

# AN EXAMINATION OF THE INDIANA SUPREME COURT DOCKET, DISPOSITIONS, AND VOTING IN 2006\*

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The current justices on the Indiana Supreme Court have served on the bench together for almost eight years. Two of the justices have been on the court for more than two decades and the five justices have collectively served more than 50 years on the court. Given the depth of experience shared by these five jurists, both on the court and in working with each other, seismic changes in the court's behavior is not expected. However, in the past several years, the voting statistics for these justices show that there are at least three trends of note in how the court acts that are instructive to parties taking an appeal to the Indiana Supreme Court.

First, unlike the United States Supreme Court, the Indiana Supreme Court justices have not traditionally fallen into blocks of votes that align in individual cases. While there is no reason to believe that there are any ideological fault lines on the court, there is a trend in which three justices are voting together more regularly than any other combination of justices. In 2006, Chief Justice Shepard and Justices Boehm and Sullivan were aligned together more than any other justices. The Chief Justice was aligned with Justice Boehm in 87.2% of all cases last year. Justice Sullivan was aligned with the Chief Justice in 86.2% of all cases and with Justice Boehm for the same amount. No other grouping of justices showed a similar level of agreement. This alignment has existed for at least the past several years, as each of these justices agreed with at least one of the other two in 85% of all cases since 2003. This is also the second straight year

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\* 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*.

We thank Barnes & Thornburg LLP for its gracious willingness to devote the time, energy, and resources of its law firm to allow a project such as this to be accomplished. As is appropriate, credit for the idea for this project goes to Chief Justice Shepard. Many thanks to Kevin Betz, who initially developed this Article and worked hard to bring it to fruition in years past. The authors also must recognize Donald Glick (Mr. Stephenson's father-in-law) who spent Thanksgiving Day writing the spreadsheet that compiled the statistics.

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that these three justices have constituted the majority for more 3-2 opinions than any other combination of justices. Of the 60 split decisions since 2003, these three justices were the majority in almost one-third of the cases.

This alignment is not likely driven by any ideological tendencies of the three justices. As demonstrated in Table F, the court decides an enormous variety of cases in any given year. It would be virtually impossible for any three jurists to have substantially the same views in all of those areas over any period of time, particularly given the thoughtful analysis the court puts into each of its opinions. Instead, all five justices have the type of experience and familiarity with their colleagues necessary to build consensus and to craft opinions that gain the necessary votes for a majority. However, since Chief Justice Shepard, Justice Boehm, and Justice Sullivan have shown a tendency to vote in alignment in many cases, particularly in close cases, those coming before the court should be aware of that tendency.

Second, while the number of petitions to transfer continues to increase, the number of civil petitions accepted by the court continues to drop. For instance, in 2003 and 2004, the court granted 63 and 46 civil petitions to transfer, respectively. In 2005, that number rose slightly to 49. However, the court accepted fewer civil petitions in 2006, granting only 30.

At the same time, the number of petitions to transfer submitted to the court continues to rise. While the court only received 839 petitions in 2004, the number rose to 926 in 2006. The justices are therefore reviewing close to an additional 100 extra petitions (or 300 extra briefs) while producing approximately the same number of cases and attending to the other duties accompanying their positions. This trend is likely to continue and it appears inevitable that the court will hear upwards of 1000 petitions to transfer in the coming years.

As one would expect, this increase in petitions and decrease in the number accepted means that the percentage of petitions to transfer granted by the court continues to decline. In 2003, the court granted 12% of all petitions to transfer filed in criminal or civil cases. In 2006, that percentage dropped to 7%. The lesson from the data is clear—while the odds of having a petition being granted grow longer each year, Indiana practitioners continue to file them at near historic levels.

Third, the court affirmed a remarkable number of civil cases in 2006, which might be a clue as to when the court will grant transfer in civil cases. In previous years, the court has only rarely affirmed civil cases that came before it on transfer. For instance, the court affirmed only *one* civil transfer case in 2005. However, the court affirmed 22% of its civil transfer cases last year. This increase bears monitoring in future years, as it might indicate a growing willingness of the court to grant transfer in cases even when it believes the lower courts reached the right result.

**Table A.** The court issued 106 opinions in 2006, which was an increase from the number of opinions in 2005. Justice Boehm authored almost one-third of all of the court's cases. He handed down 32 opinions and authored the most civil opinions (22) and the second most criminal opinions (12) out of all the justices.

**Table B-1.** In looking at the alignment between the individual justices, it is not difficult to see why Justice Boehm authored a large percentage of the civil opinions for 2006, as he was consistently aligned with several of the other justices. Justice Boehm agreed with Chief Justice Shepard and with Justice Sullivan in 87.3% of all civil cases in 2006. He agreed with Justice Dickson in 87.1% of all civil cases. The least amount of agreement was between Justices Rucker and Sullivan, who agreed in only 73% of civil cases.

**Table B-2.** As with civil cases, Chief Justice Shepard, Justice Boehm and Justice Sullivan agreed in more instances than any other alignment of justices in criminal cases. Chief Justice Shepard voted with Justice Boehm and Justice Sullivan each in 87% of criminal cases. The justice least aligned with his colleagues was Justice Dickson, who did not agree with a single other justice more than 80% of the time.

**Table B-3.** Not surprisingly, the triumvirate comprising the Chief Justice, Justice Boehm and Justice Sullivan were the most aligned with regard to the overall statistics. The Chief Justice and Justice Boehm were aligned in 87.2% of all cases, more than any other pair. Justice Sullivan was aligned with those two in 86.2% of all cases for each justice.

**Table C.** The percentage of unanimous opinions remained roughly the same as in 2005. For 2006, 67% of the court's opinions were unanimous. In 2005, 64.3% of the court's opinions were unanimous, which was down sharply from the 72.5% of all cases in 2004.

**Table D.** While the court issued 21 3-2 decisions in 2005, the number dropped to 11 in 2006. The court therefore split on a 3-2 vote in less than 10% of all cases in 2006. The raw number of 3-2 decisions is the second lowest in the past five years, surpassed only by the 10 split decisions in 2004. Given the amount of alignment between them, it is not surprising that Chief Justice Shepard, Justice Boehm, and Justice Sullivan were the most consistent block of votes in 3-2 cases.

**Table E-1.** As one would expect, the court continues to reverse the lower courts in most instances. The court affirmed in 23.7% of the cases it handed down in 2006. It affirmed in 26% of all civil cases and only 21% of all criminal cases. However, the court affirmed 2 of the 4 direct criminal appeals and 3 of the 4 direct civil appeals. In sum, the court affirmed more than half of the cases to come to the court directly from an Indiana trial court. For cases coming to the court on transfer, the court affirmed only 20% of the time. However, this is an increase from 2005, where the court affirmed only 1 civil transfer case and 19 criminal transfer cases during the entire year.

**Table E-2.** More than 900 petitions to transfer were filed with the court last year. Of these, the court only granted 65, or 7%. The court accepted 30 civil petitions and 34 criminal petitions. However, the criminal petitions that the court granted only comprised 5.8% of all of those filed with the court in 2006.

**Table F.** The court continues to show a remarkable breadth and consistency in the types of cases that come before it. For instance, the court hands down an average of 4 opinions a year in the area of state and local tax and tax procedure, and this year was no exception. However, the court also has a tendency to revisit certain areas when there has not been a decision for a few years. For instance, the court handed down only 1 insurance law opinion in each of 2004 and 2005, but addressed that area of law six times in 2006. As for an area of law to which the court might return in upcoming years, the court has not handed down an environmental law opinion since 2004.

**TABLE A**  
**OPINIONS<sup>a</sup>**

	OPINIONS OF COURT <sup>b</sup>			CONCURRENCES <sup>c</sup>			DISSENTS <sup>d</sup>		
	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
Shepard, C.J.	9	7	16	0	3	3	2	1	3
Dickson, J. <sup>e</sup>	3	16	19	2	2	4	4	3	7
Sullivan, J.	9	8	17	1	0	1	2	4	6
Boehm, J.	10	22	32	2	0	2	0	1	1
Rucker, J.	12	4	16	0	0	0	2	6	8
Per Curiam	1	5	6						
<b>Total</b>	<b>44</b>	<b>62</b>	<b>106</b>	<b>5</b>	<b>5</b>	<b>10</b>	<b>10</b>	<b>15</b>	<b>25</b>

<sup>a</sup> These are opinions and votes on opinions by each justice and in per curiam in the 2006 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. See *id.* at 210.

<sup>b</sup> 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.

<sup>c</sup> This category includes both written concurrences, joining in written concurrence, and votes to concur in result only.

<sup>d</sup> 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.

<sup>e</sup> Justice Dickson declined to participate in *Bonney v. Indiana Finance Authority*, 849 N.E.2d 473 (Ind. 2006).

**TABLE B-1**  
**VOTING ALIGNMENTS FOR CIVIL CASES<sup>f</sup>**

		Shepard	Dickson	Sullivan	Boehm	Rucker
Shepard, C.J.	O		51	52	55	47
	S		0	2	0	0
	D	---	51	54	55	47
	N		62	63	63	63
	P		82.3%	85.7%	87.3%	74.6%
Dickson, J.	O	51		48	54	49
	S	0		0	0	4
	D	51	---	48	54	53
	N	62		62	62	62
	P	82.3%		77.4%	87.1%	85.5%
Sullivan, J.	O	52	48		54	45
	S	2	0		1	1
	D	54	48	---	55	46
	N	63	62		63	63
	P	85.7%	77.4%		87.3%	73.0%
Boehm, J.	O	55	54	54		50
	S	0	0	1		0
	D	55	54	55	---	50
	N	63	62	63		63
	P	87.3%	87.1%	87.3%		79.4%
Rucker, J.	O	47	49	45	50	
	S	0	4	1	0	
	D	47	53	46	50	---
	N	63	62	63	63	
	P	74.6%	85.5%	73.0%	79.4%	

<sup>f</sup> 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, 51 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<sup>§</sup>**

		Shepard	Dickson	Sullivan	Boehm	Rucker
Shepard, C.J.	O		35	40	40	39
	S		1	0	0	0
	D	---	36	40	40	39
	N		46	46	46	46
	P		78.3%	87.0%	87.0%	84.8%
Dickson, J.	O	35		33	35	33
	S	1		0	1	0
	D	36	---	33	36	33
	N	46		46	46	46
	P	78.3%		71.7%	78.3%	71.7%
Sullivan, J.	O	40	33		39	39
	S	0	0		0	1
	D	40	33	---	39	40
	N	46	46		46	46
	P	87.0%	71.7%		84.8%	87.0%
Boehm, J.	O	40	35	39		39
	S	0	1	0		0
	D	40	36	39	---	39
	N	46	46	46		46
	P	87.0%	78.3%	84.8%		84.8%
Rucker, J.	O	39	33	39	39	
	S	0	0	1	0	
	D	39	33	40	39	---
	N	46	46	46	46	
	P	84.8%	71.7%	87.0%	84.8%	

<sup>§</sup> 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, 45 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<sup>h</sup>**

		Shepard	Dickson	Sullivan	Boehm	Rucker
Shepard, C.J.	O		86	92	95	86
	S		1	2	0	0
	D	---	87	94	95	86
	N		108	109	109	109
	P		80.6%	86.2%	87.2 %	78.9 %
Dickson, J.	O	86		81	98	82
	S	1		0	1	4
	D	87	---	81	90	86
	N	108		108	108	108
	P	80.6%		75.0%	83.3 %	79.6 %
Sullivan, J.	O	92	81		93	84
	S	2	0		1	2
	D	94	81	---	94	86
	N	109	108		109	109
	P	86.2%	75.0%		86.2 %	78.9 %
Boehm, J.	O	95	98	93		89
	S	0	1	1		0
	D	95	99	94	---	89
	N	109	108	109		109
	P	87.2%	91.7 %	86.2%		81.7 %
Rucker, J.	O	86	82	84	89	
	S	0	4	2	0	
	D	86	86	86	89	--
	N	109	108	109	109	
	P	78.9%	79.6%	78.9 %	81.7%	

<sup>h</sup> 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, 86 is the total number of times Chief Justice Shepard and Justice Dickson agreed in all full majority opinions written by the court in 2006. 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 CASES<sup>i</sup>**

Unanimous <sup>j</sup>			Unanimous with Concurrence <sup>k</sup>			Opinions with Dissent			Total
Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total	
30	39	69 (67.0%)	5	5	10 (9.7%)	9	15	24 (23.3%)	103

<sup>i</sup> 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.

<sup>j</sup> 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.

<sup>k</sup> 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 DECISIONS<sup>1</sup>**

Justices Constituting the Majority	Number of Opinions <sup>m</sup>
1. Shepard, C.J., Sullivan, J., Boehm, J.	3
2. Shepard, C.J., Rucker, J., Sullivan, J.	1
3. Shepard, C.J., Dickson, J., Boehm, J.	2
4. Shepard, C.J., Dickson, J., Rucker, J.	1
5. Dickson, J., Boehm, J., Rucker, J.	3
6. Sullivan, J., Boehm, J., Rucker, J.	1
Total <sup>n</sup>	11

<sup>1</sup> 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.

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

<sup>n</sup> The 2006 term's 3-2 decisions were:

1. Shepard, C.J., Sullivan, J., Boehm, J.: *R&D Transp., Inc. v. A.H.*, 859 N.E.2d 332 (Ind. 2006) (Sullivan, J.); *Holcomb v. Water's Dimmick Petroleum, Inc.*, 858 N.E.2d 103 (Ind. 2006) (Sullivan, J.); *Trail v. Boys & Girls Clubs of Nw. Ind.*, 845 N.E.2d 130 (Ind. 2006) (Shepard, C.J.); *Vaughn v. Daniels Co. (WV)*, 841 N.E.2d 1133 (Ind. 2006) (Boehm, J.)

2. Shepard, C.J., Rucker, J., Sullivan, J.: *State v. Spillers*, 847 N.E.2d 949 (Ind. 2006) (Rucker, J.).

3. Shepard, C.J., Dickson, J., Boehm, J.: *Staton v. State*, 853 N.E.2d 470 (Ind. 2006) (Boehm, J.); *Ryker Painting Co. v. Nunamaker*, 849 N.E.2d 1116 (Ind. 2006) (Dickson, J.).

4. Shepard, C.J., Dickson, J., Rucker, J.: *Midtown Chiropractic v. Ill. Farmers Ins. Co.*, 847 N.E.2d 942 (Ind. 2006) (Dickson, J.).

5. Dickson, J., Boehm, J., Rucker, J.: *Timberlake v. State*, 859 N.E.2d 1209 (Ind. 2007) (Dickson, J.); *Porter County Sheriff v. Guzorek*, 857 N.E.2d 363 (Ind. 2006) (Boehm, J.); *In re Hammer*, 847 N.E.2d 960 (Ind. 2006) (Dickson, J.).

6. Sullivan, J., Boehm, J., Rucker, J.: *Sellmer v. State*, 842 N.E.2d 358 (Ind. 2006) (Sullivan, J.).

**TABLE E-1**  
**DISPOSITION OF CASES REVIEWED BY TRANSFER**  
**AND DIRECT APPEALS<sup>o</sup>**

	Reversed or Vacated <sup>p</sup>	Affirmed	Total
Civil Appeals Accepted for Transfer	39 (78.0%)	11 (22.0%)	50
Direct Civil Appeals	1 (25.0%)	3 (75.0%)	4
Criminal Appeals Accepted for Transfer	32 (82.1%)	7 (17.9%)	39
Direct Criminal Appeals	2 (50.0%)	2 (50.0%)	4
<b>Total</b>	<b>74 (76.3%)</b>	<b>23 (23.7%)</b>	<b>97<sup>q</sup></b>

<sup>o</sup> Direct criminal appeals are cases in which the trial court imposed a death sentence. *See* IND. CONST. art. VII, § 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. 56, 63 (pursuant to Rules of Procedure for Original Actions). All other Indiana Supreme Court opinions are accepted for transfer from the Indiana Court of Appeals. *See* IND. APP. R. 57.

<sup>p</sup> 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.

<sup>q</sup> This does not include 4 attorney discipline opinions, 1 original opinion, 1 remand opinion, 1 order staying execution, or 2 opinions related to certified questions. These opinions did not reverse, vacate, or affirm any other court’s decision.

**TABLE E-2**  
**DISPOSITION OF PETITIONS TO TRANSFER**  
**TO SUPREME COURT IN 2006<sup>r</sup>**

	Denied or Dismissed	Granted	Total
Petitions to Transfer			
Civil <sup>s</sup>	248 (89.2%)	30 (10.8%)	278
Criminal <sup>t</sup>	551 (94.2%)	34 (5.8%)	585
Juvenile	62 (98.4%)	1 (1.6%)	63
<b>Total</b>	<b>861 (93.0%)</b>	<b>65 (7.0%)</b>	<b>926</b>

<sup>r</sup> This Table analyzes the disposition of petitions to transfer by the court. *See* IND. APP. R. 58(A).

<sup>s</sup> This also includes petitions to transfer in tax cases and workers' compensation cases.

<sup>t</sup> This also includes petitions to transfer in post-conviction relief cases.

**TABLE F**  
**SUBJECT AREAS OF SELECTED DISPOSITIONS**  
**WITH FULL OPINIONS<sup>u</sup>**

<b>Original Actions</b>	<b>Number</b>
• Certified Questions	2 <sup>v</sup>
• Writs of Mandamus or Prohibition	0
• Attorney Discipline	4 <sup>w</sup>
• Judicial Discipline	0
<b>Criminal</b>	
• Death Penalty	2 <sup>x</sup>
• Fourth Amendment or Search and Seizure	11 <sup>y</sup>
• Writ of Habeas Corpus	0
Emergency Appeals to the Supreme Court	0
Trusts, Estates, or Probate	2 <sup>z</sup>
Real Estate or Real Property	4 <sup>aa</sup>
Personal Property	0
Landlord-Tenant	0
Divorce or Child Support	3 <sup>bb</sup>
Children in Need of Services (CHINS)	0
Paternity	0
Product Liability or Strict Liability	2 <sup>cc</sup>
Negligence or Personal Injury	7 <sup>dd</sup>
Invasion of Privacy	0
Medical Malpractice	4 <sup>ee</sup>
Indiana Tort Claims Act	3 <sup>ff</sup>
Statute of Limitations or Statute of Repose	0
Tax, Department of State Revenue, or State Board of Tax Commissioners	4 <sup>gg</sup>
Contracts	6 <sup>hh</sup>
Corporate Law or the Indiana Business Corporation Law	1 <sup>ii</sup>
Uniform Commercial Code	1 <sup>jj</sup>
Banking Law	0
Employment Law	3 <sup>kk</sup>
Insurance Law	6 <sup>ll</sup>
Environmental Law	0
Consumer Law	0
Workers' Compensation	1 <sup>mm</sup>
Arbitration	1 <sup>nn</sup>
Administrative Law	3 <sup>oo</sup>
First Amendment, Open Door Law, or Public Records Law	0
Full Faith and Credit	0
Eleventh Amendment	0
Civil Rights	0
Indiana Constitution	13 <sup>pp</sup>

<sup>u</sup> 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 2006. 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, any attorney discipline case resolved by order (as opposed to an opinion) was not considered in preparing this Table.

<sup>v</sup> Cantrell v. Morris, 849 N.E.2d 488 (Ind. 2006); *In re* Guidant Shareholders Derivative Litig., 841 N.E.2d 571 (Ind. 2006).

<sup>w</sup> *In re* Moores, 854 N.E.2d 350 (Ind. 2006); *In re* Hammar, 847 N.E.2d 960 (Ind. 2006); *In re* Anonymous, 845 N.E.2d 145 (Ind. 2006); *In re* Hill, 840 N.E.2d 316 (Ind. 2006).

<sup>x</sup> Voss v. State, 856 N.E.2d 1211 (Ind. 2006); Corcoran v. State, 845 N.E.2d 1019 (Ind. 2006).

<sup>y</sup> Kendall v. State, 849 N.E.2d 1109 (Ind. 2006); Lee v. State, 849 N.E.2d 602 (Ind. 2006); Hardister v. State, 849 N.E.2d 563 (Ind. 2006); State v. Spillers, 847 N.E.2d 949 (Ind. 2006); Trimble v. State, 842 N.E.2d 798 (Ind. 2006); Sellmer v. State, 842 N.E.2d 358 (Ind. 2006); Kellems v. State, 842 N.E.2d 352 (Ind. 2006); State v. Quirk, 842 N.E.2d 334 (Ind. 2006); Taylor v. State, 842 N.E.2d 327 (Ind. 2006); City of Vincennes v. Emmons, 841 N.E.2d 155 (Ind. 2006).

<sup>z</sup> Univ. of S. Ind. Found. v. Baker, 843 N.E.2d 528 (Ind. 2006); Lasater v. House, 841 N.E.2d 553 (Ind. 2006).

<sup>aa</sup> Kozlowski v. Dordieski, 849 N.E.2d 535 (Ind. 2006); Dutchmen Mfg. Inc. v. Reynolds, 849 N.E.2d 516 (Ind. 2006); Metro Dev. Comm'n of Marion County v. Pinnacle Media, LLC, 846 N.E.2d 654 (Ind. 2006); City of Vincennes v. Emmons, 841 N.E.2d 155 (Ind. 2006).

<sup>bb</sup> Brown v. Brown, 849 N.E.2d 610 (Ind. 2006); K.S. v. State, 849 N.E.2d 538 (Ind. 2006); Shelton v. Shelton, 840 N.E.2d 835 (Ind. 2006).

<sup>cc</sup> Schultz v. Ford, 857 N.E.2d 977 (Ind. 2006); Vaughn v. Daniels Co. (WV), 841 N.E.2d 1133 (Ind. 2006).

<sup>dd</sup> Helms v. Carmel High Sch. Vocational Bldg. Trades Corp., 854 N.E.2d 345 (Ind. 2006); Funston v. Sch. Town of Munster, 849 N.E.2d 595 (Ind. 2006); Cavens v. Zaberdac, 849 N.E.2d 526 (Ind. 2006); Dutchmen Mfg. Inc. v. Reynolds, 849 N.E.2d 516 (Ind. 2006); Cain v. Griffin, 849 N.E.2d 507 (Ind. 2006); Ellenwine v. Fairley, 846 N.E.2d 657 (Ind. 2006); Willis v. Westerfield, 839 N.E.2d 1179 (Ind. 2006).

<sup>ee</sup> Cavens v. Zaberdac, 849 N.E.2d 526 (Ind. 2006); Schriber v. Anonymous, 848 N.E.2d 1061 (Ind. 2006); Ellenwine v. Fairley, 846 N.E.2d 657 (Ind. 2006); Ledbetter v. Hunter, 842 N.E.2d 810 (Ind. 2006).

<sup>ff</sup> Cantrell v. Morris, 849 N.E.2d 488 (Ind. 2006); Patrick v. Miresso, 848 N.E.2d 1083 (Ind. 2006); City of Indianapolis v. Garman, 848 N.E.2d 1087 (Ind. 2006).

<sup>gg</sup> Dep't of Local Gov't Fin. v. Roller Skating Rink Operators Ass'n, 853 N.E.2d 1262 (Ind. 2006); Packard v. Shoopman, 852 N.E.2d 927 (Ind. 2006); Trinity Homes, LLC v. Fang, 848 N.E.2d 1065 (Ind. 2006); Wayne County Prop. Tax Assessment Bd. of Appeals v. United Ancient Order of Druids Grove, 847 N.E.2d 924 (Ind. 2006).

<sup>hh</sup> Dutchmen Mfg. Inc. v. Reynolds, 849 N.E.2d 516 (Ind. 2006); Cain v. Griffin, 849 N.E.2d 507 (Ind. 2006); Morris v. Econ. Fire & Cas. Co., 848 N.E.2d 663 (Ind. 2006); Midtown Chiropractic v. Ill. Farmers Ins. Co., 847 N.E.2d 942 (Ind. 2006); Trail v. Boys & Girls Clubs of Nw. Ind., 845 N.E.2d 130 (Ind. 2006); Coca-Cola Co. v. Babyback's Int'l, Inc., 841 N.E.2d 557 (Ind. 2006).

<sup>ii</sup> Keaton & Keaton v. Keaton, 842 N.E.2d 816 (Ind. 2006).

<sup>jj</sup> Money Store Inv. Corp. v. Summers, 849 N.E.2d 544 (Ind. 2006).

<sup>kk</sup> Ryker Painting Co. v. Nunamaker, 849 N.E.2d 1116 (Ind. 2006); N. Ind. Pub. Serv. Co. v. Bloom, 847 N.E.2d 175 (Ind. 2006); Trail v. Boys & Girls Clubs of Nw. Ind., 845 N.E.2d 130 (Ind. 2006).

<sup>ll</sup> Cain v. Griffin, 849 N.E.2d 507 (Ind. 2006); Morris v. Econ. Fire & Cas. Co., 848 N.E.2d 663 (Ind. 2006); Midtown Chiropractic v. Ill. Farmers Ins. Co., 847 N.E.2d 942 (Ind. 2006); N. Ind. Pub. Serv. Co. v. Bloom, 847 N.E.2d 175 (Ind. 2006); Auto-Owners Ins. Co. v. Harvey, 842 N.E.2d 1279 (Ind. 2006); Allstate Ins. Co. v. Fields, 842 N.E.2d 804 (Ind. 2006).

<sup>mm</sup> DePuy, Inc. v. Farmer, 847 N.E.2d 160 (Ind. 2006).

<sup>nn</sup> Natare Corp. v. D.S.I., 855 N.E.2d 985 (Ind. 2006).

<sup>oo</sup> Kozlowski v. Dordieski, 849 N.E.2d 535 (Ind. 2006); Wayne County Prop. Tax Assessment Bd. of Appeals v. United Ancient Order of Druids Grove, 847 N.E.2d 924 (Ind. 2006); City of Vincennes v. Emmons, 841 N.E.2d 155 (Ind. 2006).

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<sup>PP</sup> Alpha Psi Chapter of Pi Kappa Alpha v. Auditor of Monroe County, 849 N.E.2d 1131 (Ind. 2006); Cantrell v. Morris, 849 N.E.2d 488 (Ind. 2006); Bonney v. Ind. Fin. Auth., 849 N.E.2d 473 (Ind. 2006); Childress v. State, 848 N.E.2d 1073 (Ind. 2006); State v. Spillers, 847 N.E.2d 949 (Ind. 2006); Holder v. State, 847 N.E.2d 930 (Ind. 2006); Fuchs v. Martin, 845 N.E.2d 1038 (Ind. 2006); Nagy v. Evansville-Vandenburg Sch. Corp., 844 N.E.2d 481 (Ind. 2006); Ledbetter v. Hunter, 842 N.E.2d 810 (Ind. 2006); Trimble v. State, 842 N.E.2d 798 (Ind. 2006); Sellmer v. State, 842 N.E.2d 358 (Ind. 2006); State v. Quirk, 842 N.E.2d 334 (Ind. 2006); Taylor v. State, 842 N.E.2d 327 (Ind. 2006).

