

An Examination of the Indiana Supreme Court Docket, Dispositions, and Voting in 1991*

KEVIN W. BETZ**

This Article examines statistically the Indiana Supreme Court docket, dispositions, and voting in 1991. It is designed to create a greater understanding of the most powerful judicial body in our state. This public body, comprised of only five men,¹ began building the legal foundation of this state in 1817, one year after statehood. Little known to most modern practitioners is that it was a highly progressive and respected institution.² Today's Indiana Supreme Court has returned to that tradition of progress and excellence.³ Because of its sheer power

* The tables presented in this Article are patterned after the annual statistics of the United States Supreme Court published in the *Harvard Law Review*. An explanation of the origin of these tables can be found at *The Supreme Court, 1967 Term*, 82 HARV. L. REV. 63, 301 (1968). The *Harvard Law Review* granted permission for the use of these tables by the *Indiana Law Review* this year; however, permission for any further reproduction of these tables must be obtained from the *Harvard Law Review*.

** Associate, Krieg DeVault Alexander & Capehart, Indianapolis. Law Clerk for Chief Justice Randall T. Shepard, Indiana Supreme Court, 1988-1990. B.A., 1982, Indiana University; M.S., 1984, Northwestern University; J.D., 1988, Indiana University School of Law—Bloomington. I thank Krieg DeVault Alexander & Capehart for its gracious willingness to devote the time, energy, and resources of its law firm to allow such a project as this to be accomplished. The individuals at Krieg DeVault to whom I am deeply grateful are James G. McIntire, partner; Andrew T. Deibert, paralegal; Susan C. Harney, paralegal; and Sheryl J. Pender, librarian. I am also appreciative of the assistance of Catherine R. Urban, associate; Susan B. Horton, secretary; Deborah J. Baumer of the Supreme Court Administrator's Office and now the Administrative Assistant to Chief Justice Shepard; and Patti K. Warthen of Krieg DeVault who graphically designed, and many Times redesigned, the tables that make up this review. Richard Boone of LEXIS, and Kenneth R. Woolling, Jr., a paralegal intern, also assisted with this project. Finally, credit for the idea for this project goes to Chief Justice Shepard. As is appropriate, the judge gets the credit for the idea, but, of course, any errors or omissions belong to his former law clerk. I hope this review is of value to academic researchers as well as practitioners, especially Table F which is designed as a quick-reference tool.

1. The Indiana Supreme Court has never had anything other than white, Christian males as members. The Indiana Constitution provides that the court could be comprised of nine members if the General Assembly so decides. See IND. CONST. art. 7, § 2.

2. See generally Randall T. Shepard, *Changing the Constitutional Jurisdiction of the Indiana Supreme Court: Letting a Court of Last Resort Act Like One*, 63 IND. L.J. 669 (1988) [hereinafter Shepard, *Changing the Jurisdiction*].

3. Randall T. Shepard, *Foreword: Indiana Law, The Supreme Court, and a New Decade*, 24 IND. L. REV. 499 (1991). See also Randall T. Shepard, *The New Indiana Supreme Court*, 35 RES GESTAE 341 (1992).

alone, though, it deserves close inspection, especially since the court in 1991 became free again to act as a court of last resort for criminal *and* civil disputes in this state.⁴ Not only does the court decide life and death for criminals, among other issues, it decides how citizens of this state contract with each other, divorce each other, collect money from each other, and decide about death.⁵

In 1991, the supreme court disposed of 1,015 matters. More than 650 of those dispositions were petitions for transfer to the supreme court that were denied without opinion.⁶ On 212 occasions — 134 criminal cases and 78 civil cases — the court handed down a full opinion interpreting the law.⁷ As we know, to interpret the law is many times to make the law,⁸ and the interpretation that becomes law is sometimes only a matter of receiving three votes.⁹

Finally, a significant factor that these tables do not examine is quality. Quantity, obviously, should never be mistaken for the quality of opinions issued. These tables also fail to track the complexity and length of opinions issued by each justice.

The following is a brief description of the highlights from each table.

TABLE A. The most interesting aspect of this table shows first-year Justice Krahulik is already an extremely productive member of the court, and as is seen by other tables, he has also already made a solid impact on the court. The former civil practitioner authored the second-most criminal (36) and second-most civil opinions (19) among the justices. Justice Givan was just barely the most productive opinion writer with 58 total, 55 being criminal opinions. Of those 55 criminal opinions, 54 opinions affirmed the conviction.

Although Justice Givan was the most productive drafter of criminal opinions, Chief Justice Shepard was the most productive author of civil

4. See Shepard, *Changing the Jurisdiction*, *supra* note 2, at 501. See also Randall T. Shepard, State of the Judiciary (Jan. 15, 1992) ("When I first spoke to you four years ago, the backlog at the Indiana Supreme Court stood at an all-time high. I asked you and the people of Indiana to give us the tools to attack the problems. I promised you that we would eliminate the backlog of cases, which was two years long. Today, I am finally able to report victory. Despite a growing caseload now at record levels, we have whipped the backlog at the Indiana Supreme Court!").

5. See Table F.

6. See Supreme Court of Indiana Progress Report — 1991 Case Inventories and Disposition Summary (1992) (available at the office of the Supreme Court Administrator).

7. See Table A.

8. See, e.g., *Covalt v. Carey Canada, Inc.*, 543 N.E.2d 382 (Ind. 1989).

9. See Table D. It is also worth noting how often the Supreme Court personally listens to practitioners discuss cases before them in oral argument. During the past five years, beginning in 1987, the Court had 20 oral arguments; in 1988, 23; in 1989, 22; in 1990, 40; and in 1991, 31, according to the office of the Supreme Court Administrator.

cases with 20.¹⁰ Of all actions disposed of by the justices, Justice Krahulik was the most productive with 155, according to the *Supreme Court of Indiana Progress Report*. That Report tracks all actions disposed of, which includes rehearing opinions,¹¹ concurring or dissenting opinions, and disposing of Petitions for Transfer in civil and criminal cases that are denied without opinion. Table A only tracks full opinions that are handed down in civil, criminal, and original actions, and attorney or judicial disciplinary cases.

Table A also displays that Justice DeBruler, the most senior justice, had by far the most concurrences with 16, with 15 of those in criminal matters. He was second in number of dissents to Justice Givan; Justice DeBruler had 28 and Justice Givan had 33. The other three justices each had 11 dissents. The justices individually dissented 94 times, but this does not mean that 94 opinions carried a dissent because many times more than one justice dissented to the same opinion.

TABLE B-1. The voting alignment of the justices in civil cases shows that no two justices agree more than 76.9% of the time. Chief Justice Shepard and Justice Dickson are the most frequently aligned with each other in civil cases at 76.9%. Justices Shepard and Krahulik are close behind at 76.3% as well as Justices Dickson and Krahulik at 76.3%. On the other hand, Justices DeBruler and Givan only voted together 58.4% of the time in civil cases.

TABLE B-2. For criminal cases, Justices Shepard and Givan are the most frequently aligned with each other at 86.4%. Chief Justice Shepard is also closely aligned with Justices Dickson (82.8%) and Krahulik (82.0%). Justices Givan and DeBruler are again at separate ends of many criminal cases, with a voting alignment of 56.8%.

TABLE B-3. Overall, Justices Shepard, Dickson, and Krahulik form the majority of the court on 80% of the opinions, while Justices DeBruler and Givan are the least aligned two justices to each other (57.4%). Justices DeBruler and Givan are also the least aligned with all of the other members of the court. Chief Justice Shepard is the most frequently aligned with the other members of the court.

TABLE C. More than 60% of the opinions rendered by the court are unanimous or unanimous with concurrence. The court is more agreeable as a court on criminal cases than civil, reflecting the fact that many criminal cases are not complex legal cases, but reach the court simply because the sentence is greater than 50 years.

10. Most agree that being Chief Justice adds at least one-third more duties to the job of a justice on the supreme court.

11. According to the Report, eight rehearing opinions were issued and 43 petitions for rehearing were denied without opinion. On one petition the court changed its original outcome. See *O'Laughlin v. Barton*, 571 N.E.2d 1258 (Ind. 1991).

TABLE D. Of the 212 opinions, 26 were decided by a 3-2 voting margin (12.2%). Interestingly, Justice Dickson was in the three-justice majority more than any other justice. While he was in the three-justice majority on 20 occasions, he authored only four of those opinions. Justice Krahulik was in the majority 18 times, and Chief Justice Shepard was 17 times. Justices DeBruler and Givan were in the 3-2 majority the least number of times at 12 and 11 times respectively, but they wrote the most 3-2 opinions at seven each.

The most common three-justice majority was Justices DeBruler, Dickson, and Krahulik, which combined as the majority for 3-2 opinions on six occasions.

TABLE E. The court's docket is now discretionary in the majority of cases (54%), only 97 of the 212 cases were automatic appeals to the supreme court.¹² Of those 97 direct criminal appeals, the court affirmed 87 (90%). On the other hand, of the 110 cases accepted for transfer, 74 were either reversed or vacated (67%). This statistic is certainly a compelling argument for reform in appellate procedure. For cases that the court accepts on transfer, the court should allow the appellants and appellees to draft another brief focused more on arguments appropriate for a court of last resort.¹³

12. Shepard, *Changing the Jurisdiction*, *supra* note 2, at 521 n.7 (providing the past 10 years of docket information).

13. See George T. Patton, Jr., *Recent Developments in Indiana Appellate Procedure: Reforming the Procedural Path to the Indiana Supreme Court*, 25 IND. L. REV. 1105 (1992).

TABLE A

OPINIONS^a

	OPINIONS OF COURT ^b			CONCURRENCES ^c			DISSENTS ^d		
	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
Shepard, C.J.	15	20	35	6	1	7	3	8	11
DeBruler ^e	15	10	25	15	1	16	19	9	28
Givan ^e	55	3	58	8	1	9	15	18	33
Dickson	8	11	19	7	2	9	5	6	11
Krahulik ^e	36	19	55	7	1	8	6	5	11
Per Curiam	5	15	20						
Total	134	78	212	43	6	49	48	46	94

^a These are opinions and votes on opinions by each justice and in per curiam in the 1991 term. The Indiana Supreme Court is unique because it is the only one to assign each case to a justice by a consensus method. Cases are distributed by a consensus of the justices in the majority on each case either by volunteering or nominating writers. The Chief Justice does not have any power to control the assignments other than as a member of the majority. See Melinda G. Hall, *Opinion Assignment Procedures and Conference Practices in State Supreme Courts*, 73 JUDICATURE 209 (1990). The order of discussion and voting is started by the most junior member of the court and follows reverse seniority.

^b Plurality opinions that announce the judgment of the court are counted as opinions of the court. This is only a counting of full opinions written by each justice. It includes opinions on civil, criminal, and original actions and disciplinary matters. It does not include rehearing opinions, nor does it include the per curiam opinions given credit to each justice by the Supreme Court of Indiana Progress Report. The per curiam opinions are released publicly with no justice named as the author, but the Report gives credit to the justice who actually wrote the opinion. For the purposes of this Table, per curiam opinions are counted as such, and no credit is given to an individual justice because the public has no method of knowing which justice wrote the opinion. Of the 20 per curiam opinions in 1991, 18 were credited to a justice and two did not give credit to any justice by the Report. According to the Report, which tallies all actions on cases by a justice, the following occurred: Shepard (120), DeBruler (112), Givan (142), Dickson (109), and Krahulik (155). According to the Report, "all actions on cases" includes, among other things, rehearing opinions, concurring or dissenting opinions, and disposition of petitions to transfer without opinion.

^c This includes both written concurrences and votes to concur in result only.

^d This includes both written dissents and votes to dissent without opinion. Opinions concurring in part and dissenting in part or opinions concurring in part only and differing on another issue are counted as dissents.

^e Justice DeBruler did not participate in two opinions. Justice Givan did not participate in one opinion. Justice Krahulik did not participate in two opinions.

TABLE B-1
VOTING ALIGNMENTS FOR CIVIL CASES^f

		Krahulik	Dickson	Givan	DeBruler	Shepard
Shepard	O	58	59	49	55	---
	S	0	1	2	1	---
	D	58	60	51	56	---
	N	76	78	78	77	---
	P	76.3%	76.9%	65.3%	72.7%	---
DeBruler	O	55	55	43	---	55
	S	2	0	2	---	1
	D	57	55	45	---	56
	N	75	77	77	---	77
	P	76.0%	71.4%	58.4%	---	72.7%
Givan	O	45	48	---	43	48
	S	1	0	---	2	2
	D	46	48	---	45	50
	N	76	78	---	77	77
	P	60.5%	61.5%	---	58.4%	64.9%
Dickson	O	58	---	48	55	59
	S	0	---	0	0	1
	D	58	---	48	55	60
	N	76	---	78	77	78
	P	76.3%	---	61.5%	71.4%	76.9%
Krahulik	O	---	58	45	55	58
	S	---	0	1	2	0
	D	---	58	46	57	58
	N	---	76	76	75	76
	P	---	76.3%	60.5%	76.0%	76.3%

^f This Table records the number of times that one justice voted with another in full-opinion decisions, including per curiam, for only civil cases. Two justices are considered to have agreed whenever they joined the same opinion, as indicated by either the reporter or the explicit statement of a justice in the body of his or her own opinion. The Table does not treat two justices as having agreed if they did not join the same opinion, even if they agreed only in the result of the case or wrote separate opinions revealing little philosophical disagreement.

"O" represents the number of times that the two justices agreed in opinions of the court or opinions announcing the judgment of the court.

"S" represents the number of times the two justices agreed in separate opinions, including agreements in both concurrences and dissents.

"D" represents the number of decisions in which the two justices agreed in either a majority, dissenting, or concurring opinion.

"N" represents the number of decisions in which both justices participated and thus the number of opportunities for agreement.

"P" represents the percentage of decisions in which one justice agreed with another justice, calculated by dividing "D" by "N."

TABLE B-2
VOTING ALIGNMENTS FOR CRIMINAL CASES⁸

		Krahulik	Dickson	Givan	DeBruler	Shepard
Shepard	O	110	111	113	91	---
	S	0	0	2	1	---
	D	110	111	115	92	---
	N	134	134	133	133	---
	P	82.0%	82.8%	86.4%	69.1%	---
DeBruler	O	90	92	74	---	91
	S	3	4	0	---	1
	D	93	96	74	---	92
	N	133	133	132	---	133
	P	69.9%	72.1%	56.8%	---	69.1%
Givan	O	97	94	---	75	113
	S	4	0	---	0	2
	D	101	94	---	75	115
	N	133	133	---	132	133
	P	75.9%	70.6%	---	56.8%	86.4%
Dickson	O	107	---	94	92	111
	S	2	---	0	4	0
	D	109	---	94	96	111
	N	134	---	133	133	134
	P	81.3%	---	70.6%	72.1%	82.8%
Krahulik	O	---	107	97	90	110
	S	---	2	4	3	0
	D	---	109	101	93	110
	N	---	134	133	133	134
	P	---	81.3%	75.9%	69.9%	82.0%

⁸ This Table records the number of times that one justice voted with another in full-opinion decisions, including per curiam, for only criminal cases. Two justices are considered to have agreed whenever they joined the same opinion, as indicated by either the reporter or the explicit statement of a justice in the body of his or her own opinion. The Table does not treat two justices as having agreed if they did not join the same opinion, even if they agreed only in the result of the case or wrote separate opinions revealing little philosophical disagreement.

"O" represents the number of times that the two justices agreed in opinions of the court or opinions announcing the judgment of the court.

"S" represents the number of times the two justices agreed in separate opinions, including agreements in both concurrences and dissents.

"D" represents the number of decisions in which the two justices agreed in either a majority, dissenting, or concurring opinion.

"N" represents the number of decisions in which both justices participated and thus the number of opportunities for agreement.

"P" represents the percentage of decisions in which one justice agreed with another justice, calculated by dividing "D" by "N."

TABLE B-3
VOTING ALIGNMENTS FOR ALL CASES^h

		Krahulik	Dickson	Givan	DeBruler	Shepard
Shepard	O	168	170	162	146	---
	S	0	1	4	2	---
	D	168	171	166	148	---
	N	210	212	211	210	---
	P	80.0%	80.6%	78.6%	70.4%	---
DeBruler	O	145	147	118	---	146
	S	5	4	2	---	2
	D	150	151	120	---	148
	N	208	210	209	---	210
	P	72.1%	71.9%	57.4%	---	70.4%
Givan	O	142	142	---	118	162
	S	5	0	---	2	4
	D	147	142	---	120	166
	N	209	211	---	209	210
	P	70.3%	67.2%	---	57.4%	78.6%
Dickson	O	165	---	142	147	170
	S	2	---	0	4	1
	D	167	---	142	151	171
	N	210	---	211	210	212
	P	79.5%	---	67.2%	71.9%	80.6%
Krahulik	O	---	165	142	145	168
	S	---	2	5	5	0
	D	---	167	147	150	168
	N	---	210	209	208	210
	P	---	79.5%	70.3%	72.1%	80.0%

^h This Table records the number of times that one justice voted with another in full-opinion decisions, including per curiam, for all cases. Two justices are considered to have agreed whenever they joined the same opinion, as indicated by either the reporter or the explicit statement of a justice in the body of his or her own opinion. The Table does not treat two justices as having agreed if they did not join the same opinion, even if they agreed only in the result of the case or wrote separate opinions revealing little philosophical disagreement.

"O" represents the number of times that the two justices agreed in opinions of the court or opinions announcing the judgment of the court.

"S" represents the number of times the two justices agreed in separate opinions, including agreements in both concurrences and dissents.

"D" represents the number of decisions in which the two justices agreed in either a majority, dissenting, or concurring opinion.

"N" represents the number of decisions in which both justices participated and thus the number of opportunities for agreement.

"P" represents the percentage of decisions in which one justice agreed with another justice, calculated by dividing "D" by "N."

TABLE C
UNANIMITYⁱ

Unanimous ^j			Unanimous With Concurrence ^k			Opinions With Dissent			Total
Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total	
68	36	104 (49.1%)	28	3	31 (14.6%)	38	39	77 (36.3%)	212

ⁱ This Table tracks the number and percent of unanimous opinions among all opinions written. If, for example, only four justices participate and concur, it is still considered unanimous. It also tracks the percent of opinions with concurrence and opinions with dissent.

^j A decision is considered unanimous only when all justices participating in the case voted to concur in the court's opinion as well as its judgment. When one or more justices concurred in the result but not in the opinion, the case is not considered unanimous.

^k A decision is listed in this column if one or more justices concurred in the result but not in the opinion of the court or wrote a concurrence, and there were no dissents.

TABLE D

3-2 DECISIONS¹

Justices Constituting the Majority	Number of Opinions ^m
1. Shepard, DeBruler, Dickson	4
2. Shepard, DeBruler, Krahulik	1
3. Shepard, Givan, Dickson	4
4. Shepard, Givan, Krahulik	4*
5. Shepard, Dickson, Krahulik	4
6. DeBruler, Givan, Krahulik	1
7. DeBruler, Dickson, Krahulik	6
8. Givan, Dickson, Krahulik	2
Total ⁿ	26

¹ This Table concerns only decisions rendered by full opinion. An opinion is counted as a 3-2 decision if two justices voted to decide the case in a manner different from that of the majority of the court. The order of the justices' names is based on the tradition of the court, which is placing the Chief Justice first and then following the seniority of the justices.

^m This column lists the number of times each three-justice group constituted the majority in a 3-2 decision.

ⁿ The 1991 term's 3-2 decisions were:

1. **Shepard, DeBruler, Dickson:** *Thomas v. Thomas*, 577 N.E.2d 216 (Ind. 1991) [Dickson]; *Brady v. State*, 575 N.E.2d 981 (Ind. 1991) [DeBruler]; *Beatty v. State*, 567 N.E.2d 1134 (Ind. 1991) [Dickson]; *Best v. State*, 566 N.E.2d 1027 (Ind. 1991) [per curiam].

2. **Shepard, DeBruler, Krahulik:** *In re D.S.*, 577 N.E.2d 572 (Ind. 1991) [Krahulik].

3. **Shepard, Givan, Dickson:** *Taylor v. State*, 578 N.E.2d 664 (Ind. 1991) [Givan]; *Holderfield v. State*, 578 N.E.2d 661 (Ind. 1991) [Givan]; *Rogers v. State*, 570 N.E.2d 906 (Ind. 1991) [Givan]; *Dishman v. Hill*, 578 N.E.2d 654 (Ind. 1991) [Shepard].

4. **Shepard, Givan, Krahulik:** *Kuchel v. State*, 570 N.E.2d 910 (Ind. 1991) [Givan]; *Tapia v. State*, 569 N.E.2d 655 (Ind. 1991) [Givan]; *Concepcion v. State*, 567 N.E.2d 784 (Ind. 1991) [Givan]; *In re Smith*, 579 N.E.2d 450 (Ind. 1991) [per curiam]; *O'Laughlin v. Barton*, 571 N.E.2d 1258 [Givan], *reh'g granted*, 582 N.E.2d 817 (Ind. 1991) (Krahulik joined DeBruiler and Dickson in the new majority on rehearing).

5. **Shepard, Dickson, Krahulik:** *Natural Resources Comm'n of Ind. Dep't of Nat. Resources v. Porter Co. Drainage Bd.*, 576 N.E.2d 587 (Ind. 1991) [Shepard]; *General Motors Corp. v. Aetna Casualty & Surety Co.*, 573 N.E.2d 885 (Ind. 1991) [Dickson]; *Kennedy v. State*, 578 N.E.2d 633 (Ind. 1991) [Krahulik]; *State ex rel. London v. Lake Superior Ct.*, 569 N.E.2d 635 (Ind. 1991) [per curiam].

6. **DeBruler, Givan, Krahulik:** *State, ex. rel. Hahn v. Howard Circuit Ct.*, 571 N.E.2d 540 (Ind. 1991) [DeBruler].

7. **DeBruler, Dickson, Krahulik:** *Citizens Action Coalition of Ind., Inc. v. Public Serv. Co. of Ind., Inc.*, 582 N.E.2d 330 (Ind. 1991) [DeBruler]; *Bochnowski v. Peoples Fed. Savings & Loan Ass'n*, 571 N.E.2d 282 (Ind. 1991) [DeBruler]; *Waters v. State*, 574 N.E.2d 911 (Ind. 1991) [Krahulik]; *Evans v. State*, 571 N.E.2d 1231 (Ind. 1991) [DeBruler]; *Lynch v. State*, 571 N.E.2d 537 (Ind. 1991) [Krahulik]; *O'Laughlin v. Barton*, 571 N.E.2d 1258, (Ind. 1991) [DeBruler].

8. **Givan, Dickson, Krahulik:** *Hale v. Kemp*, 579 N.E.2d 63 (Ind. 1991) [Dickson]; *State ex rel. Gosnell v. Cass Circuit Ct.*, 577 N.E.2d 957 (Ind. 1991) [Givan].

TABLE E
DISPOSITION OF CASES REVIEWED BY TRANSFER
AND DIRECT APPEALS^o

	Reversed	Vacated ^P	Affirmed	Total
Civil Opinions Accepted for Transfer	11 (18%)	33 (55%)	16 (27%)	60
Direct Civil Appeals	1 (8%)	0 (0%)	11 (92%)	12
Criminal Opinions Accepted for Transfer	12 (31%)	17 (45%)	9 (24%)	38
Direct Criminal Appeals	8 (8%)	2 (2%)	87 (90%)	97
Total	32 (16%)	52 (25%)	123 (59%)	207^q

^o Direct criminal appeals are cases in which the trial court imposed a sentence of greater than 50 years. See IND. CONST. art. 7, § 4. Thus, direct criminal appeals are those directly from the trial court. A civil appeal may also be direct when either the supreme court has original jurisdiction, such as attorney or judicial discipline cases, or upon a showing of an emergency and that the appeal involves a substantial question of law of great public importance. See IND. APP. R. 4(A). All other Indiana Supreme Court opinions are accepted for transfer from the Indiana Court of Appeals. See IND. APP. R. 11(B). The court's transfer docket, especially civil cases, has substantially increased in the past two years. See Randall T. Shepard, *Indiana Law, the Supreme Court, and a New Decade*, 24 IND. L. REV. 499 (1991).

^P Generally, the term "vacate" is used by the Indiana Supreme Court when it is reviewing a court of appeals opinion, while the term "reverse" is used when the court overrules a trial court decision. A point to consider in reviewing this Table is that the court technically "vacates" every court of appeals opinion that is accepted for transfer, but may only disagree with a small portion of the reasoning and still agree with the result. See IND. APP. R. 15(B)(3).

^q This does not include 5 Writs of Mandamus or Prohibition because the court does not reverse, vacate, or affirm these actions. See IND. R. OF PROC. FOR ORIG. ACTIONS.

TABLE F
SUBJECT AREAS OF SELECTED DISPOSITIONS
WITH FULL OPINIONS^f

	Number
Original Actions	
• Writs of Mandamus or Prohibition	5 ^s
• Attorney Discipline	9 ^t
• Judicial Discipline	1 ^u
Criminal	
• Death Penalty	6 ^v
• Fourth Amendment or Search and Seizure	7 ^w
• Reserved Questions of Law	1 ^x
Emergency Appeals to the Supreme Court	1 ^y
Trusts, Estates or Probate	8 ^z
Real Estate or Real Property	3 ^{aa}
Landlord-Tenant	0
Divorce or Child Support	8 ^{bb}
Children In Need of Services (CHINS)	1 ^{cc}
Paternity	2 ^{dd}
Product Liability or Strict Liability	2 ^{ee}
Negligence or Personal Injury	22 ^{ff}
Indiana Tort Claims Act	4 ^{gg}
Statute of Limitations or Statute of Repose	4 ^{hh}
Tax or Department of State Revenue or State Board of Tax Commissioners	7 ⁱⁱ
Contracts	14 ^{jj}
Corporate Law or the Indiana Business Corporation Law	0 ^{kk}
Uniform Commercial Code	1 ^{ll}
Banking Law	2 ^{mm}
Employment Law	10 ⁿⁿ
First Amendment, Open Door Law or Public Records Law	1 ^{oo}
Indiana Constitution	11 ^{pp}

^r This Table is designed to provide a general idea of the specific subject areas upon which the court ruled or discussed and how many times it did so in 1991. It is also a quick-reference guide to court rulings for practitioners in specific areas of the law. The numbers corresponding to the areas of law reflect the number of cases in which the court substantively discussed legal issues about these subject areas. A citation list is provided in a footnote for each area.

^s According to the Supreme Court, 82 writs were submitted, 59 were denied, 12 were granted, and 7 were cancelled in 1991. The following 5 were assigned for opinion: *State ex rel. Jeryl Gosnell v. Cass Circuit Ct.*, 577 N.E.2d 957 (Ind. 1991); *Indiana ex rel. Prosser v. Lake Circuit Ct.*, 565 N.E.2d 751 (Ind. 1991); *State ex rel. Hahn v. Howard Circuit Ct.*, 571 N.E.2d 540 (Ind. 1991); *State ex rel. Rondon v. Lake Superior Ct.*, 569 N.E.2d 635 (Ind. 1991); *State ex rel. Petry v. Madison County Superior Ct.*, 573 N.E.2d 884 (Ind. 1991).

^t The Supreme Court issues orders in this area, but only writes a full opinion when a public sanction is imposed against an attorney. Opinions are not written when the attorney prevails, the reprimand is private, or the attorney resigns. IND. R. FOR ADMISSION TO THE BAR AND DISCIPLINE OF ATTORNEYS, R. 23. The court disposed of 25 attorney discipline matters by order. *In re Smith*, 579 N.E.2d 450 (Ind. 1991); *In re Coleman*, 569 N.E.2d 631 (Ind. 1991); *In re Olsen*, 581 N.E.2d 1244 (Ind. 1991); *In re Eddingfield*, 572 N.E.2d 1293 (Ind. 1991); *In re Wells*, 572 N.E. 2d 1290 (Ind. 1991); *In re Smith*, 572 N.E.2d 1280 (Ind. 1991); *In re Haynes*, 567 N.E. 2d 95 (Ind. 1991); *In re Gemmer*, 566 N.E. 2d 528 (Ind. 1991).

^u *In re Sallee*, 579 N.E.2d 75 (Ind. 1991).

^v The Indiana Supreme Court reviewed 6 death penalty sentences by the trial court and affirmed 4. *Conner v. State*, 580 N.E.2d 214 (Ind. 1991) (affirmed); *Kennedy v. State*, 578 N.E.2d 633 (Ind. 1991) (reversed); *Benefiel v. State*, 578 N.E.2d 338 (Ind. 1991) (affirmed); *Benirschke v. State*, 577 N.E.2d 576 (Ind. 1991) (affirmed); *Brown v. State*, 577 N.E.2d 221 (Ind. 1991) (affirmed); *Roark v. State*, 573 N.E.2d 881 (Ind. 1991) (reversed).

^w *Caldwell v. State*, 583 N.E.2d 122 (Ind. 1991); *Daniel v. State*, 582 N.E.2d 364 (Ind. 1991); *Hopkins v. State*, 582 N.E.2d 345 (Ind. 1991); *Houchin v. State*, 581 N.E.2d 1228 (Ind. 1991); *Benefiel v. State*, 578 N.E.2d 338 (Ind. 1991); *Snellgrove v. State*, 569 N.E.2d 337 (Ind. 1991); *Smith v. State*, 560 N.E.2d 1059 (Ind. 1991).

^x Pursuant to Indiana Code § 35-38-4-2, the State of Indiana may appeal questions of law in criminal matters as reserved questions. *State v. Romero*, 578 N.E.2d 673 (Ind. 1991).

^y *In re Lawrance*, 579 N.E.2d 32 (Ind. 1991).

^z *State v. Hogan*, 582 N.E.2d 824 (Ind. 1991); *Buckley, Allstate Ins. Co. v. Standard Inv. Co.*, 581 N.E.2d 920 (Ind. 1991); *In re Lawrance*, 579 N.E.2d 32 (Ind. 1991); *Thomas v. Thomas*, 577 N.E.2d 216 (Ind. 1991); *Hammond Lead Prod., Inc. v. State of Indiana Tax Comm'rs*, 575 N.E.2d 998 (Ind. 1991); *Indiana Dep't of State Revenue v. Felix*, 571 N.E.2d 287 (Ind. 1991); *TransAmerica Ins. Serv. v. Kopko*, 570 N.E.2d 1283 (Ind. 1991); *Strutz v. Robinson*, 568 N.E.2d 547 (Ind. 1991).

^{aa} *Clem v. Christole, Inc. and Richards v. Hopewell Ctr., Inc.*, 582 N.E.2d 780 (Ind. 1991); *Valinet v. Eskew*, 574 N.E.2d 283 (Ind. 1991); *In re Gemmer*, 566 N.E.2d 528 (Ind. 1991).

^{bb} *In re Paternity of Humphrey v. Woods*, 583 N.E.2d 133 (Ind. 1991); *Neudecker v. Neudecker*, 577 N.E.2d 960 (Ind. 1991); *Thomas v. Thomas*, 577 N.E.2d 216 (Ind. 1991); *Cowe v. Forum Group, Inc.*, 575 N.E.2d 630 (Ind. 1991); *Vore v. Vore*, 573 N.E.2d 397 (Ind. 1991); *State ex rel. Hahn v. Howard Circuit Ct.*, 571 N.E.2d 540 (Ind. 1991); *In re Marriage of Caplon*, 567 N.E.2d 1130 (Ind. 1991).

^{cc} *In re Tina T.*, 579 N.E.2d 48 (Ind. 1991).

^{dd} *In re Paternity of Humphrey*, 583 N.E.2d 133 (Ind. 1991); *Cowe v. Forum Group, Inc.*, 575 N.E.2d 630 (Ind. 1991).

^{ee} *Allied Resin Corp. v. Waltz*, 574 N.E.2d 913 (Ind. 1991); *General Motors Corp. v. Aetna Casualty Assurity Co.*, 573 N.E.2d 885 (Ind. 1991).

^{ff} *State v. Hogan*, 582 N.E.2d 824 (Ind. 1991); *Havens v. Ritchey*, 582 N.E.2d 782 (Ind. 1991); *Sanders v. Townsend*, 582 N.E.2d 355 (Ind. 1991); *Picadilly, Inc. v. Raikos*, 582 N.E.2d 338 (Ind. 1991); *Winbush v. Memorial Health Sys., Inc.*, 581 N.E.2d 239 (Ind. 1991); *Compton v. Pletch*, 580 N.E.2d 664 (Ind. 1991); *McCarty v. Hospital Corp. of Am.*, 580 N.E.2d 228 (Ind. 1991); *Shuamber v. Henderson*, 579 N.E.2d 452 (Ind. 1991); *Indianapolis Power & Light Co. v. Snodgrass*, 578 N.E.2d 669 (Ind. 1991); *Peak v. Campbell*, 578 N.E.2d 360 (Ind. 1991); *Hale v. Kemp*, 579 N.E.2d 63 (Ind. 1991); *Cowe v. Forum Group, Inc.*, 575 N.E.2d 630 (Ind. 1991); *Handrow v. Cox*, 575 N.E.2d 611 (Ind. 1991); *Webb v. Jarvis*, 575 N.E.2d 992 (Ind. 1991); *Valinet v. Eskew*, 574 N.E.2d 283 (Ind. 1991); *Beresford v. Starkey*, 571 N.E.2d 1257 (Ind. 1991); *TransAmerica Ins. Serv. v. Kopko*, 570 N.E.2d 1283 (Ind. 1991); *Cullison v. Medley*, 570 N.E.2d 27 (Ind. 1991); *Leloup v. Leloup*, 569 N.E.2d 648 (Ind. 1991); *Burrell v. Meads*, 569 N.E.2d 637 (Ind. 1991); *Parks v. Parks*, 569 N.E.2d 644 (Ind. 1991); *Risk v. Schilling*, 569 N.E.2d 646 (Ind. 1991).

^{gg} *Indiana Dep't of Correction v. Hulen*, 582 N.E.2d 380 (Ind. 1991); *City of Wakarusa v. Holdeman*, 582 N.E.2d 802 (Ind. 1991); *Tittle v. Mahan*, 582 N.E.2d 796 (Ind. 1991); *Buckley v. Standard Inv. Co.*, 581 N.E.2d 920 (Ind. 1991).

^{hh} *Haven v. Richey*, 582 N.E.2d 792 (Ind. 1991); *McCarty v. Hospital Corp. of Am.*, 580 N.E.2d 228 (Ind. 1991); *Allied Resin Corp. v. Waltz*, 574 N.E.2d 913 (Ind. 1991); *Hoosier Energy Rural Elec. Coop., Inc. v. Indiana Dep't of State Revenue*, 572 N.E.2d 481 (Ind. 1991).

ⁱⁱ Six appeals were transferred from the Indiana Tax Court, and the Supreme Court affirmed the Tax Court on each appeal. The 6 appeals in 1991 from the tax court to the supreme court are the first 6 citations in this footnote. *Consolidation Coal Co. v. Indiana Dep't of State Revenue*, 583 N.E.2d 1199 (Ind. 1991); *US AIR, Inc. v. Indiana Dep't of State Revenue*, 582 N.E.2d 777 (Ind. 1991); *Indiana Dep't of State Revenue v. Chrome Deposit Corp.*, 578 N.E.2d 643 (Ind. 1991); *Hammond Lead Prod., Inc. v. State of Ind. Tax Comm'rs*, 575 N.E.2d 998 (Ind. 1991); *Hoosier Energy Rural Elec. Coop., Inc. v. Indiana Dep't of State Revenue*, 572 N.E.2d 481 (Ind. 1991); *St. Mary's Medical Ctr. of Evansville, Inc. v. State Bd. of Tax Comm'rs*, 571 N.E.2d 1247 (Ind. 1991); *Indiana Dep't of State Revenue v. Felix*, 571 N.E.2d 287 (Ind. 1991).

^{jj} *Minder v. Martin Luther Home Found.*, 582 N.E.2d 788 (Ind. 1991); *Sanders v. Townsend*, 582 N.E.2d 355 (Ind. 1991); *Picadilly, Inc. v. Raikos*, 582 N.E.2d 228 (Ind. 1991); *McCarty v. Hospital Corp. of Am.*, 580 N.E.2d 228 (Ind. 1991); *Indianapolis Power & Light*

v. Snodgrass, 578 N.E.2d 669 (Ind. 1991); Dishman v. Hill, 578 N.E.2d 654 (Ind. 1991); Hale v. Kemp, 579 N.E.2d 63 (Ind. 1991); Thomas v. Thomas, 577 N.E.2d 16 (Ind. 1991); Webb v. Jarvis, 575 N.E.2d 992 (Ind. 1991); First Nat'l Bank of Logansport v. Logan Mfg. Co., Inc., 577 N.E.2d 949 (Ind. 1991); Bayh v. Sonnenburg, 573 N.E.2d 398 (Ind. 1991); State *ex rel.* Hahn v. Howard Circuit Ct., 571 N.E.2d 540 (Ind. 1991); Bochnowski v. Peoples Fed. Savings & Loan Ass'n, 571 N.E.2d 282 (Ind. 1991); Sturtz v. Robinson, 568 N.E.2d 547 (Ind. 1991).

^{kk} Although many opinions directly involved corporations or affected corporations, the supreme court did not discuss or rule upon directly the area of corporate law or the Indiana Business Corporation Law.

^{ll} General Motors Corp. v. Aetna Casualty Assurity Co., 573 N.E.2d 885 (Ind. 1991).

^{mm} Hammond Lead Prod., Inc. v. State of Indiana Tax Comm'rs, 575 N.E.2d 998 (Ind. 1991); First Nat'l Bank of Logansport v. Logan Mfg. Co., Inc. 577 N.E.2d 949 (Ind. 1991).

ⁿⁿ City of Wakarusa v. Holdenman, 582 N.E.2d 802 (Ind. 1991); Indiana State Prison v. Van Ulzen, 582 N.E.2d 789 (Ind. 1991); Tittle v. Mahan, 582 N.E.2d 796 (Ind. 1991); State v. Romero, 578 N.E.2d 673 (Ind. 1991); Hale v. Kemp, 579 N.E.2d 63 (Ind. 1991); Bayh v. Sonnenburg, 573 N.E.2d 398 (Ind. 1991); Stoner v. Review Bd., 571 N.E.2d 296 (Ind. 1991); Bochnowski v. Peoples Fed. Savings & Loan Ass'n, 571 N.E.2d 282 (Ind. 1991); The Osler Inst., Inc. v. Inglert, 569 N.E.2d 636 (Ind. 1991); Indiana Dep't of Highways v. Pigg, 580 N.E.2d 673 (Ind. 1991).

^{oo} Indianapolis Convention & Visitors Ass'n, Inc. v. Indianapolis Newspapers, Inc., 577 N.E.2d 208 (Ind. 1991).

^{pp} Chanley v. State, 583 N.E.2d 126 (Ind. 1991); Clem v. Christole, Inc., 582 N.E.2d 780 (Ind. 1991); *In re Tina T.*, 579 N.E.2d 48 (Ind. 1991); Benefiel v. State, 578 N.E.2d 338 (Ind. 1991); *In re Lawrance*, 579 N.E.2d 32 (Ind. 1991); Jackson v. State, 575 N.E.2d 617 (Ind. 1991); Waters v. State, 574 N.E.2d 911 (Ind. 1991); Brady v. State, 575 N.E.2d 981 (Ind. 1991); Bayh v. Sonnenberg, 573 N.E.2d 398 (Ind. 1991); Indiana Dep't of State Revenue v. Felix, 571 N.E.2d 287 (Ind. 1991); Best v. State, 566 N.E.2d 1027 (Ind. 1991).

