bibber v. Norris, 496, 497
 Van Buren Township, Thrasher v., 132,
 151, 567
 Vecta Educational Corp., Lukowski v., 47
 Verner, Sherbert v., 208
 Vernon Fire & Casualty Insurance Co. v.
 Thatcher, 555
 Verplank Concrete & Supply, Inc., City of
 Evansville v., 500
 Voelker, Estate of, 161

W

- Wabash County REMC, Helvey v., 47
 Wagner Construction Co. v. Noonan, 232
 Wallace v. Rogier, 478, 491
 Walsh Construction Co., Stapinski v., 50,
 54
 Walter v. Kellam & Foley, 64
 Wann, Census Federal Credit Union v., 495
 Warken, Meadowlark Farms, Inc. v., 15,
 19, 30, 37, 39, 63
 Warner v. Webber Apartments, Inc., 499
 Washington, International Shoe Co. v., 133,
 515
 Waterfiled [*sic*] Mortgage Co., Indiana
 Department of Revenue v., 53
 Weaver, *In re*, 441
 Webber Apartments, Inc., Warner v., 499
 Wegmiller Bender Lumber Co., Beneficial
 Finance Co. v., 503, 504-05
 Weidenhamer, American Optical Co. v., 27,
 32, 59
 Weinraub, Salk v., 67, 72
 Western Line Consolidated School Dis-
 trict, Givhan v., 221
 Weston, Lee v., 553
 Wheat v. Hamilton, 107
 Whipple v. Dickey, 521
 White Motor Corp., Huff v., 20, 26, 45, 58,
 60, 215
 White v. Livengood, 187

- White v. Wollery Stone Co., 66, 572
 Wilcox v. Wilcox, 339
 Wilcox, Wilcox v., 339
 Wildwood Park Community Hospital v.
 Fort Wayne City Plan Commission, 137
 Wilfong v. Indiana Gas Co., 66
 Wilhelm, Wilhelm v., 346
 Wilhelm v. Wilhelm, 346
 Williams, Estate of, 519
 Williams, Estelle v., 449
 Williams v. State, 285
 Willingham v. Macon Telegraph Publish-
 ing Co., 210
 Willis, Seagram & Sons, Inc. v., 578
 Winchell v. Aetna Life & Casualty Insur-
 ance Co., 139, 399
 Winfield, Pearson v., 107
 Wingo, Barker v., 279
 Woodson, World-Wide Volkswagen Corp.
 v., 130
 Wollenmann, Louisville & Nashville Rail-
 road v., 158
 Wollery Stone Co., White v., 66, 572
 World-Wide Volkswagen Corp. v. Wood-
 son, 130

X

- Xaver v. Blazek, 547

Y

- Yuba Power Products Inc., Greenman v.,
 19

Z

- Zahora v. Harnischfeger Corp., 12
 Zeigler Building Materials, Inc. v. Parkin-
 son, 520
 Zinn, Henderlong Lumber Co. v., 502
 Zipco, Inc., Moerman v., 97

Indiana Law Review

Volume 13

1980

MARK R. WENZEL
Editor-in-Chief

JOHN C. TRIMBLE
Executive Editor

RAYMOND H. CARLSON
ELIZABETH R. KIRSCHLING
LORNA R. POWERS
JOHN W. TANSELLE
Articles Editors

LANA M. COOK
DEBRA L. SCOTT
Managing Editors

DANIEL G. AREAUX
NANCY J. DAVIS
JANET C. KNAPP
NANCY L. MARSHALL
PATRICIA F. SEASOR
N. KENT SMITH
Note and Development Editors

DAYLE L. ANDERSON
JAMES H. AUSTEN
JANET W. AVERETT
THOMAS V. EASTERDAY
JANET E. ELLIS
MARSHALL W. GRATE
MARY C. GREIVES
RICHARD E. HAGENMAIER
EDWARD R. HANNON
BRANDT N. HARDY
BETH E. HOLLAND
BRENDA S. HORN
LAWRENCE E. LAWHEAD
ROBERT D. MACGILL
MARY JO MORRISON
R. RUSSELL PETTERSON
CAROL E. REESE
DONALD S. SMITH

Associate Editors

PAUL J. GALANTI
Faculty Advisor

DAWN CAMPBELL
Editorial Assistant

Indiana University School of Law—Indianapolis

1980-1981 ADMINISTRATIVE OFFICERS AND FACULTY

Administrative Officers

JOHN W. RYAN, *Ph.D., President of the University*

GLENN W. IRWIN, JR., *M.D., Vice-President*

FRANK T. READ, *J.D., Dean*

GERALD L. BEPKO, *LL.M., Acting Associate Dean for Administration and Finance*

G. KENT FRANSDEN, *J.D., Assistant Dean for Student Affairs*

Faculty

THOMAS B. ALLINGTON, *Professor. B.S., University of Nebraska, 1964; J.D., 1966; LL.M., New York University, 1971.*

EDWARD P. ARCHER, *Professor. B.M.E., Rensselaer Institute, Polytechnic, 1958; J.D., Georgetown University, 1962; LL.M., 1964.*

JAMES F. BAILEY, III., *Associate Professor and Director of Law Library, A.B., University of Michigan, 1961; J.D., 1964; M.A.L.S., 1970.*

AGNES P. BARRETT, *Associate Professor, B.S., Indiana University, 1942; J.D., 1964.*

GERALD L. BEPKO, *Associate Dean for Academic Affairs and Professor. B.S., Northern Illinois University, 1962; J.D., IIT/Chicago-Kent College of Law, 1965; LL.M., Yale University, 1972.*

CLYDE HARRISON CROCKETT, *Professor. A.B., University of Texas, 1962; J.D., 1965; LL.M., University of London (The London School of Economics and Political Science), 1972.*

DEBRA A. FALENDER, *Associate Professor. A.B., Mount Holyoke College, 1970; J.D., Indiana University, 1975.*

G. KENT FRANSDEN, *Assistant Dean-Student Affairs and Associate Professor. B.S., Bradley University, 1950; J.D., Indiana University, 1965.*

DAVID A. FUNK, *Professor. A.B., College of Wooster, 1949; J.D. Case Western Reserve University, 1951; M.A., The Ohio State University 1968; LL.M., Case Western Reserve, 1972; LL.M., Columbia University, 1973.*

PAUL J. GALANTI, *Professor. A.B., Bowdoin College, 1960; J.D., University of Chicago, 1963.*

HELEN P. GARFIELD, *Associate Professor, B.S.J., Northwestern University 1945; J.D., University of Colorado, 1967.*

HAROLD GREENBERG, *Associate Professor, A.B., Temple University, 1959; J.D., University of Pennsylvania 1962.*

JEFFREY W. GROVE, *Professor. A.B., Juniata College, 1965; J.D., George Washington University, 1969.*

WILLIAM F. HARVEY, *Carl M. Gray Professor of Law. A.B., University of Missouri, 1954; J.D., Georgetown University, 1959; LL.M., 1961.*

W. WILLIAM HODES, *Assistant Professor. A.B., Harvard College, 1966; J.D., Rutgers, Newark, 1969.*

LAWRENCE A. JEGEN III., *Professor. A.B., Beloit College, 1956; J.D., University of Michigan, 1959; M.B.A., 1960; LL.M., New York University, 1963.*

HENRY C. KARLSON, *Assistant Professor. A.B., University of Illinois, 1965; J.D., 1968; LL.M., 1977.*

WILLIAM ANDREW KERR, *Professor (on leave, 1980-81). A.B., West Virginia University, 1955; J.D., 1957; LL.M., Harvard University, 1958; B.D., Duke University, 1968.*

WALTER W. KRIEGER, *Associate Professor, A.B., Bellarmine College, 1959, J.D., University of Louisville, 1962; LL.M. George Washington University, 1969.*

WAYNE K. LEWIS, *Assistant Professor. B.A., Rutgers University, 1970; J.D., Cornell Law School, 1973.*

WILLIAM E. MARSH, *Associate Professor. B.S., University of Nebraska, 1965; J.D., 1968.*

MARY H. MITCHELL, *Assistant Professor. A.B., Butler University 1975; J.D. Cornell Law School, 1978.*

MELVIN C. POLAND, *Professor. B.S., Kansas State University, 1940; LL.B., Washburn University, 1949; LL.M., The University of Michigan, 1950.*

- RONALD W. POLSTON, *Professor. B.S., Eastern Illinois University, 1953; LL.B., University of Illinois, 1958.*
- GARY A. RATNER, *Associate Professor. B.S., California Institute of Technology, 1966; M.S., Purdue University 1969; J.D., University of Connecticut, 1973; LL.M., Yale University, 1974.*
- FRANK T. READ, *Dean and Professor. B.S., Brigham Young University, 1960; J.D., Duke University, 1963.*
- BRYAN M. SCHNEIDER, *Assistant Professor. B.A., Amherst College, 1973; J.D., University of South Carolina School of Law, 1976; LL.M., Yale Law School, 1980.*
- MARSHALL J. SEIDMAN, *Professor. B.S., University of Pennsylvania, 1947; J.D., Harvard University, 1950; LL.M., 1970.*
- KENNETH M. STROUD, *Professor. A.B., Indiana University, 1958; J.D., 1961.*
- JAMES W. TORKE, *Professor. B.S., University of Wisconsin, 1963; J.D., 1968.*
- R. BRUCE TOWNSEND, *Professor of Jurisprudence (on leave, second semester, 1980-81). A.B., Coe College, 1938; J.D., University of Iowa, 1940.*
- JAMES PATRICK WHITE, *Professor (on special assignment). A.B., University of Iowa, 1953; J.D., 1956; LL.M., George Washington University, 1959.*
- LAWRENCE P. WILKINS, *Associate Professor. B.A., The Ohio State University, 1968; J.D., Capital University Law School, 1973; LL.M., University of Texas School of Law, 1974.*
- HAROLD R. WOODARD, *Professional Lecturer. B.S., Harvard University; 1933; J.D., 1936.*
- WILLIAM J. WOODWARD, *Assistant Professor. B.A., University of Pennsylvania, 1968; J.D., Rutgers-Camden, 1975.*
- RICHARD A. LORD, *Visiting Professor. B.A., Alfred University 1971; J.D., Memphis State University, 1975; LL.M., Yale Law School, 1976.*

Emeriti

- CLEON H. FOUST, *Professor Emeritus. A.B., Wabash College, 1928; J.D., University of Arizona, 1933.*
- JOHN S. GRIMES, *Professor of Jurisprudence Emeritus. A.B., Indiana University, 1929; J.D., 1931.*

Legal Writing Instructions

- PHILIP B. DAVIS, *Lecturer. B.A., Middlebury College, 1975; J.D., University of New Mexico School of Law, 1978.*
- SUSANAH M. MEAD, *Lecturer. B.A., Smith College, 1969; J.D., Indiana University, 1976.*
- JOAN RUHTENBERG, *Lecturer. B.A., Mississippi University for Women, 1959; J.D., Indiana University, 1980.*

Law Library Staff

- WENDELL E. JOHNTING, *Technical Services Librarian. A.B., Taylor University, 1974; M.L.S., Indiana University, 1975.*
- LAURA KIMBERLY, *Visiting Librarian. B.A., Florida State University, 1977; M.S., Florida State University, 1980.*
- CHRISTINE L. STEVENS, *Reference Librarian. A.B., Western Michigan University, 1970; M.L.S. Indiana University, 1971.*
- KATHY L. WELKER, *Assistant Director (on leave, 1980-81). A.B., Huntington College, 1969; M.L.S., Indiana University, 1972.*
- MERLIN P. WHITEMAN, *Reader's Service Librarian. A.B., Hope College, 1973; M.L.S., Indiana University, 1974.*