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An Examination of the Indiana Supreme Court Docket, Dispositions, and Voting in 1992*

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This Article statistically examines the Indiana Supreme Court's docket, dispositions, and voting in 1992. This is the second annual edition of this examination. Obviously, the Supreme Court's powers and duties go well beyond its opinions and acts on petitions, but this is at least one method by which to understand what the most powerful judicial body¹ in our State is doing.

By any standard, this court is doing quite a lot.² Overall, it disposed of an unprecedented 1,058 matters, including criminal cases, civil cases,

* 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 Louis Henkin, *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*.

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1. Since 1817, when the Indiana Supreme Court began building the legal foundation of this State, all of the court's members have been white, Christian males except one. Thanks to Justice Givan, I am correcting a misstatement of this point in last year's edition. Justice Givan pointed out that Isadore Levine who was Jewish served on the Court.

2. See *High Court Has Unprecedented Year*, 36 Res Gestae 409 (1993).

original actions, petitions for rehearing, disciplinary matters, and bar exam petitions.³ Besides deciding a record number of matters, the court also has eliminated its backlog, allowing for the most expedient review of cases in at least two decades.⁴ Some cases are decided by the court within one month of being fully briefed.

The court handed down 185 majority opinions this year, eighty-seven on criminal cases and ninety-eight⁵ on civil cases. Although complete records are not kept on this point, this is likely the first year any current member of the court has seen civil opinions outnumber criminal opinions, which goes back to 1968 when Justice Roger DeBruler joined the court.⁶ In 1991, the court handed down 212 opinions, 134 criminal and seventy-eight civil.⁷

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

TABLE A. Justice Jon Kraulik wrote fifty-two opinions, the most opinions written by any justice, and he wrote the most civil opinions

3. See SUPREME COURT OF IND. PROGRESS REPORT—1992 CASE INVENTORIES & DISPOSITION SUMMARY (available at the office of the Supreme Court Administrator). According to the Report, the court acted upon 453 petitions to transfer for civil cases and denied 387 (85%), dismissed 10 (2%), and assigned 54 (12%) for majority opinions. The court acted upon 438 petitions to transfer for criminal cases and denied 405 (92%), assigning a total of 33 (8%) for majority opinions.

Individually, Chief Justice Shepard disposed of 63 matters, Justice DeBruler 43, Justice Givan 107, Justice Dickson 46, and Justice Kraulik 86. These numbers are significantly lower than last year because the court has adopted a new method by which it decides upon petitions to transfer for criminal cases. These petitions are no longer assigned to an individual justice. They are now sent to each justice on a weekly basis and the court then meets to discuss and vote upon the petitions collectively. Previously, the court gave credit to an individual justice for analyzing and making a recommendation on a petition to transfer for a criminal case.

Petitions to transfer for civil cases are first analyzed by the Supreme Court Administrator and staff attorneys in that office who then send the petition and briefs along with a memorandum discussing the issues as well as a recommendation on whether the court should grant transfer. The court also issued four opinions on petitions for rehearing and denied 44 such petitions without opinion. The court granted two petitions for rehearing: *Donegan v. Donegan*, 605 N.E.2d 132 (Ind. 1992); *Evans v. State*, 598 N.E.2d 516 (Ind. 1992). During 1992, the Court conducted 25 oral arguments, according to the office of the Supreme Court Administrator.

4. See *supra* note 2.

5. This includes civil cases such as Writs of Mandamus and disciplinary matters that are decided by the Court pursuant to its original jurisdiction and are not brought to the Court pursuant to a petition to transfer. See IND. R. P. FOR ORIG. ACTIONS.

6. See *supra* note 2; see generally Chief Justice 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).

7. See Kevin W. Betz, *An Examination of the Indiana Supreme Court Docket, Dispositions, and Voting in 1991*, 25 IND. L. REV. 1469, 1473 (1992).

by more than double than that of any of the other justices. He was also the justice least likely to dissent. Justice Richard Givan was the most likely to dissent with forty dissenting opinions or votes. Justice Givan was also the author of the most criminal opinions.

In 1992, the court issued thirty-two fewer opinions overall than in 1991, but ruled on twenty more civil opinions. The court dropped from forty-nine to twenty-three in its number of concurrences but had the same number of dissents at ninety-four.

TABLE B-1. Justices Randall Shepard, Brent Dickson and Krahulik are aligned with each other in 86% of civil opinions. The two members of the court most aligned on civil opinions were Justices Dickson and Krahulik at 88.8%, and Justices Shepard and Krahulik were in agreement in 87.5% of civil opinions. The two least aligned justices with each other were Justices DeBruler and Givan at 58.8%, which was almost precisely their percentage of alignment in 1991 at 58.4%. Justice Krahulik was the most aligned with all of his colleagues in civil cases, averaging 82.8% agreement with each of his fellow justices, just barely ahead of Justice Dickson at 82.0%.

Overall, the court was more agreeable on civil cases than in 1991. In 1992, the court had alignments between justices of greater than 85%, whereas in the previous year the most alignment between two justices was about 76%.

TABLE B-2. Justices Shepard and Krahulik were the two most aligned in criminal cases at 88.5%, disagreeing in only ten opinions out of eighty-seven possibilities. Justices Givan and DeBruler are the least aligned in criminal cases, agreeing only 58.6% of the time in this area. Chief Justice Shepard was the most aligned with each member of the court in criminal matters, averaging 82.8% alignment, just ahead of Justice Krahulik at 81.0%.

TABLE B-3. For all opinions—civil and criminal—Justices Shepard, Dickson, and Krahulik formed the majority of the court in just over 80% of opinions in 1992. This is very similar to 1991. Another similarity between 1992 and 1991 is that Justices DeBruler and Givan are the least aligned two justices with each other at 58.7%. The two most aligned members of the court were Justices Shepard and Krahulik at 88.0%.

Justice Krahulik is the most frequently aligned on average with each member of the court, just ahead of Justices Shepard and Dickson.

TABLE C. About 54% of the court's opinions were unanimous or unanimous with a concurrence. The court had at least one dissent in about 46% of its opinions, which is about 10% more than in the previous year.

TABLE D. Of the 185 opinions, twenty-five were decided by a 3-2 vote. Justices Shepard and Krahulik were most often in a three-justice majority on seventeen and nineteen occasions, respectively. Justice

Krahulik was the author of the most 3-2 opinions with nine, and Justice Givan was next with five. Justice Dickson was in a three-justice majority thirteen times in 1992; he was in a 3-2 majority the most times in 1991 at twenty. Justices DeBruler and Givan were in a three-justice majority on fourteen and twelve occasions, respectively. Of the twenty-five split opinions, twelve were criminal cases and thirteen were civil.

Interestingly, Justices Shepard, Dickson, and Krahulik who are aligned most of the time overall, did not make up any three-justice majority for decisions rendered by full opinion.

TABLE E. Of the sixty-five civil cases accepted for transfer and handed down in 1992, fifty-six (86%) were either reversed or vacated. Of the twenty-eight criminal cases accepted for transfer and issued in 1992, twenty-two (79%) were either reversed or vacated. Of the fifty-nine criminal cases that were automatically appealed to the court, forty-two (71%) were affirmed. Last year 90% of direct criminal appeals were affirmed.

TABLE F. This is a Table of the number of opinions in selected areas in which the court provided substantive analysis. The court wrote opinions on twenty attorney disciplinary cases; it only issued nine opinions in this area last year. The court reviewed nine death penalty sentences, affirming five and reversing four.

TABLE A

OPINIONS^a

	OPINIONS OF COURT ^b			CONCURRENCES ^c			DISSENTS ^d		
	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
Shepard, C.J. ^e	19	15	34	0	1	1	2	9	11
DeBruler	10	4	14	7	0	7	17	13	30
Givan ^e	32	10	42	1	2	3	17	23	40
Dickson	3	13	16	6	1	7	5	4	9
Krahulik	21	31	52	4	1	5	2	2	4
Per Curiam	2	25	27						
Total	87	98	185	18	5	23	43	51	94

^a These are opinions and votes on opinions by each justice and in Per Curiam in the 1992 term. The Indiana Supreme Court is unique because it is the only Supreme Court 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 Gann 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. *Id.* at 210.

^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 not counted for an individual justice because the public has no method of knowing which justice wrote the 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 Chief Justice Shepard did not participate in two opinions. *Wehling v. Citizens National Bank*, 586 N.E.2d 840 (Ind. 1992); *Malachowski v. Bank One, Indianapolis*, 590 N.E.2d 559 (Ind. 1992). Justice Givan did not participate in one opinion. *Barco Beverage Corp. v. Indiana Alcoholic Beverage Comm.*, 595 N.E.2d 250 (Ind. 1992).

TABLE B-1
VOTING ALIGNMENTS FOR CIVIL CASES^f

		Krahulik	Dickson	Givan	DeBruler	Shepard
Shepard	O	84	81	73	63	---
	S	0	0	1	0	---
	D	84	81	74	63	---
	N	96	96	95	96	---
	P	87.5%	84.4%	77.9%	65.6%	---
DeBruler	O	79	80	56	---	63
	S	0	0	1	---	0
	D	79	80	57	---	63
	N	98	98	97	---	96
	P	80.6%	81.6%	58.8%	---	65.6%
Givan	O	71	70	---	56	73
	S	1	1	---	1	1
	D	72	71	---	57	74
	N	97	97	---	97	95
	P	74.2%	73.2%	---	55.8%	77.9%
Dickson	O	87	---	70	80	81
	S	0	---	1	0	0
	D	87	---	71	80	81
	N	98	---	97	98	96
	P	88.8%	---	73.2%	81.6%	84.4%
Krahulik	O	---	87	71	79	84
	S	---	0	1	0	0
	D	---	87	72	79	84
	N	---	98	97	98	96
	P	---	88.8%	74.2%	80.6%	87.5%

^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	77	73	69	64	---
	S	0	1	1	3	---
	D	77	74	70	67	---
	N	87	87	87	87	---
	P	88.5%	85.1%	80.5%	77.0%	---
DeBruler	O	66	64	47	---	64
	S	3	4	4	---	3
	D	69	68	51	---	67
	N	87	87	87	---	87
	P	79.3%	78.2%	58.6%	---	77.0%
Givan	O	63	61	---	47	69
	S	1	2	---	4	1
	D	64	63	---	51	70
	N	87	87	---	87	87
	P	73.6%	72.4%	---	58.6%	80.5%
Dickson	O	71	---	61	64	73
	S	1	---	2	4	1
	D	72	---	63	68	74
	N	87	---	87	87	87
	P	82.8%	---	72.4%	78.2%	85.1%
Krahulik	O	---	71	63	66	77
	S	---	1	1	3	0
	D	---	72	64	69	77
	N	---	87	87	87	87
	P	---	82.8%	73.6%	79.3%	88.5%

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	161	154	142	127	---
	S	0	1	2	3	---
	D	161	155	144	130	---
	N	183	183	182	183	---
	P	88.0%	84.7%	79.1%	71.0%	---
DeBruler	O	145	144	103	---	127
	S	3	4	5	---	3
	D	148	148	108	---	130
	N	185	185	184	---	183
	P	80.0%	80.0%	58.7%	---	71.0%
Givan	O	134	131	---	103	142
	S	2	3	---	5	2
	D	136	134	---	108	144
	N	184	184	---	184	182
	P	73.9%	72.8%	---	58.7%	79.1%
Dickson	O	158	---	131	144	154
	S	1	---	3	4	1
	D	159	---	134	148	155
	N	185	---	184	185	183
	P	85.9%	---	72.8%	80.0%	84.7%
Krahulik	O	---	158	134	145	161
	S	---	1	2	3	0
	D	---	159	136	148	161
	N	---	185	184	185	183
	P	---	85.9%	73.9%	80.0%	88.0%

^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	
36	51	87 (47%)	12	1	13 (7%)	38	47	85 (46%)	185

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, Givan	1
2. Shepard, DeBruler, Dickson	2
3. Shepard, DeBruler, Kraulik	4
4. Shepard, Givan, Dickson	3
5. Shepard, Givan, Kraulik	7
6. Shepard, Dickson, Kraulik	0
7. DeBruler, Givan, Kraulik	0
8. DeBruler, Dickson, Kraulik	7
9. Givan, Dickson, Kraulik	1
<hr/>	
Total ⁿ	25

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 1992 term's 3-2 decisions were:

1. **Shepard, DeBruler, Givan:** *Timmons v. State*, 584 N.E.2d 1108 (Ind. 1992) [DeBruler].

2. **Shepard, DeBruler, Dickson:** *Taggart v. State*, 595 N.E.2d 256 (Ind. 1992) [DeBruler]; *Department of Pub. Welfare v. Couch*, 605 N.E.2d 165 (Ind. 1992) [Dickson].

3. **Shepard, DeBruler, Kraulik:** *Seifert v. Bland*, 587 N.E.2d 1317 (Ind. 1992) [DeBruler]; *State v. Snyder*, 594 N.E.2d 783 (Ind. 1992) [Kraulik]; *Evans v. State*, 598 N.E.2d 516 (Ind. 1992) [DeBruler]; *Jackson v. State*, 597 N.E.2d 950 (Ind. 1992) [Shepard], *cert. denied*, 113 S. Ct. 1424 (1993).

4. **Shepard, Givan, Dickson:** *State ex rel. Indianapolis Police Pension Fund v. Marion Superior Court, Civil Division, Room VII*, 593 N.E.2d 193 (Ind. 1992) [Givan]; *Morse v. State*, 593 N.E.2d 194 (Ind. 1992) [Givan]; *Mickens v. State*, 596 N.E.2d 1379 (Ind. 1992) [Shepard].

5. **Shepard, Givan, Kraulik:** *Barger v. State*, 587 N.E.2d 1304 (Ind. 1992) [Shepard], *aff'd*, 1993 WL 112073 (7th Cir. Apr. 13, 1993) (affirming denial of habeas corpus); *Bane v. State*, 587 N.E.2d 97 (Ind. 1992) [Kraulik]; *Oelling v. Rao*, 593 N.E.2d 189 (Ind. 1992) [Shepard]; *Potts v. State*, 594 N.E.2d 438 (Ind. 1992) [Givan], *cert. denied*, 1993 WL 59047 (U.S. Apr. 19, 1993); *McGowan v. State*, 599 N.E.2d 589 (Ind. 1992) [Givan]; *Culbertson v. Mernitz*, 602 N.E.2d 98 (Ind. 1992) [Kraulik]; *Griffith v. Jones*, 602 N.E.2d 107 (Ind. 1992) [Kraulik].

6. **Shepard, Dickson, Kraulik:** None.

7. **DeBruler, Givan, Kraulik:** None.

8. **DeBruler, Dickson, Kraulik:** *Smith v. Convenience Store Distribution Co.*, 583 N.E.2d 735 (Ind. 1992) [Kraulik]; *Proctor v. State*, 584 N.E.2d 1089 (Ind. 1992) [Kraulik]; *Castor v. State*, 587 N.E.2d 1281 (Ind. 1992) [Kraulik]; *Citizens Action Coalition, Inc. v. Public Serv. Co.*, 595 N.E.2d 255 (Ind. 1992) [Per Curiam]; *Terre Haute Regional Hosp., Inc.*

v. Trueblood, 600 N.E.2d 1358 (Ind. 1992) [Krahulik]; In Re: Cawley, 602 N.E.2d 1022 (Ind. 1992) [Per Curiam]; Walker v. Rinck, et al., 604 N.E.2d 591 (Ind. 1992) [Krahulik].

9. **Givan, Dickson, Krahulik:** Hudson v. McClaskey, 597 N.E.2d 308 (Ind. 1992) [Givan].

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

	Reversed	Vacated ^P	Affirmed	Total
Civil Opinions Accepted for Transfer	14 (21%)	42 (65%)	9 (14%)	65
Direct Civil Appeals	2 (40%)	1 (20%)	2 (40%)	5
Criminal Opinions Accepted for Transfer	10 (36%)	12 (43%)	6 (21%)	28
Direct Criminal Appeals	13 (22%)	4 (7%)	42 (71%)	59
Total	39 (25%)	59 (37%)	59 (37%)	157 ^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 from the trial court. 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 three years. See Chief Justice 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. 11(B)(3).

^q This does not include 20 attorney discipline opinions, two judicial discipline opinions, four Writs of Mandamus or Prohibition, and two miscellaneous cases. These opinions were not reversed, vacated, or affirmed.

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

	Number
Original Actions	
• Writs of Mandamus or Prohibition	4 ^s
• Attorney Discipline	20 ^t
• Judicial Discipline	2 ^u
Criminal	
• Death Penalty	9 ^v
• Fourth Amendment or Search and Seizure	9 ^w
• Reserved Questions of Law	1 ^x
Emergency Appeals to the Supreme Court	1 ^y
Trusts, Estates, or Probate	3 ^z
Real Estate or Real Property	11 ^{aa}
Landlord-Tenant	1 ^{bb}
Divorce or Child Support	9 ^{cc}
Children In Need of Services (CHINS)	1 ^{dd}
Paternity	3 ^{ee}
Product Liability or Strict Liability	0
Negligence or Personal Injury	11 ^{ff}
Indiana Tort Claims Act	3 ^{gg}
Statute of Limitations or Statute of Repose	10 ^{hh}
Tax, Department of State Revenue, or State Board of Tax Commissioners	3 ⁱⁱ
Contracts	11 ^{jj}
Corporate Law or the Indiana Business Corporation Law	0
Uniform Commercial Code	1 ^{kk}
Banking Law	5 ^{ll}
Employment Law	4 ^{mm}
First Amendment, Open Door Law, or Public Records Law	0
Indiana Constitution	9 ⁿⁿ

^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 1992. 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 State *ex rel.* Indianapolis Police Pension Fund v. Marion Superior Court, Civil Division, Room VII, 593 N.E.2d 193 (Ind. 1992); State *ex rel.* Long v. Warrick Circuit Court, 591

N.E.2d 559 (Ind. 1992); *State ex rel. Eilts v. Jasper Circuit Court*, 583 N.E.2d 740 (Ind. 1992); *Van Meter v. Heath*, 602 N.E.2d 143 (Ind. 1992).

^t *In Re Charos*, 585 N.E.2d 1334 (Ind. 1992); *In Re Vogler*, 587 N.E.2d 678 (Ind. 1992); *In Re Seat*, 588 N.E.2d 1262 (Ind. 1992); *In Re Smith*, 588 N.E.2d 1268 (Ind. 1992); *In Re Fogle*, 590 N.E.2d 572 (Ind. 1992); *In Re Kieser*, 591 N.E.2d 560 (Ind. 1992); *In Re Shaul*, 592 N.E.2d 687 (Ind. 1992); *In Re Relphorde*, 596 N.E.2d 903 (Ind. 1992); *In Re Frosch*, 597 N.E.2d 310 (Ind. 1992); *In Re Walker*, 597 N.E.2d 1271, *modified*, 601 N.E.2d 327 (Ind. 1992); *In Re Henry*, 599 N.E.2d 602 (Ind. 1992); *In Re Reed*, 599 N.E.2d 601 (Ind. 1992); *In Re Gutman*, 599 N.E.2d 604 (Ind. 1992); *In Re Gielow*, 601 N.E.2d 340 (Ind. 1992); *In Re Jarrett*, 602 N.E.2d 131 (Ind. 1992); *In Re Cawley*, 602 N.E.2d 1022 (Ind. 1992); *In Re Wojihoski-Shaler*, 603 N.E.2d 1347 (Ind. 1992); *In Re Levinson*, 604 N.E.2d 599 (Ind. 1992); *In Re Ortiz*, 604 N.E.2d 602 (Ind. 1992); *In Re Stover-Pock*, 604 N.E.2d 606 (Ind. 1992).

^u *In Re Drury*, 602 N.E.2d 1000 (Ind. 1992); *In Re Katic*, 595 N.E.2d 259 (Ind. 1992).

^v The Indiana Supreme Court reviewed nine death penalty sentences and affirmed five and reversed four. *Matheney v. State*, 583 N.E.2d 1202 (Ind. 1992), *cert. denied*, 112 S. Ct. 2320 (1992); *Johnson v. State*, 584 N.E.2d 1092 (Ind. 1992), *cert. denied*, 113 S. Ct. 155 (1992); *Castor v. State*, 587 N.E.2d 1281 (Ind. 1992); *Potts v. State*, 594 N.E.2d 438 (Ind. 1992), *cert. denied*, 1993 WL 59047 (Apr. 19, 1993); *Jackson v. State*, 597 N.E.2d 950 (Ind. 1992), *cert. denied*, 113 S. Ct. 1424 (1993); *Evans v. State*, 598 N.E.2d 516 (Ind. 1992); *Landress v. State*, 600 N.E.2d 938 (Ind. 1992); *Rouster v. State*, 600 N.E.2d 1342 (Ind. 1992); *Baird v. State*, 604 N.E.2d 1170 (Ind. 1992).

^w *Roberts v. State*, 599 N.E.2d 595 (Ind. 1992); *Dolliver v. State*, 598 N.E.2d 525 (Ind. 1992); *Jackson v. State*, 597 N.E.2d 950 (Ind. 1992), *cert. denied*, 113 S. Ct. 1424 (1993); *Wright v. State*, 593 N.E.2d 1192 (Ind. 1992), *cert. denied*, 113 S. Ct. 605 (1992); *Chappel v. State*, 591 N.E.2d 1011 (Ind. 1992); *Geimer v. State*, 591 N.E.2d 1016 (Ind. 1992); *Everroad v. State*, 590 N.E.2d 567 (Ind. 1992); *Utley v. State*, 589 N.E.2d 232 (Ind. 1992), *cert. denied*, 113 S. Ct. 991 (1992); *Taylor v. State*, 587 N.E.2d 1293 (Ind. 1992).

^x *Lannan v. State*, 600 N.E.2d 1334 (Ind. 1992).

^y *Tyson v. State*, 593 N.E.2d 175 (Ind. 1992).

^z *State ex rel. Eilts v. Jasper Circuit Court*, 583 N.E.2d 740 (Ind. 1992); *Malachowski v. Bank One, Indianapolis*, 590 N.E.2d 559 (Ind. 1992).

^{aa} *McAdams v. Dorothy Edwards Realtors, Inc.*, 604 N.E.2d 607 (Ind. 1992); *Campbell v. Vencel*, 604 N.E.2d 601 (Ind. 1992); *Hudson v. McClaskey*, 597 N.E.2d 308 (Ind. 1992); *Lawyers Title Ins. Corp. v. Pokraka*, 595 N.E.2d 244 (Ind. 1992); *Rossmann v. Dunson*, 594 N.E.2d 789 (Ind. 1992); *Culver Cove Realty v. Wayne's Realty*, 594 N.E.2d 782 (Ind. 1992); *Center Holding Co. v. Munco Associates*, 589 N.E.2d 220 (Ind. 1992); *Elizondo v. Read*, 588 N.E.2d 501 (Ind. 1992); *Wehling v. Citizens Nat'l Bank*, 586 N.E.2d 840 (Ind. 1992); *Kohlman v. Blomberg*, 584 N.E.2d 566 (Ind. 1992); *Miller Reeder Co. v. Farmers State Bank*, 588 N.E.2d 506 (Ind. 1992).

^{bb} *Smith v. Syd's, Inc.*, 598 N.E.2d 1065 (Ind. 1992).

^{cc} *Donegan v. Donegan*, 605 N.E.2d 132 (Ind. 1992); *reh'g granted*, 586 N.E.2d 844; *In Re Paternity of S.R.I. W.R. v. H.I. and V.W.I.*, 602 N.E.2d 1014 (Ind. 1992); *Carr v. Carr*, 600 N.E.2d 943 (Ind. 1992); *Selke v. Selke*, 600 N.E.2d 100 (Ind. 1992); *Lamb v. Wenning*, 600 N.E.2d 96 (Ind. 1992); *Adoptive Parents of M.L.V. & A.L.V. v. Wilkens*, 598 N.E.2d 1054 (Ind. 1992); *State ex rel. Indianapolis Police Pension Fund v. Marion Superior Court, Civil Division, Room VII*, 593 N.E.2d 193 (Ind. 1992); *In Re Megan Renee Grissom, Tina Eason v. Danny Grissom*, 587 N.E.2d 114 (Ind. 1992); *In Re Marriage of Millar*, 593 N.E.2d 1182 (Ind. 1992).

^{dd} *S.E.S. v. Grant County Dep't. of Welfare*, 594 N.E.2d 447 (Ind. 1992).

^{ee} *In Re Paternity of S.R.I. W.R. v. H.I. and V.W.I.*, 602 N.E.2d 1014 (Ind. 1992); *Adoptive Parents of M.L.V. and A.L.V. v. Wilkens*, 598 N.E.2d 1054 (Ind. 1992); *In Re Megan Renee Grissom, Tina Eason v. Danny Grissom*, 587 N.E.2d 114 (Ind. 1992).

^{ff} *Department of Pub. Welfare v. Couch*, 605 N.E.2d 165 (Ind. 1992); *Sullivan v. American Casualty Co.*, 605 N.E.2d 134 (Ind. 1992); *White v. Allstate Ins. Co.*, 605 N.E.2d 141 (Ind. 1992); *Walker v. Rinck*, 604 N.E.2d 591 (Ind. 1992); *Barnes v. Barnes*, 603 N.E.2d 1337 (Ind. 1992); *State v. Rendleman*, 603 N.E.2d 1333 (Ind. 1992); *Terre Haute Regional Hosp. v. Trueblood*, 600 N.E.2d 1358 (Ind. 1992); *Stump v. Commercial Union*, 601 N.E.2d 327 (Ind. 1992); *Ingram v. Key*, 600 N.E.2d 95 (Ind. 1992); *Huffman v. Monroe County Community Sch. Corp.*, 588 N.E.2d 1264 (Ind. 1992); *Seifert v. Bland.*, 587 N.E.2d 1317 (Ind. 1992); *Smith v. Convenience Store Distributing Co.*, 583 N.E.2d 735 (Ind. 1992).

^{gg} *State v. Rendleman*, 603 N.E. 1333 (Ind. 1992); *City of Valparaiso v. Edgecomb*, 587 N.E.2d 96 (Ind. 1992); *Buckley v. Standard Inv. Co.*, 586 N.E.2d 843 (Ind. 1992).

^{hh} *Walker v. Rinck.*, 604 N.E.2d 591 (Ind. 1992); *Miller v. Terre Haute Regional Hosp.*, 603 N.E.2d 861 (Ind. 1992); *State v. Rendleman*, 603 N.E.2d 1333 (Ind. 1992); *State v. Hartman*, 602 N.E.2d 1011 (Ind. 1992); *Willner v. State*, 602 N.E.2d 507 (Ind. 1992); *Lawyers Title Ins. Corp. v. Pokraka*, 595 N.E.2d 244 (Ind. 1992); *State v. Scales*, 593 N.E.2d 181 (Ind. 1992); *Madlem v. Arko*, 592 N.E.2d 686 (Ind. 1992); *Malachowski v. Bank One, Indianapolis*, 590 N.E.2d 559 (Ind. 1992); *Wehling v. Citizens Nat'l Bank*, 586 N.E.2d 840 (Ind. 1992).

ⁱⁱ All three of these appeals were transferred from the Tax Court, and the Supreme Court affirmed the Tax Court on each appeal. *Indiana Dep't of State Revenue v. General Motors Corp.*, 599 N.E.2d 588 (Ind. 1992); *Indiana Dep't of State Revenue v. Caylor-Nickel Clinic*, 587 N.E.2d 1311 (Ind. 1992); *Indiana Dep't of State Revenue v. Johnson County Farm Bureau Coop. Assoc., Inc.*, 585 N.E.2d 1336 (Ind. 1992).

^{jj} *McAdams v. Dorothy Edwards Realtors, Inc.*, 604 N.E.2d 607 (Ind. 1992); *Campbell v. Vencel*, 604 N.E.2d 601 (Ind. 1992); *Stump v. Commercial Union*, 601 N.E.2d 327 (Ind. 1992); *Hudson v. McClaskey*, 597 N.E.2d 308 (Ind. 1992); *Indiana Dep't of Ins. v. Zenith Reinsurance Co., Ltd.*, 596 N.E.2d 228 (Ind. 1992); *Lawyers Title Ins. Corp. v. Pokraka*, 595 N.E.2d 244 (Ind. 1992); *Egly v. Blackford County Dep't of Public Welfare*, 592 N.E.2d 1232 (Ind. 1992); *Metro Holding Co. v. Mitchell*, 589 N.E.2d 217 (Ind. 1992); *Huffman v. Monroe County Community Sch. Corp.*, 588 N.E.2d 1264 (Ind. 1992); *Tate v. Secura Ins.*, 587 N.E.2d 665 (Ind. 1992); *Kohlman v. Blomberg*, 584 N.E.2d 566 (Ind. 1992).

^{kk} *Ambassador Fin. Servs., Inc. v. Indiana National Bank*, 605 N.E.2d 746 (Ind. 1992).

^{ll} *Ambassador Fin. Servs., Inc. v. Indiana National Bank*, 605 N.E.2d 746 (Ind. 1992); *Malachowski v. Bank One, Indianapolis*, 590 N.E.2d 559 (Ind. 1992); *Miller Reeder Co. v. Farmers State Bank*, 588 N.E.2d 506 (Ind. 1992); *Elizondo v. Read*, 588 N.E.2d 501 (Ind. 1992); *Wehling v. Citizens National Bank*, 586 N.E.2d 840 (Ind. 1992).

^{mm} *Bals v. Verduzco*, 600 N.E.2d 1353 (Ind. 1992); *Stump v. Commercial Union*, 601 N.E.2d 327 (Ind. 1992); *Baltimore and Ohio R.R. Co. v. Taylor*, 600 N.E.2d 543 (Ind. 1992); *City of Indianapolis v. Hargis*, 588 N.E.2d 496 (Ind. 1992).

ⁿⁿ *Campbell v. Criterion Group*, 605 N.E.2d 150 (Ind. 1992); *Baird v. State*, 604 N.E.2d 1170 (Ind. 1992); *State v. Rendleman*, 603 N.E.2d 1333 (Ind. 1992); *Bellmore v. State*, 602 N.E.2d 111 (Ind. 1992); *Dolliver v. State*, 598 N.E.2d 525 (Ind. 1992); *Gallagher v. Indiana State Election Bd.*, 598 N.E.2d 510 (Ind. 1992), *cert. denied*, 113 S. Ct. 1051 (1993); *Roche v. State*, 596 N.E.2d 896 (Ind. 1992); *Tyson v. State*, 593 N.E.2d 175 (Ind. 1992); *Woods v. State*, 583 N.E.2d 1211 (Ind. 1992).

