

AN EXAMINATION OF THE INDIANA SUPREME COURT DOCKET, DISPOSITIONS, AND VOTING IN 1994*

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Even though the Indiana Supreme Court is clearly now functioning under its modern docket, the loss of a Justice who was a mainstay of the "old order" will still cause a great void and result in a different case load next year for each individual justice. This is one of the primary findings from this fourth annual examination of the Indiana Supreme Court's docket, dispositions, and voting.

The retirement of Justice Givan, who began the process of reform, will cause a shift to occur in the case load of criminal appeals, especially direct criminal appeals. Again in 1994, he was the most prolific justice in the criminal appeals area with thirty-five such opinions. This number more than doubled the number of opinions written in this area by each of the other justices individually. Justice Givan was also the most productive justice overall, with thirty-nine total opinions. Newly sworn-in Justice Sullivan was next with thirty-three total opinions. Chief Justice Shepard followed with thirty-one. The shift of Justice Givan's heavy case load in direct criminal appeals will be especially felt by his former fellow justices because they all showed a proclivity last year and in previous years to work on civil matters. Three of the other justices had a higher production last year of civil opinions than criminal opinions.

The modern docket of the supreme court was fully realized in another way this year when the court began voting on direct criminal appeals in conference prior to any opinion being written.¹ Previously, because of the overwhelming caseload of the court, direct criminal appeals went directly to an individual justice (mostly, Justice Givan) who drafted the opinion and then circulated the opinion to the other justices for a vote. As this year's and all previous years' Table A shows, Justice Givan drafted the great majority of the

* 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*.

We 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. As is appropriate, credit for the idea for this project goes to Chief Justice Shepard; but, of course, any errors or omissions belong to his former law clerk. We also thank WESTLAW® for its kind willingness to allow us free access to its computer resources and assistance in preparing these Tables.

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1. This change in the internal policy was revealed by Chief Justice Shepard in a conversation on May 9, 1995. See also 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); Randall T. Shepard, *Foreword: Indiana Law, the Supreme Court, and a New Decade*, 24 IND. L. REV. 499 (1991) [hereinafter *Foreword*].

court's opinions on direct criminal appeals. With the retirement of Justice Givan, these cases will be shifted to the other justices.

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

Table A. Besides being the most prolific drafter of majority opinions, Justice Givan of recent years also became the most prolific drafter of dissents. This year was no exception. He again dissented more than any other justice with twenty-eight overall and the most in each of the civil and criminal areas.

Table B-1. Justice Sullivan, who filled the position left by Justice Krahulik, seems to have taken up where Justice Krahulik left off. Justice Sullivan was not only the second-most productive in number of opinions but also was, like Justice Krahulik, the most often aligned with Chief Justice Shepard in civil cases. Chief Justice Shepard and Justice Sullivan agreed in 95% of all civil cases handed down by the court in 1994. This high-level of alignment was closely followed by Justices Sullivan and DeBruler's agreement rate of 94.8%. The least aligned in civil cases were Justices Givan and Sullivan at 82.3%. Surprisingly, Justice DeBruler was the most aligned overall with his fellow justices in civil opinions. He was closely followed by the Chief Justice. Justice Givan was the least aligned overall.

Table B-2. As for criminal cases, Chief Justice Shepard and Justice Dickson were the two most aligned justices at 89.2%. This was followed by the Chief Justice and Justice Sullivan at 85.5%. As usual, Justices Givan and DeBruler were the least aligned on criminal cases at 61.9%. Chief Justice Shepard was the most aligned overall with his fellow justices, and Justice Givan was the least aligned overall.

Table B-3. For all cases, Chief Justice Shepard and Justice Sullivan were the two most aligned justices at 91.1%, closely followed by Justices DeBruler and Sullivan at 89.5%. As usual, the two least aligned were Justices Givan and DeBruler at 76.2%. The most aligned justice with his fellow justices overall was Chief Justice Shepard and the least aligned was Justice Givan.

Table C. Although the supreme court was unanimous, or unanimous with a concurrence, in 66% of its opinions, this number is reduced to 56% when the attorney discipline cases are subtracted. In attorney discipline cases, the court follows a long-standing internal policy to reach unanimity if at all possible to speak with one voice on ethical and professional duties of attorneys. In these types of cases, the court also generally accepts agreed judgments that have been negotiated by the parties involved. Leaving out attorney discipline cases, the court's percentage of opinions with at least one dissent was 44%.

Table D. Interestingly, for the four years of this study, the supreme court has held steady at between 24 to 26 split opinions each year. In 1994, there were 26 3-2 opinions. Chief Justice Shepard, and Justices Givan and Dickson formed the majority the most times in 9 of those 3-2 opinions, 6 of which were criminal matters. Chief Justice Shepard, and Justices Givan and Sullivan formed the 3-justice majority in 4 split opinions, all of which were criminal matters. Individually, Chief Justice Shepard was most frequently in the 3-justice majority in 20 of the 26 split opinions. Justice Givan was next with 17.

Table E. The Indiana Supreme Court was evenly divided in its affirmance and reversal of all cases coming to it from a trial court or the court of appeals; 50% were affirmed, and 50% were reversed. The highest percentage of affirmance was, as expected, found in the area of direct appeals of criminal matters; and, the lowest percentage of affirmance was in criminal appeals accepted for transfer. The court affirmed far more

civil cases accepted for transfer than in past years. In 1994, the court affirmed 42% of such opinions while only affirming about 14% in each of the two previous years.

The court's docket of cases coming from a trial court or the court of appeals had 50 civil matters and 83 criminal matters, 55 of which were direct criminal appeals. According to the Indiana Supreme Court Annual Report, the court handled 329 petitions to transfer of civil matters and denied 256 (78%), dismissed 7 (2%), and granted 66 (20%). As to transfers, the court also began another new practice. According to the court's administrator's office, the court will now customarily issue an order accepting transfer prior to handing down an opinion. Previously, the court would only acknowledge the acceptance of transfer in the opinion when it was handed down.

Table F. The court continues to show a strong interest in the Indiana Constitution with seven cases dealing in that kind of jurisprudence.

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	13	18	31	5	2	7	2	4	6
DeBruler, J. ^e	13	7	20	9	3	12	13	6	19
Givan, J.	35	4	39	1	1	2	15	13	28
Dickson, J. ^e	8	10	18	2	2	4	4	10	14
Sullivan, J. ^e	15	18	33	4	3	7	9	7	16
Per Curiam	0	50	50						
Total	84	107	191	21	11	32	43	40	83

^a These are opinions and votes on opinions by each justice and in per curiam in the 1994 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 Indiana Supreme Court Annual Report ("the 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. In addition, the court also handed down 65 orders or opinions on attorney disciplinary matters. Of those 65 orders or opinions, 48 were handed down as per curiam opinions and the others were signed by individual justices.

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

^d This category 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 one case—*Moran v. State*, 644 N.E.2d 536 (Ind. 1994). Justice DeBruler did not participate in three opinions—*In re Klagiss*, 635 N.E.2d 163 (Ind. 1944); *Pivarnik v. NIPSCO*, 636 N.E.2d 131 (Ind. 1994); *In re Anonymous*, 641 N.E.2d 31 (Ind. 1994). Justice Dickson did not participate in two cases—*In re Stults*, 636 N.E.2d 1262 (Ind. 1994); *In re Bauer*, 640 N.E.2d 1050 (Ind. 1994). Justice Sullivan did not participate in two opinions—*In re Garringer*, 626 N.E.2d 809 (Ind. 1994); *Indiana Dep't of Public Welfare v. Teckenbrock*, 643 N.E.2d 306 (Ind. 1944).

TABLE B-1

VOTING ALIGNMENTS FOR CIVIL CASES^f

	Sullivan, J.	Dickson, J.	Givan, J.	DeBruler, J.	Shepard, C.J.	
Shepard, C.J.	O	111	104	103	110	
	S	2	0	0	1	
	D	113	104	103	111	---
	N	119	119	121	118	
	P	95.0%	87.4%	85.1%	94.0%	
DeBruler, J.	O	107	102	101		110
	S	3	0	1		1
	D	110	102	102	---	111
	N	116	116	118		118
	P	94.8%	87.9%	86.4%		94.0%
Givan, J.	O	98	99		101	103
	S	0	3		1	0
	D	98	102	---	102	103
	N	119	119		118	121
	P	82.3%	85.7%		86.4%	85.1%
Dickson, J.	O	101		99	102	104
	S	1		3	0	0
	D	102	---	102	102	104
	N	117		119	116	119
	P	87.1%		85.7%	87.9%	87.4%
Sullivan, J.	O		101	98	107	111
	S		1	0	3	2
	D	---	102	98	110	113
	N		117	119	116	119
	P		87.1%	82.3%	94.8%	95.0%

^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. For example, in the top set of numbers for Chief Justice Shepard, 111 is the number of times Chief Justice Shepard and Justice Sullivan agreed in a full majority opinion in a civil case. 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 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

	Sullivan, J.	Dickson, J.	Givan, J.	DeBruler, J.	Shepard, C.J.	
Shepard, C.J.	O	71	74	66	65	
	S	0	0	1	0	
	D	71	74	67	65	---
	N	83	83	83	83	
	P	85.5%	89.2%	80.7%	78.3%	
DeBruler, J.	O	63	65	52		65
	S	6	5	0		0
	D	69	70	52	---	65
	N	84	84	84		83
	P	82.1%	83.3%	61.9%		78.3%
Givan, J.	O	60	60		52	66
	S	2	0		0	1
	D	62	60	---	52	67
	N	84	84		84	83
	P	73.8%	71.4%		61.9%	80.7%
Dickson, J.	O	66		60	65	74
	S	1		0	5	0
	D	67	---	60	70	74
	N	84		84	84	83
	P	79.7%		71.4%	83.3%	89.2%
Sullivan, J.	O		66	60	63	71
	S		1	2	6	0
	D	---	67	62	69	71
	N		84	84	84	83
	P		79.7%	73.8%	82.1%	85.5%

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. For example, in the top set of numbers for Chief Justice Shepard, 71 is the number of times Chief Justice Shepard and Justice Sullivan agreed in a full majority opinion in a criminal case. 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 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

	Sullivan, J.	Dickson, J.	Givan, J.	DeBruler, J.	Shepard, C.J.	
Shepard, C.J.	O	182	178	169	175	
	S	2	0	1	1	
	D	184	178	170	176	---
	N	202	202	204	201	
	P	91.1%	88.1%	83.3%	87.6%	
DeBruler, J.	O	170	167	153		175
	S	9	5	1		1
	D	179	172	154	---	176
	N	200	200	202		201
	P	89.5%	86.0%	76.2%		87.6%
Givan, J.	O	158	159		153	169
	S	2	3		1	1
	D	160	162	---	154	170
	N	203	203		202	204
	P	78.8%	79.8%		76.2%	83.3%
Dickson, J.	O	167		159	167	178
	S	2		3	5	0
	D	169	---	162	172	178
	N	201		203	200	202
	P	84.1%		79.8%	86.0%	88.1%
Sullivan, J.	O		167	158	170	182
	S		2	2	9	2
	D	---	169	160	179	184
	N		201	203	200	202
	P		84.1%	78.8%	89.5%	91.1%

^h This Table records the number of times that one justice voted with another in full-opinion decisions, including per curiam, for all cases. For example, in the top set of numbers for Chief Justice Shepard, 182 is the number of times Chief Justice Shepard and Justice Sullivan agreed in all full majority opinions written by the court in 1994. 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 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	
33	79	112 (55%)	14	8	22 (11%)	37	34	71 (35%)	205

ⁱ This Table tracks the number and percent of unanimous opinions among all opinions written. If, for example, only four justices participate and all concur, it is still considered unanimous. It also tracks the percentage of overall opinions with concurrence and overall 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. Of the 79 unanimous civil cases, 55 dealt with attorney discipline. Subtracting the 65 total attorney discipline cases from the above numbers (10 of which had dissents and 55 of which were unanimous), the percentage of unanimous opinions is reduced to 41% and the percentage of opinions with a dissent is increased to 44%.

^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, C.J., Givan, J., Dickson, J.	9
2. Shepard, C.J., Givan, J., Sullivan, J.	4
3. Shepard, C.J., DeBruler, J., Sullivan, J.	3
4. DeBruler, J., Givan, J., Dickson, J.	3
5. Shepard, C.J., DeBruler, J., Dickson, J.	2
6. Shepard, C.J., DeBruler, J., Givan, J.	1
7. Shepard, C.J., Dickson, J., Sullivan, J.	1
8. DeBruler, J., Dickson, J., Sullivan, J.	1
9. Givan, J., Dickson, J., Sullivan, J.	1
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.

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

ⁿ The 1994 term's 3-2 decisions were:

1. Shepard, C.J., Givan, J., Dickson, J.: *Radcliff v. County of Harrison*, 627 N.E.2d 1305 (Ind. 1994) (Givan, J.); *Stidham v. State*, 637 N.E.2d 140 (Ind. 1994) (Givan, J.); *Indiana Dep't of Revenue v. Bethlehem Steel*, 639 N.E.2d 264 (Ind. 1994) (Shepard, C.J.); *Tidmore v. State*, 637 N.E.2d 1290 (Ind. 1994) (Givan, J.); *Splunge v. State*, 641 N.E.2d 628 (Ind. 1994) (Givan, J.); *Holmes v. State*, 642 N.E.2d 970 (Ind. 1994) (Givan, J.); *James v. State*, 643 N.E.2d 321 (Ind. 1994) (Givan, J.); *Lambert v. State*, 643 N.E.2d 349 (Ind. 1994) (Givan, J.); *Parr v. Parr*, 644 N.E.2d 548 (Ind. 1994) (Givan, J.).

2. Shepard, C.J., Givan, J., Sullivan, J.: *State v. Albright*, 632 N.E.2d 725 (Ind. 1994) (Givan, J.); *Barnes v. State*, 634 N.E.2d 46 (Ind. 1994) (Givan, J.); *Evans v. State*, 643 N.E.2d 877 (Ind. 1994) (Shepard, C.J.); *Bryant v. State*, 644 N.E.2d 859 (Ind. 1994) (Sullivan, J.).

3. Shepard, C.J., DeBruler, J., Sullivan, J.: *In re Helman*, 640 N.E.2d 1063 (Ind. 1994) (per curiam); *Natural Resources Comm'n v. Amax Coal Co.*, 638 N.E.2d 418 (Ind. 1994) (DeBruler, J.); *Kosciusko Bd. of Zoning Appeals v. Wygant*, 644 N.E.2d 112 (Ind. 1994) (DeBruler, J.).

4. DeBruler, J., Givan, J., Dickson, J.: *In re Turner*, 631 N.E.2d 918 (Ind. 1994) (per curiam); *In re Scionti*, 630 N.E.2d 1358 (Ind. 1994) (per curiam); *In re Atanga*, 636 N.E.2d 1253 (Ind. 1994) (per curiam).

5. Shepard, C.J., DeBruler, J., Dickson, J.: *Townsend v. State*, 632 N.E.2d 727 (Ind. 1994) (DeBruler, J.); *Lowery v. State*, 640 N.E.2d 1031 (Ind. 1994) (DeBruler, J.).

6. Shepard, C.J., DeBruler, J., Givan, J.: *Collins v. Covenant Mutual Ins. Co.*, 644 N.E.2d 116 (Ind. 1994) (Shepard, C.J.).

7. Shepard, C.J., Dickson, J., Sullivan, J.: *Kimberlin v. DeLong*, 637 N.E.2d 1211 (Ind. 1994) (Dickson, J.).

8. DeBruler, J., Dickson, J., Sullivan, J.: *Roark v. State*, 644 N.E.2d 565 (Ind. 1994) (Sullivan, J.).

9. Givan, J., Dickson, J., Sullivan, J.: *Star Bank, N.A. Southeastern Ind. v. Laker*, 637 N.E.2d 805 (Givan, J.).

TABLE E

DISPOSITION OF CASES REVIEWED BY TRANSFER AND DIRECT APPEALS^o

	Reversed or Vacated ^p	Affirmed	Total
Civil Appeals Accepted for Transfer	26 (57%)	19 (42%)	45
Direct Civil Appeals	3 (60%)	2 (40%)	5
Criminal Appeals Accepted for Transfer	25 (89%)	3 (11%)	28
Direct Criminal Appeals	12 (23%)	43 (77%)	55
Total	66 (50%)	67 (50%)	133 ^q

^o Direct criminal appeals are cases in which the trial court imposed a sentence of greater than 50 years. *See* IND. CONST. art. VII, § 4. Direct criminal appeals reach the supreme court directly from the trial court. A civil appeal may also come directly from the trial court. *See* IND. R. APP. P. 4(A) (entitled Rules of Procedure for Original Actions). All other Indiana Supreme Court opinions are accepted for transfer from the Indiana Court of Appeals. *See* IND. R. APP. P. 11(B). The court's transfer docket, especially civil cases, has substantially increased in the past 5 years. *See* Shepard, *Foreword*, *supra* note 1.

^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. In reviewing this Table, it should be noted that the court technically "vacates" every court of appeals opinion that it accepts for transfer, but may only disagree with a small portion of the reasoning while agreeing with the result. *See* IND. R. APP. P. 11(B)(3). As a practical matter, "reverse" or "vacate" simply represents any action by the court that does not affirm the trial court or court of appeals opinion.

^q This does not include 65 attorney discipline opinions, four writs of mandamus or prohibition, two cases relating to certified questions from the United States District Court for the Southern District of Indiana, and one miscellaneous case. These opinions were not reversed, vacated, nor affirmed.

TABLE F

SUBJECT AREAS OF SELECTED DISPOSITIONS
WITH FULL OPINIONS^r

Original Actions	Number
• Certified Questions	2 ^s
• Writs of Mandamus or Prohibition	5 ^t
• Attorney Discipline	65 ^u
Criminal	
• Death Penalty	8 ^v
• Fourth Amendment or Search and Seizure	4 ^w
• Writ of Habeas Corpus	1 ^t
Emergency Appeals to the Supreme Court	0
Trusts, Estates or Probate	3 ^x
Real Estate or Real Property	6 ^y
Landlord-Tenant	0
Divorce or Child Support	8 ^z
Children in Need of Services (CHINS)	0
Paternity	2 ^{aa}
Product Liability or Strict Liability	1 ^{bb}
Negligence or Personal Injury	12 ^{cc}
Indiana Tort Claims Act	2 ^{dd}
Statute of Limitations or Statute of Repose	1 ^{ee}
Tax, Department of State Revenue, or State Board of Tax Commissioners	2 ^{ff}
Contracts	8 ^{gg}
Corporate Law or the Indiana Business Corporation Law	2 ^{hh}
Uniform Commercial Code	1 ⁱⁱ
Banking Law	2 ^{jj}
Employment Law	7 ^{kk}
First Amendment, Open Door Law, or Public Records Law	0
Indiana Constitution	7 ^{ll}

^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 1994. It also provides 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 Shook Heavy & Env'tl. Constr. Group v. City of Kokomo, 632 N.E. 355 (Ind. 1994); Baker v. Westinghouse, 637 N.E.2d 1271 (Ind. 1994).

^t Miller v. Lowrance, 629 N.E.2d 846 (Ind. 1994); State *ex rel.* Corll. v. Wabash Circuit Court, 631 N.E.2d 914 (Ind. 1994); State *ex rel.* Camden v. The Gibson Circuit Court & The Honorable Walter Palmer, 640 N.E.2d 696 (Ind. 1994); State *ex rel.* Samuel Jacobs v. Marion Circuit Court, 644 N.E.2d 852 (Ind. 1994); State *ex rel.* Meade v. Marshall Superior Court II, 644 N.E.2d 287 (Ind. 1994).

^u *In re Turner*, 631 N.E.2d 918 (Ind. 1994); *In re Scionti*, 630 N.E.2d 1358 (Ind. 1994); *In re Hughes*, 630 N.E.2d 1354 (Ind. 1994); *In re Schumate*, 634 N.E.2d 1333 (Ind. 1994); *In re Burchett*, 630 N.E.2d 205 (Ind. 1994); *In re Chavez*, 634 N.E.2d 499 (Ind. 1994); *In re Hanley*, 627 N.E.2d 800 (Ind. 1994); *In re Chappell*, 627 N.E.2d 441 (Ind. 1994); *In re Helmer*, 634 N.E.2d 56 (Ind. 1994); *In re Bates*, 635 N.E.2d 153 (Ind. 1994); *In re Jordan*, 634 N.E.2d 1333 (Ind. 1994); *In re Garringer*, 626 N.E.2d 809 (Ind. 1994); *In re Briscoe*, 629 N.E.2d 851 (Ind. 1994); *In re Foster*, 630 N.E.2d 562 (Ind. 1994); *In re Caslan*, 632 N.E.2d 344 (Ind. 1994); *In re Anonymous*, 630 N.E.2d 212 (Ind. 1994); *In re Pitschke*, 627 N.E.2d 440 (Ind. 1994); *In re Welborn*, 634 N.E.2d 54 (Ind. 1994); *In re Kieser*, 631 N.E.2d 916 (Ind. 1994); *In re Lebamoff*, 630 N.E.2d 560 (Ind. 1994); *In re Anast*, 634 N.E.2d 493 (Ind. 1994); *In re Gerard*, 634 N.E.2d 51 (Ind. 1994); *In re Gerde*, 634 N.E.2d 494 (Ind. 1994); *In re Putsey*, 634 N.E.2d 497 (Ind. 1994); *In re Grotrian*, 626 N.E.2d 807 (Ind. 1994); *In re Trueblood*, 633 N.E.2d 248 (Ind. 1994); *In re Antcliff*, 629 N.E.2d 848 (Ind. 1994); *In re Schreiber*, 632 N.E.2d 362 (Ind. 1994); *In re Watson*, 630 N.E.2d 1354 (Ind. 1994); *In re Good*, 632 N.E.2d 719 (Ind. 1994); *In re Meachem*, 630 N.E.2d 564 (Ind. 1994); *In re Watson*, 636 N.E.2d 1261 (Ind. 1994); *In re Shumate*, 634 N.E.2d 1333 (Ind. 1994); *In re Bates*, 635 N.E.2d 1096 (Ind. 1994); *In re Brown*, 636 N.E.2d 1249 (Ind. 1994); *In re Oullette*, 636 N.E.2d 1251 (Ind. 1994); *In re Anonymous*, 637 N.E.2d 131 (Ind. 1994); *In re Levy*, 637 N.E.2d 795 (Ind. 1994); *In re Atanga*, 636 N.E.2d 1253 (Ind. 1994); *In re Stultz*, 636 N.E.2d 1262 (Ind. 1994); *In re Klagiss*, 635 N.E.2d 163 (Ind. 1994); *In re Angleton*, 638 N.E.2d 1257 (Ind. 1994); *In re Watson*, 640 N.E.2d 1023 (Ind. 1994); *In re Bauer*, 640 N.E.2d 1050 (Ind. 1994); *In re Chovanec*, 640 N.E.2d 1052 (Ind. 1994); *In re Turner*, 641 N.E.2d 31 (Ind. 1994); *In re Gillaspy*, 640 N.E.2d 1054 (Ind. 1994); *In re Kerr*, 640 N.E.2d 1056 (Ind. 1994); *In re Kingma-Piper*, 640 N.E.2d 1060 (Ind. 1994); *In re Hughes*, 640 N.E.2d 1065 (Ind. 1994); *In re Helman*, 640 N.E.2d 1063 (Ind. 1994); *In re Anonymous*, 641 N.E.2d 31 (Ind. 1994); *In re Woods*, 638 N.E.2d 1253 (Ind. 1994); *In re Bock*, 635 N.E.2d 166 (Ind. 1994); *In re Lahey*, 637 N.E.2d 811 (Ind. 1994); *In re Vested*, 638 N.E.2d 431 (Ind. 1994); *In re Corn*, 638 N.E.2d 791 (Ind. 1994); *In re Hamilton*, 642 N.E.2d 1364 (Ind. 1994); *In re Wright*, 642 N.E.2d 981 (Ind. 1994); *In re Relphorde*, 644 N.E.2d 874 (Ind. 1994); *In re Fairman*, 644 N.E.2d 862 (Ind. 1994); *In re McLin*, 644 N.E.2d 100 (Ind. 1994); *In re Frosch*, 643 N.E.2d 902 (Ind. 1994); *In re Pope*, 644 N.E.2d 90 (Ind. 1994); *In re Angleton*, 642 N.E.2d 1367 (Ind. 1994); *In re Stults*, 644 N.E.2d 1239 (Ind. 1994).

^v *Wallace v. State*, 640 N.E.2d 374 (Ind. 1994), *aff'g* (post conviction relief); *Lowery v. State*, 640 N.E.2d 1031 (Ind. 1994), *aff'g* (post conviction relief); *State v. Alcorn*, 638 N.E.2d 1242 (Ind. 1994), *rev'g* on grounds other than death penalty (direct appeal); *Bivins v. State*, 642 N.E.2d 928 (Ind. 1994), *aff'g* (direct appeal); *Burris v. State*, 642 N.E.2d 961 (Ind. 1994), *aff'g* (direct appeal); *Lambert v. State*, 643 N.E.2d 349 (Ind. 1994), *aff'g* (post conviction relief); *Roark v. State*, 644 N.E.2d 565 (Ind. 1994), *rev'g* (direct appeal); *State v. Huffman*, 643 N.E.2d 899 (Ind. 1994), *aff'g* grant of post conviction relief.

^w *State v. Albright*, 632 N.E.2d 725 (Ind. 1994); *Esquerdo v. State*, 640 N.E.2d 1023 (Ind. 1994); *William Perry v. State*, 638 N.E.2d 1236 (Ind. 1994); *Moran v. State*, 644 N.E.2d 536 (Ind. 1994).

^x *Taylor v. Taylor, et al.*, 643 N.E.2d 893 (Ind. 1994); *In re Della Lustgarten Nathan Trust*, 638 N.E.2d 789 (Ind. 1994); *Culver-Union Twp. Ambulance Serv. v. Steindler*, 629 N.E.2d 1231 (Ind. 1994).

^y *Whiteacre v. State*, 629 N.E.2d 1236 (Ind. 1994); *Chidester v. City of Hobart*, 631 N.E.2d 908 (Ind. 1994); *McCorry v. G. Cowser Constr., Inc.*, 644 N.E.2d 550 (Ind. 1994); *Kosciusko Bd. of Zoning Appeals v. Wygant*, 644 N.E.2d 112 (Ind. 1994); *Premier Invs. v. Suites of Am., Inc.*, 644 N.E.2d 124 (Ind. 1994); *Estate of Reasor v. Putnam Cty.*, 635 N.E. 2d 153 (Ind. 1994).

^z *Kinsey v. Kinsey*, 640 N.E.2d 42 (Ind. 1994); *Gipson v. Gipson*, 644 N.E.2d 876 (Ind. 1994); *Straub v. B.M.T.*, 645 N.E.2d 597 (Ind. 1994); *Parr v. Parr*, 644 N.E.2d 548 (Ind. 1994); *State ex rel. Meade v. Marshall Superior Court II*, 644 N.E.2d 287 (Ind. 1994); *Levin v. Levin*, 645 N.E.2d 601 (Ind. 1994); *Taylor v. Taylor*, 643 N.E.2d 893 (Ind. 1994); *McGinley-Ellis v. Ellis*, 638 N.E.2d 1249 (Ind. 1994).

^{aa} *Gipson v. Gipson*, 644 N.E.2d 876 (Ind. 1994); *Straub v. B.M.T.*, 645 N.E.2d 597 (Ind. 1994).

^{bb} *Reed v. Central Soya*, 644 N.E.2d 84 (Ind. 1994).

^{cc} *Wolf v. Kajima Int'l, Inc.*, 629 N.E.2d 1237 (Ind. 1994); *Culver-Union Twp. Ambulance Serv. v. Steindler*, 629 N.E.2d 1231 (Ind. 1994); *Estate of Reasor v. Putnam County*, 635 N.E.2d 153 (Ind. 1994); *Cua v. Morrison*, 636 N.E.2d 1248 (Ind. 1994); *Kimberlin v. DeLong*, 637 N.E.2d 1211 (Ind. 1994); *Jacob et al. v. Chaplin et al.*, 639 N.E.2d 1010 (Ind. 1994); *Pivarnik v. Nipsco*, 636 N.E.2d 131 (Ind. 1994); *Mullin v. City of South Bend*, 639 N.E.2d 278 (Ind. 1994); *Bonnes v. Feldner, M.D. et al.*, 642 N.E.2d 217 (Ind. 1994); *Hooks SuperX, Inc. v. McLaughlin*, 642 N.E.2d 514 (Ind. 1994); *Reed v. Central Soya*, 644 N.E.2d 84 (Ind. 1994).

^{dd} *Baker v. Westinghouse*, 637 N.E.2d 1271 (Ind. 1994); *Mullin v. City of South Bend*, 639 N.E.2d 278 (Ind. 1994).

^{ee} *Indiana Dep't of State Revenue v. Horizon Bancorp*, 644 N.E.2d 870 (Ind. 1994).

^{ff} *Indiana Dep't of Revenue v. Bethlehem Steel*, 639 N.E.2d 264 (Ind. 1994), *aff'g*; *Indiana Dep't of State Revenue v. Horizon Bancorp*, 644 N.E.2d 870 (Ind. 1994), *rev'g*.

^{gg} *Straub v. B.M.T.*, 645 N.E.2d 597 (Ind. 1994); *Aronson v. Price*, 644 N.E.2d 864 (Ind. 1994); *Hutchinson, Shockey, Erley & Co. v. Evansville-Vanderburgh Cty. Bldg. Auth.*, 644 N.E.2d 1228 (Ind. 1994); *Premier Invs. v. Suites of Am., Inc.*, 644 N.E.2d 124 (Ind. 1994); *Jarboe v. Landmark Community Newspapers of Ind., Inc.*, 644 N.E.2d 118 (Ind. 1994); *PSI Energy, Inc. v. Amax, Inc.*, 644 N.E.2d 96 (Ind. 1994); *Winkler v. V.G. Reed & Sons*, 638 N.E.2d 1228 (Ind. 1994); *Estate of Reasor v. Putnam Cty.*, 635 N.E.2d 153 (Ind. 1994).

^{hh} *Aronson v. Price*, 644 N.E.2d 864 (Ind. 1994); *Winkler v. V.G. Reed & Sons, Inc.*, 638 N.E.2d 1228 (Ind. 1994).

ⁱⁱ *Gibson County Farm Bureau Coop. Ass'n, Inc. v. Norman Greer and Miles, Inc., d/b/a Miles Farm Ctr.*, 643 N.E.2d 313 (Ind. 1994).

^{jj} *Indiana Dep't of State Revenue v. Horizon Bancorp*, 1994 644 N.E.2d 870 (Ind. 1994); *Hutchinson, Shockey, Erley & Co. v. Evansville-Vanderburgh Cty. Bldg. Auth.*, 644 N.E.2d 870 (Ind. 1994).

^{kk} *Jarboe v. Landmark Community Newspapers of Ind., Inc.*, 644 N.E.2d 118 (Ind. 1994); *Claywell v. Review Bd. of the Ind. Dep't of Empl. & Training Servs.*, 643 N.E.2d 330 (Ind. 1994); *Collins v. Day*, 644 N.E.2d 72 (Ind. 1994); *Winkler v. V.G. Reed & Sons*, 638 N.E.2d 1228 (Ind. 1994); *Foshee v. Shoney's, Inc.*, 637 N.E.2d 1277 (Ind. 1994); *Baker v. Westinghouse Elec. Corp.*, 637 N.E.2d 1271 (Ind. 1994); *Perry v. Stitzer Buick GMC, Inc.*, 637 N.E.2d 1281 (Ind. 1994).

^{ll} *Walker v. State*, 632 N.E.2d 723 (Ind. 1994); *State v. Alcorn*, 638 N.E.2d 1242 (Ind. 1994); *Bivins v. State*, 642 N.E.2d 928 (Ind. 1994); *The Ind. Gaming Comm'n v. Moseley et al.*, 643 N.E.2d 296 (Ind. 1994); *Collins v. Day*, 644 N.E.2d 72 (Ind. 1994); *Indiana Dep't of Env'tl. Mgt. v. Chemical Waste Mgt., Inc.*, 643 N.E.2d 331 (Ind. 1994); *Moran v. State*, 644 N.E.2d 536 (Ind. 1994).

