

AN EXAMINATION OF THE INDIANA SUPREME COURT DOCKET, DISPOSITIONS, AND VOTING IN 2000*

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In 2000, the Indiana Supreme Court substantially increased its productivity. The court issued the second most opinions in 2000 in the previous 10 years of this study.¹ Despite the increase in productivity, the court continued to be overwhelmed with mandatory criminal appeals. The court issued the lowest percentage of civil opinions in the 10 years of this study.

Leading the charge for the court's increased productivity was Chief Justice Shepard who authored the greatest number of opinions and twice as many civil opinions as any of the other justices. The Chief Justice also demonstrated his leadership by having the distinction of the justice most aligned with the other justices and being in the majority in 13 of 15 split decisions.

Although the court's productivity is up, the constitutional change in its

* The Tables presented in this Article are patterned after the annual statistics of the U.S. 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.

	MANDATORY	DISCRETIONARY	TOTAL
1991	109 (53%)	98 (47%)	207
1992	64 (41%)	93 (59%)	157
1993	60 (44%)	77 (56%)	137
1994	60 (45%)	73 (55%)	133
1995	46 (38%)	76 (62%)	122
1996	68 (59%)	48 (41%)	116
1997	100 (58%)	71 (42%)	171
1998	84 (63%)	50 (37%)	134
1999	101(59%)	69 (41%)	170
2000	132 (69%)	60 (31%)	192

mandatory jurisdiction will still be welcome. Of 137 mandatory criminal appeals, over 83% were affirmed suggesting that the vast majority of the mandatory criminal appeals did not warrant review by the court of last resort.² Evidence of the anticipated impact of the constitutional change in the court's jurisdiction may be seen in the drastic increase in the number of civil petitions to transfer the court granted. This suggests the court's docket will develop a more even balance of criminal and civil cases. The full brunt of this change will not occur until June 2001 when appeals initiated by the filing of a Notice of Appeal will become subject to the change in the court's jurisdiction. This change will not only open the court to "people with ordinary family and business legal problems" but also permit the court to take a more significant role in providing more law-giving criminal opinions.³

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

Table A. In 2000, the supreme court issued 192 opinions that were authored by an individual justice. This is an increase from last year's 170 opinions authored by an individual justice. Of the 192 issued in 2000, only 49 were civil opinions and 143 were criminal.

The court as a whole issued 71 per curiam opinions—70 civil and one criminal. Almost all of the 70 civil opinions were attorney discipline matters.

In a change from the previous three years, Chief Justice Shepard authored the greatest number of opinions, 52. The Chief Justice authored double the number of civil opinions of any other justice. Justice Boehm authored nearly as many total opinions with 48.

The court continued to increase its number of dissents. In 1999 the court issued 38 dissents as compared to 42 in 2000. Justice Sullivan, as in the past, had the most total dissents with 13. Justice Dickson, also as in the past, was next with 12.

Table B-1. For civil cases, Chief Justice Shepard and Justice Rucker were the two justices most aligned at 89.8%. Chief Justice Shepard and Justice Sullivan were next at 85.7%. Justices Dickson and Sullivan were the least aligned at 68.3%. Justice Rucker was the most aligned with other justices, and Justice Dickson was the least aligned.

2. The court fought this battle against an overwhelming number of mandatory criminal cases in 1988. The court is fighting the battle again. See Kevin W. Betz & Andrew T. Deibert, *An Examination of the Indiana Supreme Court Docket, Dispositions, and Voting in 1996*, 30 IND. L. REV. 933 (1997); 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).

3. Randall T. Shepard, *Why Changing the Supreme Court's Mandatory Jurisdiction Is Critical to Lawyers and Clients*, 33 IND. L. REV. 1101, 1104 (2000).

Table B-2. For criminal cases, Chief Justice Shepard and Justice Boehm, along with Chief Justice Shepard and Justice Rucker, are the most aligned pair of justices—each in agreement 95.8% of the time. Justices Sullivan and Dickson were the least aligned at 87.5%. As for criminal cases, Chief Justice Shepard was the most aligned with his fellow justices.

Table B-3. For all cases, Chief Justice Shepard and Justice Rucker were the two justices most aligned, at 94.5%. The two least aligned justices, also the same as last year, were Justices Sullivan and Dickson at 83.2%. Overall, Chief Justice Shepard was the most aligned with his fellow justices.

Table C. The court's unanimity remained virtually identical for 1999 and 2000. The court was either unanimous or unanimous with concurrence in 87% of its opinions in both 1999 and 2000. This suggests that the presence of a new justice has had little impact upon the unanimity of the court.

Table D. The number of 3-2 split decisions continued to increase in 2000. The court split on fifteen decisions in 2000, as compared to nine in its 1999 term. Chief Justice Shepard was in the majority the most often, having been in the majority in 13 of the 15 split decisions.

Table E-1. The court affirmed over 83% of the mandatory criminal appeals, which was also the majority of its docket. This is a compelling argument for why the court's jurisdiction needed to be changed. Obviously, with a change in jurisdiction, the court would not even have transferred the vast majority of these appeals. For comparisons sake, the court affirmed only 26.8% of the civil appeals and 58.3% of the nonmandatory criminal appeals. Now that the constitutional amendment has fully passed, the court's docket of mandatory criminal appeals should significantly dwindle in June 2001 when the court implements the amendment, and diminish completely in 2002.

Table E-2. The court drastically increased the number of civil petitions it transferred, from 35 in 1999 to 61 in 2000, and the number of criminal petitions granted, from 22 in 1999 to 41 in 2000. This may, in part, reflect the court's anticipation of eliminating many mandatory criminal appeals because of the new constitutional amendment.

A civil petition to transfer stood about a 17% chance of being granted, and a criminal petition stood about a 9% chance of being granted. Juvenile petitions face the least chance of being granted at 5.4%.

Table F. The court continues its interest in the Indiana Constitution with 28 opinions involving such issues. The number of attorney discipline cases reviewed, of which there were only 36 last year, returned to past ranges this year at 60.

TABLE A
OPINIONS^a

	OPINIONS OF COURT ^b			CONCURRENCES ^c			DISSENTS ^d		
	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
Shepard, C.J.	28	24	52	1	0	1	1	2	3
Dickson, J. ^e	34	2	36	3	3	6	3	9	12
Sullivan, J. ^e	25	8	33	6	2	8	7	6	13
Boehm, J. ^e	36	12	48	3	3	6	3	4	7
Rucker, J. ^e	20	3	23	2	0	2	3	4	7
Per Curiam	1	70	71						
Total	144	119	263	15	8	23	17	24	42

^a These are opinions and votes on opinions by each justice and in per curiam in the 2000 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, 210 (1990). The order of discussion and voting is started by the most junior member of the court and follows reverse seniority. See *id.*

^b This is only a counting of full opinions written by each justice. Plurality opinions that announce the judgment of the court are counted as opinions of the court. It includes opinions on civil, criminal, and original actions. Also, the following three miscellaneous cases are not included in the table: *Ind. Lawrence Bank v. PSB Credit Serv., Inc.*, 724 N.E.2d 1091 (Ind. 2000) (dissent from denial of transfer); *Davenport v. State*, 696 N.E.2d 870 (Ind. 1998) (denial of petition to reinstate convictions); *Lenhardt Tool & Die Co. v. Lumpe*, 722 N.E.2d 824 (Ind. 2000) (interlocutory appeal of denial of summary judgement).

^c This category includes both written concurrences, joining in written concurrence, 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 Justices declined to participate in the following non-disciplinary cases: Justice Sullivan: *H.B. v. Elkhart County Div. of Family and Children*, 735 N.E.2d 222 (Ind. 2000); Justice Boehm: *Anthem Ins. Co. v. Tenet Healthcare Corp.*, 730 N.E.2d 1227 (Ind. 2000); *Ind. Univ. Med. Cen. v. Logan*, 728 N.E.2d 855 (Ind. 2000); Justice Dickson: *Celebration Fireworks, Inc. v. Smith*, 727 N.E.2d 450 (Ind. 2000); Justice Rucker: *Coleman v. State*, 741 N.E.2d 697 (Ind. 2000); *Troxel v. Troxel*, 737 N.E.2d 745 (Ind. 2000); *United States Gypsum, Inc. v. Ind. Gas Co., Inc.*, 735 N.E.2d 790 (Ind. 2000); *Dimitroff v. Dimitroff*, 735 N.E.2d 238 (Ind. 2000); *In re N.B.*, 735 N.E.2d 238 (Ind. 2000); *Plesha v. Edmonds*, 735 N.E.2d 235 (Ind. 2000); *In re Malone*, 735 N.E.2d 234 (Ind. 2000); *Snyder v. Ind. Dep't of Revenue*, 735 N.E.2d 233 (Ind. 2000); *Huddleston v. Div. of Family and Children*, 735 N.E.2d 233 (Ind. 2000); *Perry-Worth Concerned Citizens v. Bd. of Comm'rs of Boone County*, 735 N.E.2d 231 (Ind. 2000); *Smith v. Tippecanoe County Office of Family and Children*, 735 N.E.2d 231 (Ind. 2000); *Everett v. State*, 735 N.E.2d 229 (Ind. 2000); *Columbia Club v. American Fletcher Realty Corp.*, 735 N.E.2d 229 (Ind. 2000); *Gomolisky v. Davis*, 735 N.E.2d 228 (Ind. 2000); *St. Margaret Mercy Healthcare Ctrs. v. Lake County*, 735 N.E.2d 227 (Ind. 2000); *Foster v. Evergreen Healthcare, Inc.*, 735 N.E.2d 223 (Ind. 2000); *Hutchinson v. Old Ind. Ltd. Liab. Co.*, 735 N.E.2d 223 (Ind. 2000); *Guthrie v. State*, 735 N.E.2d 220 (Ind. 2000); *Bagnall v. Town of Beverly Shores*, 726 N.E.2d 782 (Ind. 2000).

TABLE B-1
VOTING ALIGNMENTS FOR CIVIL CASES^f
NOT INCLUDING JUDICIAL OR ATTORNEY DISCIPLINE CASES

		Shepard	Dickson	Sullivan	Boehm	Rucker
Shepard, C.J.	O		31	35	35	35
	S		0	1	0	0
	D	---	31	36	35	35
	N		41	42	41	39
	P		75.6%	85.7%	85.4%	89.8%
Dickson, J.	O	31		28	31	29
	S	0		0	2	1
	D	31	---	28	33	30
	N	41		41	40	38
	P	75.6%		68.3%	82.5%	78.9%
Sullivan, J.	O	35	28		32	32
	S	1	0		1	1
	D	36	28	---	33	33
	N	42	41		41	39
	P	85.7%	68.3%		80.5%	84.6%
Boehm, J.	O	35	31	32		32
	S	0	2	1		0
	D	35	33	33	---	32
	N	41	40	41		38
	P	85.4%	82.5%	80.5%		84.2%
Rucker, J.	O	35	29	32	32	
	S	0	1	1	0	
	D	35	30	33	32	---
	N	39	38	39	38	
	P	89.8%	78.9%	84.6%	84.2%	

^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, 31 is the number of times Chief Justice Shepard and Justice Dickson 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 only in the result of the case or wrote separate opinions revealing little philosophical disagreement.

“O” represents the number of decisions in which the two justices agreed in opinions of the court or opinions announcing the judgment of the court.

“S” represents the number of decisions in which 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 CASES
NOT INCLUDING JUDICIAL OR ATTORNEY DISCIPLINE CASES⁶

		Shepard	Dickson	Sullivan	Boehm	Rucker
Shepard, C.J.	O		136	131	138	138
	S		0	0	0	0
	D	—	136	131	138	138
	N		144	144	144	144
	P		94.4%	91.0%	95.8%	95.8%
Dickson, J.	O	136		125	132	132
	S	0		1	2	0
	D	136	---	126	134	132
	N	144		144	144	144
	P	94.4%		87.5%	93.1%	91.7
Sullivan, J.	O	131	125		127	129
	S	0	1		0	2
	D	131	126	---	127	131
	N	144	144		144	144
	P	91.0%	87.5%		88.2%	90.9%
Boehm, J.	O	138	132	127		134
	S	0	2	0		1
	D	138	134	127	—	135
	N	144	144	144		144
	P	95.8%	93.1%	88.2%		93.8%
Rucker, J.	O	138	132	129	134	
	S	0	0	2	1	
	D	138	132	131	135	---
	N	144	144	144	144	
	P	95.8%	91.7%	90.9%	93.8%	

⁶ 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, 136 is the number of times Chief Justice Shepard and Justice Dickson 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 only in the result of the case or wrote separate opinions revealing little philosophical disagreement.

“O” represents the number of decisions in which the two justices agreed in opinions of the court or opinions announcing the judgment of the court.

“S” represents the number of decisions in which 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
NOT INCLUDING JUDICIAL OR ATTORNEY DISCIPLINE CASES^h

	Shepard	Dickson	Sullivan	Boehm	Rucker	
Shepard, C.J.	O		167	166	173	173
	S		0	1	0	0
	D	---	167	167	173	173
	N		185	186	185	183
	P		90.3%	89.8%	93.5 %	94.5 %
Dickson, J.	O	167		153	163	161
	S	0		1	4	1
	D	167	---	154	167	162
	N	185		185	184	182
	P	90.3%		83.2%	90.8 %	89.0 %
Sullivan, J.	O	166	153		159	161
	S	1	1		1	3
	D	167	154	---	160	164
	N	186	185		185	183
	P	89.8%	83.2%		86.5 %	89.6 %
Boehm, J.	O	173	163	159		166
	S	0	4	1		1
	D	173	167	160	---	167
	N	185	184	185		182
	P	93.5%	90.8%	86.5%		91.8 %
Rucker, J.	O	173	161	161	166	
	S	0	1	3	1	
	D	173	162	164	167	--
	N	183	182	183	182	
	P	94.5%	89.0%	89.6 %	91.8%	

^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, 167 is the total number of times Chief Justice Shepard and Justice Dickson agreed in all full majority opinions written by the court in 2000. 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 decisions in which the two justices agreed in opinions of the court or opinions announcing the judgment of the court.

“S” represents the number of decisions in which 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

UNANIMITY
NOT INCLUDING JUDICIAL OR ATTORNEY DISCIPLINE CASESⁱ

Unanimous ^j			Unanimous With Concurrence ^k			Opinions With Dissent			Total
Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total	
121	96	217 (81.3%)	12	5	17 (6.4%)	13	20	33 (12.4%)	267

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 percent 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.

^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., Dickson, J., Boehm, J.	3
2. Shepard, C.J., Boehm, J., Rucker, J.	2
3. Shepard, C.J., Dickson, J., Sullivan, J.	2
4. Shepard, C.J., Sullivan, J., Boehm, J.	1
5. Shepard, C.J., Sullivan, J., Rucker, J.	4
6. Shepard, C.J., Dickson, J., Rucker, J.	1
7. Dickson, J., Boehm, J., Rucker, J.	1
8. Boehm, J., Sullivan, J., Rucker, J.	1
Total ⁿ	15

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 three-justice group constituted the majority in a 3-2 decision.

ⁿ The 2000 term's 3-2 decisions were:

1. Shepard, C.J., Dickson, J., Boehm, J.: *Boggs v. Tri-State Radiology, Inc.*, 730 N.E.2d 692 (Ind. 2000) (Boehm, J.); *Dunlop v. State*, 724 N.E.2d 592 (Ind. 2000) (Dickson, J.); *Bacher v. State*, 722 N.E.2d 799 (Ind. 2000) (Dickson, J.).

2. Shepard, C.J., Boehm, J., Rucker, J.: *Bader v. Johnson*, 732 N.E.2d 1212 (Ind. 2000) (Rucker, J.); *Baxter v. State*, 727 N.E.2d 429 (Ind. 2000) (Boehm, J.).

3. Shepard, C.J., Dickson, J., Sullivan, J.: *Azania v. State*, 738 N.E.2d 248 (Ind. 2000) (Shepard, C.J.); *In re Bradburn*, 739 N.E.2d 1074 (Ind. 2000) (Shepard, C.J.).

4. Shepard, C.J., Sullivan, J., Boehm, J.: *McIntosh v. Melroe Co.*, 729 N.E.2d 972 (Ind. 2000) (Boehm, J.).

5. Shepard, C.J., Sullivan, J., Rucker, J.: *Oman v. State*, 737 N.E.2d 1131 (Ind. 2000); *Ellis v. State*, 736 N.E.2d 731 (Ind. 2000) (Shepard, C.J.); *City of Gary v. Ind. Bell Tel. Co.*, 732 N.E.2d 149 (Ind. 2000) (Sullivan, J.); *Midwest Security Life Ins. Co. v. Stroup*, 730 N.E.2d 163 (Ind. 2000) (Shepard, C.J.).

6. Shepard, C.J., Dickson, J., Rucker, J.: *Ind. Dep't of State Revenue v. Farm Credit Serv. of Mid-Am.*, 734 N.E.2d 551 (Ind. 2000) (Shepard, C.J.).

7. Dickson, J., Boehm, J., Rucker, J.: *Cavinder Elevators, Inc. v. Hall*, 726 N.E.2d 285 (Ind. 2000) (Dickson, J.).

8. Boehm, J., Sullivan, J., Rucker, J.: *In re Miller*, 730 N.E.2d 171 (Ind. 2000) (per curiam).

TABLE E-1

DISPOSITION OF CASES REVIEWED BY TRANSFER
AND DIRECT APPEALS^o

	Reversed or Vacated ^p	Affirmed	Total
Civil Appeals Accepted for Transfer	32 (73.2%)	11 (26.8%)	43
Direct Civil Appeals	0	0	0
Criminal Appeals Accepted for Transfer	5 (41.7%)	7 (58.3%)	12
Direct Criminal Appeals	23 (16.8%)	114 (83.2%)	137
Total	60 (31.3%)	132 (68.8%)	192 ^q

^o Direct criminal appeals are cases in which the trial court imposed a sentence of greater than 50 years or a sentence of death. *See* IND. CONST. art. VII, § 4 (amended 2000). Thus, direct criminal appeals are those directly from the trial court. A civil appeal may also be direct from the trial court pursuant to Indiana appellate rule 4(A) and the Rules of Procedure for Original Actions. All other Indiana Supreme Court opinions are accepted for transfer from the Indiana Court of Appeals. *See* IND. APPELLATE RULE 11(B).

^p Generally, the term "vacate" is used by the Indiana Supreme Court when it is reviewing a court of appeals opinion, and 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. 58(A). 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 total does not include seventy-nine attorney and judicial discipline opinions; two writs of mandamus or prohibition; or two opinions related to certified questions. These opinions did not reverse, vacate, or affirm any other court's decision. This total also does not include six opinions which considered petitions for post-conviction relief.

TABLE E-2**DISPOSITION OF PETITIONS TO TRANSFER
TO SUPREME COURT IN 2000^r**

	Denied or Dismissed	Granted	Total
Petitions to Transfer			
Civil ^s	285 (82.4%)	61 (17.6%)	346
Criminal ^t	402 (90.6%)	40 (9.1%)	442
Juvenile	35 (94.6%)	2 (5.4%)	37
Total	722 (87.5%)	103 (12.5%)	825

^r This Table analyzes the disposition of petitions to transfer by the court. See IND. APP. R. 58(A).

^s This also includes petitions to transfer in tax cases and worker's compensation cases.

^t This also includes petitions to transfer in post-conviction relief cases.

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

Original Actions	Number
• Certified Questions	2 ^v
• Writs of Mandamus or Prohibition	2 ^w
• Attorney and Judicial Discipline	60 ^x
• Judicial Discipline	0
Criminal	
• Death Penalty	8 ^y
• Fourth Amendment or Search and Seizure	5 ^z
• Writ of Habeas Corpus	0
Emergency Appeals to the Supreme Court	0
Trusts, Estates, or Probate	1 ^{aa}
Real Estate or Real Property	4 ^{bb}
Personal Property	0
Landlord-Tenant	0
Divorce or Child Support	0
Children in Need of Services (CHINS)	0
Paternity	0
Product Liability or Strict Liability	1 ^{cc}
Negligence or Personal Injury	5 ^{dd}
Invasion of Privacy	0
Medical Malpractice	5 ^{ee}
Indiana Tort Claims Act	3 ^{ff}
Statute of Limitations or Statute of Repose	0
Tax, Department of State Revenue, or State Board of Tax Commissioners	3 ^{gg}
Contracts	2 ^{hh}
Corporate Law or the Indiana Business Corporation Law	0
Uniform Commercial Code	0
Banking Law	1 ⁱⁱ
Employment Law	1 ^{jj}
Insurance Law	1 ^{kk}
Environmental Law	0
Consumer Law	0
Workers Compensation	2 ^{ll}
Arbitration	1 ^{mm}
Administrative Law	4 ⁿⁿ
First Amendment, Open Door Law, or Public Records Law	0
Full Faith and Credit	0
Eleventh Amendment	0
Civil Rights	1 ^{oo}
Indiana Constitution	28 ^{pp}

^u 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 2000. 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. Also, the following nineteen miscellaneous attorney discipline cases are not in the table: *In re Bradburn*, 739 N.E.2d 1074 (Ind. 2000) (order finding misconduct and imposing discipline); *In re Bowyer*, 739 N.E.2d 1074 (Ind. 2000) (order suspending respondent due to disability); *In re Wagner*, 745 N.E.2d 192 (Ind. 2000); *In re DeMato*, 736 N.E.2d 1243 (Ind. 2000) (order postponing effective date of suspension); *In re Jones*, 737 N.E.2d 1158 (Ind. 2000) (order imposing discipline upon agreed facts); *In re Kummerer*, 738 N.E.2d 1044 (Ind. 2000) (order releasing respondent from probation); *In re Coburn*, 734 N.E.2d 582 (Ind. 2000) (order accepting resignation and concluding proceeding); *In re Fernandes*, 737 N.E.2d 1149 (Ind. 2000) (order of suspension upon notice of guilty finding); *In re Jones*, 736 N.E.2d 264 (Ind. 2000) (order revoking probationary licence to practice law); *In re Welling*, 736 N.E.2d 1198 (Ind. 2000) (order granting respondent's motion to vacate hearing and accepting respondent's admission of violation of probation and consent to discipline); *In re Crawford*, 734 N.E.2d 563 (Ind. 2000) (order accepting resignation and concluding proceeding); *In re Rorrer*, 734 N.E.2d 581 (Ind. 2000) (order of suspension pending notice of guilty finding); *In re Speicher*, 734 N.E.2d 533 (Ind. 2000) (order suspending the respondent due to disability and dismissing verified complaint without prejudice); *In re Stasek*, 728 N.E.2d 851 (Ind. 2000) (order accepting resignation and concluding proceeding); *In re Hayden*, 728 N.E.2d 139 (Ind. 2000) (order accepting resignation and concluding proceeding); *In re Myers*, 727 N.E.2d 1083 (Ind. 2000) (order accepting resignation and concluding proceeding); *In re Frey*, 729 N.E.2d 143 (Ind. 2000) (order accepting resignation and concluding proceeding); *In re Kelly*, 724 N.E.2d 600 (Ind. 2000) (order granting reinstatement); and *In re Cheslek*, 723 N.E.2d 863 (Ind. 2000) (order of suspension upon notice of conviction).

^v *Sowers v. State*, 724 N.E.2d 588 (Ind. 2000); *Livingston v. Fast Cash USA, Inc.*, 737 N.E.2d 1155 (Ind. 2000).

^w *State ex rel Jones v. Knox Superior Court No. 1*, 728 N.E.2d 133 (Ind. 2000); *State ex rel. Koppe v. Cass Circuit Court*, 723 N.E.2d 866 (Ind. 2000).

^x *In re Huelskamp*, 740 N.E.2d 846 (Ind. 2000); *In re Smith*, 740 N.E.2d 849 (Ind. 2000); *In re Martenet*, 694 N.E.2d 1143 (Ind. 2000); *In re Glasser*, 739 N.E.2d 660 (Ind. 2000); *In re Scott*, 739 N.E.2d 658 (Ind. 2000); *In re Quinn*, 738 N.E.2d 678 (Ind. 2000); *In re Adams*, 738 N.E.2d 276 (Ind. 2000); *In re Fleck*, 738 N.E.2d 277 (Ind. 2000); *In re Gaydos*, 738 N.E.2d 276 (Ind. 2000); *In re Hartman*, 738 N.E.2d 277 (Ind. 2000); *In re Cole*, 738 N.E.2d 1035 (Ind. 2000); *In re Bamberth*, 737 N.E.2d 1157 (Ind. 2000); *In re Kehoe*, 737 N.E.2d 1156 (Ind. 2000); *In re Toth*, 737 N.E.2d 1157 (Ind. 2000); *In re Atanga*, 736 N.E.2d 1244 (Ind. 2000); *In re Lewis*, 736 N.E.2d 226 (Ind. 2000); *In re Cable*, 736 N.E.2d 226 (Ind. 2000); *In re Crenshaw*, 736 N.E.2d 263 (Ind. 2000); *In re Alpert*, 735 N.E.2d 1173 (Ind. 2000); *In re Anderson*, 735 N.E.2d 1177 (Ind. 2000); *In re Balogh*, 735 N.E.2d 1174 (Ind. 2000); *In re Bridenhager*, 735 N.E.2d 1177 (Ind. 2000); *In re Goebel*, 735 N.E.2d 1178 (Ind. 2000); *In re Hobbs*, 735 N.E.2d 1175 (Ind. 2000); *In re Kinnaird*, 735 N.E.2d 1176 (Ind. 2000); *In re Smith*, 735 N.E.2d 1176 (Ind. 2000); *In re Kouros*, 735 N.E.2d 202 (Ind. 2000); *In re Braun*, 734 N.E.2d 535 (Ind. 2000); *In re James*, 734 N.E.2d 534 (Ind. 2000); *In re Anonymous*, 734 N.E.2d 583 (Ind. 2000); *In re Poole*, 733 N.E.2d 467 (Ind. 2000); *In re Cartmel*, 733 N.E.2d 467 (Ind. 2000); *In re Condos*, 733 N.E.2d 466 (Ind. 2000); *In re Jackson*, 733 N.E.2d 468 (Ind. 2000); *In re Ricci*, 733 N.E.2d 466 (Ind. 2000); *In re Thonert*, 733 N.E.2d 932 (Ind. 2000); *In re Watson*, 733 N.E.2d 934 (Ind. 2000); *In re Wilber*, 729 N.E.2d 589 (Ind. 2000); *In re McLin*, 729 N.E.2d 1007 (Ind. 2000); *In re Woods*, 729 N.E.2d 1008 (Ind. 2000); *In re Miller*, 730 N.E.2d 171 (Ind. 2000); *In re Anonymous*, 729 N.E.2d 566 (Ind. 2000); *In re Galloway*, 729 N.E.2d 574 (Ind. 2000); *In re Oliver*, 729 N.E.2d 582 (Ind. 2000); *In re Ault*, 728 N.E.2d 869 (Ind. 2000); *In re McFadden*, 729 N.E.2d 137 (Ind. 2000); *In re Edmiston*, 727 N.E.2d 97 (Ind. 2000); *In re McCarty*, 729 N.E.2d 98 (Ind. 2000); *In re Jones*, 727 N.E.2d 711 (Ind. 2000); *In re Roberts*, 727 N.E.2d 705 (Ind. 2000); *In re Bass*, 726 N.E.2d 1259 (Ind. 2000); *In re Levy*, 726 N.E.2d 1257

(Ind. 2000); *In re Anonymous*, 724 N.E.2d 1101 (Ind. 2000); *In re Wamsley*, 725 N.E.2d 75 (Ind. 2000); *In re Hagedorn*, 725 N.E.2d 397 (Ind. 2000); *In re Humphrey*, 725 N.E.2d 70 (Ind. 2000); *In re Warrum*, 724 N.E.2d 1097 (Ind. 2000); *In re Mears*, 723 N.E.2d 873 (Ind. 2000); *In re Holmes*, 722 N.E.2d 818 (Ind. 2000); *In re McCord*, 722 N.E.2d 820 (Ind. 2000).

^v *Corcoran v. State*, 739 N.E.2d 649 (Ind. 2000) (reversing); *Azania v. State*, 738 N.E.2d 248 (Ind. 2000) (reversing); *Bivins v. State*, 735 N.E.2d 1116 (Ind. 2000) (affirming); *Azania v. State*, 730 N.E.2d 646 (Ind. 2000) (affirming); *Farber v. State*, 729 N.E.2d 139 (Ind. 2000) (affirming); *Ben-Yisrayl v. State*, 729 N.E.2d 102 (Ind. 2000) (affirming); *State v. Holmes*, 728 N.E.2d 164 (Ind. 2000) (reversing); *Williams v. State*, 724 N.E.2d 1070 (Ind. 2000) (affirming).

^z *Oman v. State*, 737 N.E.2d 1131 (Ind. 2000); *Carr v. State*, 728 N.E.2d 125 (Ind. 2000); *Logan v. State*, 729 N.E.2d 125 (Ind. 2000); *Cutter v. State*, 725 N.E.2d 401 (Ind. 2000); *Sowers v. State*, 724 N.E.2d 588 (Ind. 2000).

^{aa} *Troxel v. Troxel*, 737 N.E.2d 745 (Ind. 2000).

^{bb} *State v. County Line Park, Inc.*, 738 N.E.2d 1044 (Ind. 2000), *Town Council of New Harmony v. Parker*, 726 N.E.2d 1217 (Ind. 2000); *Bagnall v. Town of Beverly Falls*, 726 N.E.2d 782 (Ind. 2000); *Arnold v. City of Terre Haute*, 725 N.E.2d 869 (Ind. 2000).

^{cc} *McIntosh v. Melroe Co.*, 729 N.E.2d 972 (Ind. 2000).

^{dd} *Butler v. City of Peru*, 733 N.E.2d 912 (Ind. 2000); *Creasy v. Rusk*, 730 N.E.2d 659 (Ind. 2000); *Groves v. Taylor*, 729 N.E.2d 569 (Ind. 2000); *Mendenhall v. Skinner & Broadbent Co.*, 728 N.E.2d 140 (Ind. 2000); *Cavinder Elevators, Inc. v. Hall*, 726 N.E.2d 285 (Ind. 2000).

^{ee} *Smith v. Washington*, 734 N.E.2d 548 (Ind. 2000); *Cahoon v. Cummings*, 734 N.E.2d 535 (Ind. 2000); *Bader v. Johnson*, 732 N.E.2d 1212 (Ind. 2000); *Boggs v. Tri-State Radiology, Inc.*, 730 N.E.2d 692 (Ind. 2000); *Alexander v. Scheid*, 726 N.E.2d 272 (Ind. 2000).

^{ff} *Greater Hammond Cmty. Servs., Inc. v. Mutka*, 735 N.E.2d 780 (Ind. 2000); *LCEOC, Inc. v. Greer*, 735 N.E.2d 206 (Ind. 2000); *Celebration Fireworks, Inc. v. Smith*, 727 N.E.2d 450 (Ind. 2000).

^{gg} *Ind. Dep't of State Revenue v. Farm Credit Servs. of Mid-Am.*, 734 N.E.2d 551 (Ind. 2000); *State v. Costa*, 732 N.E.2d 1224 (Ind. 2000); *State Bd. of Tax Comm'rs v. Montgomery*, 730 N.E.2d 680 (Ind. 2000).

^{hh} *Midwest Sec. Life Ins., Co. v. Stroup*, 730 N.E.2d 163 (Ind. 2000); *Menard, Inc. v. Dage-MTI, Inc.*, 726 N.E.2d 1206 (Ind. 2000).

ⁱⁱ *Ind. Lawrence Bank v. PSB Credit Serv., Inc.*, 724 N.E.2d 1091 (Ind. 2000).

^{jj} *Oil Supply Co., Inc. v. Hires Parts Servs., Inc.*, 726 N.E.2d 246 (Ind. 2000).

^{kk} *Bosecker v. Westfield Ins. Co.*, 724 N.E.2d 241 (Ind. 2000).

^{ll} *Ross v. State*, 729 N.E.2d 113 (Ind. 2000); *Spangler, Jennings & Dougherty, P.C. v. Ind. Ins. Co.*, 729 N.E.2d 117 (Ind. 2000).

^{mmm} *Vernon v. Acton*, 732 N.E.2d 805 (Ind. 2000).

ⁿⁿ *United States Gypsum, Inc. v. Ind. Gas Co.*, 735 N.E.2d 790 (Ind. 2000); *State v. Costa*, 732 N.E.2d 1224 (Ind. 2000); *Ind. Dep't of Env'tl. Mgmt. v. Med. Disposal Servs., Inc.*, 729 N.E.2d 577 (Ind. 2000); *Town Council of New Harmony v. Parker*, 726 N.E.2d 1217 (Ind. 2000).

^{oo} *State Civil Rights Comm. v. County Line Park, Inc.*, 738 N.E.2d 1044 (Ind. 2000).

^{pp} *Corcoran v. State*, 739 N.E.2d 649 (Ind. 2000); *State v. Lombardo*, 738 N.E.2d 653 (Ind. 2000); *Boyce v. State*, 736 N.E.2d 1206 (Ind. 2000); *Wieland v. State*, 736 N.E.2d 1198 (Ind. 2000); *Spears v. State*, 735 N.E.2d 1161 (Ind. 2000); *Burnett v. State*, 736 N.E.2d 259 (Ind. 2000); *Joyner v. State*, 736 N.E.2d 232 (Ind. 2000); *Wright v. State*, 730 N.E.2d 713 (Ind. 2000); *Boggs v. Tri-State Radiology, Inc.*, 730 N.E.2d 692 (Ind. 2000); *Noojin v. State*, 730 N.E.2d 672 (Ind. 2000); *State Bd. of Tax Comm'rs v. Montgomery*, 730 N.E.2d 680 (Ind. 2000); *Jenkins v. State*, 729 N.E.2d 147 (Ind. 2000); *Logan v. State*, 729 N.E.2d 125 (Ind.

2000); *Lowrimore v. State*, 728 N.E.2d 860 (Ind. 2000); *Lundberg v. State*, 728 N.E.2d 852 (Ind. 2000); *Baxter v. State*, 727 N.E.2d 429 (Ind. 2000); *Sanquenetti v. State*, 727 N.E.2d 437 (Ind. 2000); *Dixie v. State*, 726 N.E.2d 257 (Ind. 2000); *Marcum v. State*, 725 N.E.2d 852 (Ind. 2000); *Turnley v. State*, 725 N.E.2d 87 (Ind. 2000); *Price v. State*, 725 N.E.2d 82 (Ind. 2000); *Young v. State*, 725 N.E.2d 78 (Ind. 2000); *Williams v. State*, 724 N.E.2d 1093 (Ind. 2000); *Sowers v. State*, 724 N.E.2d 588 (Ind. 2000); *Butler v. State*, 724 N.E.2d 600 (Ind. 2000); *Williams v. State*, 724 N.E.2d 1070 (Ind. 2000); *Dunlop v. State*, 724 N.E.2d 592 (Ind. 2000); *State v. Monfort*, 723 N.E.2d 407 (Ind. 2000).

