

AN EXAMINATION OF THE INDIANA SUPREME COURT DOCKET, DISPOSITIONS, AND VOTING IN 1995*

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In 1995, the Indiana Supreme Court displayed a high degree of overall consensus and worked through a substantial increase in petitions to transfer. These are the highlights from this fifth annual examination of the supreme court's docket, dispositions and voting. The high degree of consensus may be due to new members of the court. The increase in petitions may also be due to new members, creating an eagerness among members of the bar to take new and more arguments to the court. There is also greater awareness of the court's interest and ability to accept civil matters. In 1994, 659 petitions to transfer were filed with the court, while in 1995 the overall number of petitions to transfer jumped by 134 to 793. The increase was primarily in the area of civil petitions to transfer which climbed from 324 in 1994 to 415 in 1995, a 30% increase.¹

The supreme court's increased consensus in 1995 was evidenced by a dramatic decrease in split opinions and dissents. The court in 1995 had the highest level of unanimity in the five-year period of this study and split opinions decreased by 50% from any of the previous four years of this study. From 1991 to 1994, the court issued as many as 26 opinions with a vote of 3-2 but no fewer than 24. In 1995, the court issued only 12 such opinions. The number of dissents dropped to a five-year low of 51 with only 19 dissents in civil cases. This is in contrast to 1994 when individual members voted to dissent 83 times with 40 of those in civil cases. In 1993, members dissented 94 times with 49 being in civil

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

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1. INDIANA SUPREME COURT ANNUAL REPORT (1995).

cases. These are similar to the numbers for 1992 and 1991. Even though the court issued its lowest number of authored opinions in 1995, it still had the lowest percentage of dissents in the five years of this study. The decrease in dissents can be largely, although not solely, attributed to the retirement in 1994 of Justice Richard M. Givan. The decline in dissents is likely to continue with the retirement in 1996 of Justice Roger O. DeBruler. These justices were the leading dissenters during the past five years on the court.

There are many factors underlying the substantial increase in petitions to transfer. It is likely that members of the bar have become fully aware of the supreme court's renewed interest and ability to accept a variety of civil issues.² Another factor is the increased unpredictability of the court due to the addition of two new members over the past two years, and a third being added in 1996.

The court also adopted new rules in 1995 and 1996 that streamline the filing of a petition to transfer. The length of a petition is now limited to five pages or no more than 1,400 words³ and the length of briefs in support of such petitions are limited to fifteen pages or no more than 4,200 words.⁴ In addition, in 1996, the court will make public its decision to grant transfer immediately upon making the decision instead of waiting until the full opinion is issued. As a matter of internal policy, the court's votes on granting petitions will not be public, but the votes denying a petition will now be made public.

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

Table A. The Supreme Court issued 126 opinions in 1995 that were authored by an individual justice and also issued 42 Per Curiam opinions. Seventy-five of those opinions analyzed criminal cases and 52 analyzed civil matters while 41 of the 42 Per Curiam opinions decided judicial or attorney discipline cases. Justice Sullivan authored the most opinions at 41, with 18 criminal cases and 23 civil matters. Chief Justice Shepard was next with 32 majority opinions, 20 being criminal cases and 12 civil matters.

The retirement of Justice Givan, who was a prolific author of criminal opinions, did not cause a drastic overall decline in the number of criminal opinions. But several justices' individual dockets, such as Justices Shepard's and Dickson's, decreased from 1994 to 1995 in the number of civil opinions and increased in the number of criminal opinions.

Lastly, although there was an overall decline in the number of dissents from previous years, Justice DeBruler was the leader in 1995 with 19 and Justice Sullivan was next with 16.

Table B-1. For civil cases, Justices Shepard and Selby were the most aligned justices at 91.3%. Justices Dickson and DeBruler were the least aligned in civil cases at 78.8%. Chief Justice Shepard was the most aligned overall with his

2. See 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. See IND. R. APP. P. 11(B) (1996).

4. See IND. R. APP. P. 11(B)(6) (1996).

fellow justices in civil cases.

Table B-2. For criminal cases, Justices Shepard and Selby were again the most aligned at 95.9%. And, again Justices DeBruler and Dickson were the least aligned at 74.6%. Justice Selby was the most aligned overall with her fellow justices in civil cases.

Table B-3. For all cases, Justices Shepard and Selby were the most aligned at 94.1% and Justices Dickson and DeBruler were the least aligned at 76.3%. Justices Shepard and Selby were tied at being the most aligned overall with their colleagues at an 88% average.

Table C. In the five-year period of this study, 1995 was the year in which the court had the highest degree of unanimity. Seventy percent of its opinions were unanimous or unanimous with concurrence and only 30% of its opinions were issued with a dissent.

Table D. As stated earlier, the court in 1995 had its fewest number of 3-2 opinions at 12. Justice Selby, serving in her first year, and Justice Dickson were in the majority in 10 of those opinions, more than any of their fellow justices. The longest serving member, Justice DeBruler, was in the three-justice majority the least number of times at 3. The three-justice majority that collaborated the most, in 5 of the 12 split opinions, was Justices Shepard, Dickson and Selby.

Table E. In 1995, 58% of the cases that came to the court were reversed and 42% were affirmed. Sixty-nine percent of the civil petitions to transfer that were granted resulted in a reversal.

Table F. As for selected subject areas, the court dropped to only 3 opinions dealing with the Indiana Constitution. In the four previous years the court had dealt with the Indiana Constitution in no fewer than 7 cases and in as many as 11 opinions. The court disposed of its usual number of attorney and/or judicial discipline cases at 61, but there was an increase in tax cases to 7 and a decrease in death penalty cases to 3.

TABLE A
OPINIONS^a

	OPINIONS OF COURT ^b			CONCURRENCES ^c			DISSENTS ^d		
	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
Shepard, C.J.	20	12	32	3	1	4	2	2	4
DeBruler, J.	11	5	16	5	3	8	12	7	19
Dickson, J.	16	8	24	2	2	4	6	5	11
Sullivan, J. ^e	18	23	41	3	1	4	11	5	16
Selby, J. ^e	9	4	13	2	2	4	1	0	1
Per Curiam	1	41	42						
Total	75	93	168	15	9	24	32	19	51

^a These are opinions and votes on opinions by each justice and in per curiam in the 1995 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 18 orders handed down on disciplinary matters. The Court handed down 59 orders or opinions on attorney disciplinary matters and 2 opinions or orders on judicial disciplinary matters. Of these 61 orders or opinions, 41 were handed down as per curiam opinions and the others were signed by individual justices. Also, the following 6 miscellaneous cases are not included in this chart—*Spencer v. State*, 653 N.E.2d 476 (Ind. 1995); *Bivins v. State*, 650 N.E.2d 684 (Ind. 1995); *Cotton v. State*, 658 N.E.2d 898; and *Howard Publications, Inc. v. Lake Michigan Charters, Ltd.*, 658 N.E.2d 582 (Ind. 1995) which were votes on petitions to transfer and petitions for rehearing; nor *In re Clerk's Proposal Regarding Contracting Out Microfilming Operations*, 650 N.E.2d 680 (Ind. 1995) and *In re Management of Indiana Supreme Court Disciplinary Comm'n Fund*, 650 N.E.2d 679 (Ind. 1995), which were votes on administrative matters.

^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 Justice Sullivan did not participate in two opinions—*Indiana Dep't of State Revenue v. Fort Wayne Nat'l Corp.*, 649 N.E.2d 109 (Ind. 1995) and *Savage v. State*, 655 N.E.2d 1223 (Ind. 1995). Justice Selby did not participate in 16 opinions in 1995—*Bowman v. Kitchel*, 644 N.E.2d 878 (Ind. 1995); *Harrison v. State*, 644 N.E.2d 1243 (Ind. 1995); *Frankenmuth Mut. Ins. Co. v. Williams*, 645 N.E.2d 605 (Ind. 1995); *Mullins v. State*, 646 N.E.2d 40 (Ind. 1995); *In re Cushing*, 646 N.E.2d 662 (Ind. 1995); *In re Brown*, 646 N.E.2d 664 (Ind. 1995); *In re Anonymous*, 646 N.E.2d 666 (Ind. 1995); *In re Peoples*, 646 N.E.2d 669 (Ind. 1995); *In re Shumate*, 647 N.E.2d 321 (Ind. 1995); *In re Smith*, 648 N.E.2d 651 (Ind. 1995); *Mayhue v. Sparkman*, 653 N.E.2d 1384 (Ind. 1995); *In re Kern*, 655 N.E.2d 339 (Ind. 1995); *RJR Nabisco Holdings Corp. v. Dunn*, 657 N.E.2d 1220 (Ind. 1995); *Howard Publications, Inc. v. Lake Michigan Charters, Ltd.*, 658 N.E.2d 582 (Ind. 1995); *Shewmaker v. Etter*, 659 N.E.2d 1021 (Ind. 1995); *Stiller v. Leatherman*, 659 N.E.2d 1021 (Ind. 1995). The first four of the cases listed for Justice Selby are cases that were handed down when Justice Givan was still a member of the court.

TABLE B-1

VOTING ALIGNMENTS FOR CIVIL CASES
NOT INCLUDING JUDICIAL OR ATTORNEY DISCIPLINE CASES^f

	Shepard, C.J.	DeBruler, J.	Dickson, J.	Sullivan, J.	Selby, J.
Shepard, C.J.	O	45	46	44	42
	S	1	0	0	0
	D	46	46	44	42
	N	52	52	51	46
	P	88.4%	88.4%	86.2%	91.3%
DeBruler, J.	O	45	41	41	38
	S	1	0	2	1
	D	46	41	43	39
	N	52	52	51	46
	P	88.4%	78.8%	84.3%	84.7%
Dickson, J.	O	46	41	42	40
	S	0	0	0	0
	D	46	41	42	40
	N	52	52	51	46
	P	88.4%	78.8%	82.3%	86.9%
Sullivan, J.	O	44	42		38
	S	0	0		0
	D	44	42	---	38
	N	51	51		45
	P	86.2%	82.3%		84.4%
Selby, J.	O	42	40	38	
	S	0	0	0	
	D	42	40	38	---
	N	46	46	45	
	P	91.3%	86.9%	84.4%	

^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 not including disciplinary cases. For example, in the top set of numbers for Chief Justice Shepard, 45 is the number of times Chief Justice Shepard and Justice DeBruler 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 CASES
NOT INCLUDING JUDICIAL OR ATTORNEY DISCIPLINE CASES^g

		Shepard, C.J.	DeBruler, J.	Dickson, J.	Sullivan, J.	Selby, J.
Shepard, C.J.	O		60	66	63	70
	S		0	1	1	0
	D	---	60	67	64	70
	N		75	75	74	73
	P		80.0%	89.3%	86.4%	95.9%
DeBruler, J.	O	60		56	54	61
	S	0		0	3	1
	D	60	---	56	57	62
	N	75		75	74	73
	P	80.0%		74.6%	77.0%	84.9%
Dickson, J.	O	66	56		58	66
	S	1	0		0	0
	D	67	56	---	58	66
	N	75	75		74	73
	P	89.3%	74.6%		78.3%	90.4%
Sullivan, J.	O	63	54	58		62
	S	1	3	0		1
	D	64	57	58	---	63
	N	74	74	74		72
	P	86.4%	77.0%	78.3%		87.5%
Selby, J.	O	70	61	66	62	
	S	0	1	0	1	
	D	70	62	66	63	---
	N	73	73	73	72	
	P	95.9%	84.9%	90.4%	87.5%	

^g This Table records the number of times that one justice voted with another in full-opinion decisions, including per curiam, for only criminal cases not including disciplinary cases. For example, in the top set of numbers for Chief Justice Shepard, 60 is the number of times Chief Justice Shepard and Justice DeBruler 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
NOT INCLUDING JUDICIAL OR ATTORNEY DISCIPLINE CASES^h

		Shepard, C.J.	DeBruler, J.	Dickson, J.	Sullivan, J.	Selby, J.
Shepard, C.J.	O		105	112	107	112
	S		1	1	1	0
	D	---	106	113	108	112
	N		127	127	125	119
	P		83.5%	88.9%	86.4%	94.1%
DeBruler, J.	O	105		97	95	99
	S	1		0	5	2
	D	106	---	97	100	101
	N	127		127	125	119
	P	83.5%		76.3%	80.0%	84.8%
Dickson, J.	O	112	97		100	106
	S	1	0		0	0
	D	113	97	---	100	106
	N	127	127		125	119
	P	88.9%	76.3%		80.0%	89.0%
Sullivan, J.	O	107	95	100		100
	S	1	5	0		1
	D	108	100	100	---	101
	N	125	125	125		117
	P	86.4%	80.0%	80.0%		86.3%
Selby, J.	O	112	99	106	100	
	S	0	2	0	1	
	D	112	101	106	101	---
	N	119	119	119	117	
	P	94.1%	84.8%	89.0%	86.3%	

^h This Table records the number of times that one justice voted with another in full-opinion decisions, including per curiam, for all cases except disciplinary cases. For example, in the top set of numbers for Chief Justice Shepard, 105 is the total number of times Chief Justice Shepard and Justice DeBruler agreed in all full majority opinions written by the court in 1995. 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

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	
37	36	73(58.4%)	10	4	14(11.2%)	27	11	38(30.4%)	125

ⁱ This Table tracks the number and percent of unanimous opinions among all opinions written except disciplinary opinions. 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.

^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., Selby, J.	5
2. Shepard, C.J., Sullivan, J., Selby, J.	1
3. Shepard, C.J., Dickson, J., Sullivan, J.	2
4. DeBruler, J., Dickson, J., Selby, J.	2
5. DeBruler, J., Sullivan, J., Selby, J.	1
6. Dickson, J., Sullivan, J., Selby, J.	1
Total ⁿ	12

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 1995 term's 3-2 decisions were:

1. Shepard, C.J., Dickson, J., Selby, J.: *Miller v. Walker*, 655 N.E.2d 47 (Ind. 1995) (Shepard); *State ex rel. Woodford v. Marion Superior Court*, 655 N.E.2d 63 (Ind. 1995) (Shepard); *Hall v. Indiana Dep't of State Revenue*, 660 N.E.2d 319 (Ind. 1995) (Shepard); *Bryant v. State*, 660 N.E.2d 290 (Ind. 1995) (Shepard); *Cliff v. Indiana Dep't of State Revenue*, 660 N.E.2d 310 (Ind. 1995) (Shepard).
2. Shepard, C.J., Sullivan, J., Selby, J.: *In re Curtis*, 656 N.E.2d 258 (Ind. 1995) (per curiam).
3. Shepard, C.J., Dickson, J., Sullivan, J.: *Coleman v. State*, 653 N.E.2d 481 (Ind. 1995) (Shepard); *Fresh Cut, Inc. v. Fazli*, 650 N.E.2d 1126 (Ind. 1995) (Sullivan).
4. DeBruler, J., Dickson, J., Selby, J.: *In re Goldstein*, 654 N.E.2d 746 (Ind. 1995) (per curiam); *Johnson v. State*, 659 N.E.2d 116 (Ind. 1995) (DeBruler).
5. DeBruler, J., Sullivan, J., Selby, J.: *Lay v. State*, 659 N.E.2d 1005 (Ind. 1995) (Sullivan).
6. Dickson, J., Sullivan, J., Selby, J.: *Parke State Bank v. Akers*, 659 N.E.2d 1031 (Ind. 1995) (Selby).

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

	Reversed or Vacated ^b	Affirmed	Total
Civil Appeals Accepted for Transfer	29 (69%)	13 (31%)	42
Civil Direct Appeals	3 (60%)	2 (40%)	5
Criminal Appeals Accepted for Transfer	25 (74%)	9 (26%)	34
Criminal Direct Appeals	14 (34%)	27 (66%)	41
Total	71 (58%)	51 (42%)	122 ^c

^a 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. See Randall T. Shepard, *Indiana Law, the Supreme Court, and a New Decade*, 24 IND. L. REV. 499 (1991).

^b This column reflects actions by the supreme court that reach a different result with respect to appeals accepted for transfer from the court of appeals or with respect to direct appeals from a trial court. 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 may "vacate" the 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).

^c This does not include 61 attorney discipline opinions, four writs of mandamus or prohibition, and six miscellaneous cases. These opinions did not reverse, vacate or affirm any other court's decision.

TABLE F

SUBJECT AREAS OF SELECTED DISPOSITIONS
WITH FULL OPINIONS^r

Original Actions	Number
• Certified Questions	0
• Writs of Mandamus or Prohibition	3 ^s
• Attorney and Judicial Discipline	61 ^t
Criminal	
• Death Penalty	3 ^u
• Fourth Amendment or Search and Seizure	3 ^v
• Writ of Habeas Corpus	0
Emergency Appeals to the Supreme Court	1 ^w
Trusts, Estates or Probate	0
Real Estate or Real Property	3 ^x
Landlord-Tenant	2 ^y
Divorce or Child Support	4 ^z
Children in Need of Services (CHINS)	0
Paternity	0
Product Liability or Strict Liability	1 ^{aa}
Negligence or Personal Injury	7 ^{bb}
Indiana Tort Claims Act	0
Statute of Limitations or Statute of Repose	0
Tax, Department of State Revenue, or State Board of Tax Commissioners	7 ^{cc}
Contracts	1 ^{dd}
Corporate Law or the Indiana Business Corporation Law	3 ^{ee}
Uniform Commercial Code	0
Banking Law	2 ^{ff}
Employment Law	5 ^{gg}
Environmental Law	0
First Amendment, Open Door Law, or Public Records Law	1 ^{hh}
Indiana Constitution	3 ⁱⁱ

^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 1995. 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 State *ex rel.* Crawford v. Delaware Circuit Court, 655 N.E.2d 499 (Ind. 1995); State *ex rel.* Woodford v. Marion Superior Court, 655 N.E.2d 63 (Ind. 1995); State *ex rel.* Griffin v. Lawler, 659 N.E.2d 514 (Ind. 1995).

^t In *re* Sheaffer, 655 N.E.2d 1214 (Ind. 1995); In *re* Antcliff, 645 N.E.2d 608 (Ind. 1995); In *re* Cushing, 646 N.E.2d 662 (Ind. 1995); In *re* Brown, 646 N.E.2d 664 (Ind. 1995); In *re* Anonymous, 646 N.E.2d

666 (Ind. 1995); *In re Dils*, 646 N.E.2d 667 (Ind. 1995); *In re Peoples*, 646 N.E.2d 669 (Ind. 1995); *In re Dunnuck*, 647 N.E.2d 631 (Ind. 1995); *In re Lustina*, 647 N.E.2d 317 (Ind. 1995); *In re Ragland*, 647 N.E.2d 319 (Ind. 1995); *In re Shumate*, 647 N.E.2d 321 (Ind. 1995); *In re Comer*, 648 N.E.2d 358 (Ind. 1995); *In re Smith*, 648 N.E.2d 651 (Ind. 1995); *In re Brubaker*, 648 N.E.2d 651 (Ind. 1995); *In re Woolbert*, 648 N.E.2d 1152 (Ind. 1995); *In re Wright*, 648 N.E.2d 1148 (Ind. 1995); *In re Stivers*, 648 N.E.2d 1147 (Ind. 1995); *In re Mullins*, 649 N.E.2d 1024 (Ind. 1995); *In re Warter*, 650 N.E.2d 303 (Ind. 1995); *In re Levin*, 650 N.E.2d 303 (Ind. 1995); *In re Bloom*, 649 N.E.2d 1031 (Ind. 1995); *In re Tuel*, 650 N.E.2d 1139 (Ind. 1995); *In re Strutz*, 652 N.E.2d 41 (Ind. 1995); *In re Drozda*, 653 N.E.2d 991 (Ind. 1995); *In re Withers*, 652 N.E.2d 502 (Ind. 1995); *In re McLure*, 652 N.E.2d 863 (Ind. 1995); *In re Reynolds*, 652 N.E.2d 68 (Ind. 1995); *In re Powell*, 652 N.E.2d 68 (Ind. 1995); *In re Coleman*, 653 N.E.2d 476 (Ind. 1995); *In re Robak*, 654 N.E.2d 731 (Ind. 1995); *In re Zoccola*, 654 N.E.2d 743 (Ind. 1995); *In re Fletcher*, 655 N.E.2d 58 (Ind. 1995); *In re Anonymous*, 654 N.E.2d 1128 (Ind. 1995); *In re Anonymous*, 655 N.E.2d 67 (Ind. 1995) (Note: This case is a consolidation of two actions.); *In re Okumu*, 654 N.E.2d 1130 (Ind. 1995); *In re Goldstein*, 654 N.E.2d 746 (Ind. 1995); *In re Kern*, 655 N.E.2d 339 (Ind. 1995); *In re Kelly*, 655 N.E.2d 1220 (Ind. 1995); *In re Hill*, 655 N.E.2d 343 (Ind. 1995); *In re Headlee*, 655 N.E.2d 506 (Ind. 1995); *In re Morris*, 656 N.E.2d 257 (Ind. 1995); *In re Curtis*, 656 N.E.2d 258 (Ind. 1995); *In re Schreiber*, 656 N.E.2d 480 (Ind. 1995); *In re Reed*, 657 N.E.2d 103 (Ind. 1995); *In re Weybright*, 656 N.E.2d 1142 (Ind. 1995); *In re Jarrett*, 657 N.E.2d 106 (Ind. 1995); *In re Anonymous*, 657 N.E.2d 394 (Ind. 1995); *In re Okumu*, 657 N.E.2d 117 (Ind. 1995); *In re Burns*, 657 N.E.2d 738 (Ind. 1995); *In re Powell*, 658 N.E.2d 572 (Ind. 1995); *In re Brown*, 659 N.E.2d 112 (Ind. 1995); *In re Turner*, 658 N.E.2d 901 (Ind. 1995); *In re Lively*, 658 N.E.2d 903 (Ind. 1995); *In re Beardsley*, 658 N.E.2d 591 (Ind. 1995); *In re Conway*, 658 N.E.2d 592 (Ind. 1995); *In re Gonzales*, 659 N.E.2d 479 (Ind. 1995); *In re Cherry*, 658 N.E.2d 596 (Ind. 1995); *In re Skinner*, 648 N.E.2d 650 (Ind. 1995); *In re Goodman*, 649 N.E.2d 115 (Ind. 1995); *In re Johnson*, 658 N.E.2d 589 (Ind. 1995).

^u *Harrison v. State*, 644 N.E.2d 1243 (Ind. 1995), *aff'g and remanding* (direct appeal); *Spranger v. State*, 650 N.E.2d 1117 (Ind. 1995), *aff'g and remanding for resentencing* (post conviction relief); *Harrison v. State*, 659 N.E.2d 480 (Ind. 1995), *aff'g* (direct appeal).

^v *Brown v. State*, 653 N.E.2d 77 (Ind. 1995); *Jones v. State*, 655 N.E.2d 49 (Ind. 1995); *Taylor v. State*, 659 N.E.2d 535 (Ind. 1995).

^w *Pence v. State*, 652 N.E.2d 486 (Ind. 1995).

^x *Fresh Cut, Inc. v. Fazli*, 650 N.E.2d 1126 (Ind. 1995); *Shipshewana Convenience Corp. v. Board of Zoning Appeals of LaGrange County*, 656 N.E.2d 812 (Ind. 1995); *Chandler v. Board of Zoning Appeals of Evansville & Vanderburgh County*, 658 N.E.2d 80 (Ind. 1995).

^y *Fresh Cut, Inc. v. Fazli*, 650 N.E.2d 1126 (Ind. 1995); *Matusky v. Sheffield Square Apartments*, 654 N.E.2d 740 (Ind. 1995).

^z *Daugherty v. Ritter*, 652 N.E.2d 502 (Ind. 1995); *Leiter v. Scott*, 654 N.E.2d 742 (Ind. 1995); *Stultz v. Stultz*, 659 N.E.2d 125 (Ind. 1995); *Garrod v. Garrod*, 655 N.E.2d 336 (Ind. 1995).

^{aa} *Wilson v. Pleasant*, 660 N.E.2d 327 (Ind. 1995).

^{bb} *Drake v. Mitchell Community Sch.*, 649 N.E.2d 1027 (Ind. 1995); *Mayhue v. Sparkman*, 653 N.E.2d 1384 (Ind. 1995); *Ward v. St. Mary Medical Ctr. of Gary*, 658 N.E.2d 893 (Ind. 1995); *Heck v. Robey*, 659 N.E.2d 498 (Ind. 1995); *Kennedy v. Murphy*, 659 N.E.2d 506 (Ind. 1995); *Wilson v. Pleasant*, 660 N.E.2d 327 (Ind. 1995); *Hughes v. Glaese*, 659 N.E.2d 516 (Ind. 1995).

^{cc} *Indiana Dep't of State Revenue v. Fort Wayne Nat'l Corp.*, 649 N.E.2d 109 (Ind. 1995), *vacating*; *Indiana Dep't of State Revenue v. Bulkmatic Transport Co.*, 648 N.E.2d 1156 (Ind. 1995), *rev'g*; *Indiana Dep't of State Revenue v. Safayan*, 654 N.E.2d 270 (Ind. 1995), *rev'g*; *Hall v. Indiana Dep't of State Revenue*, 660 N.E.2d 319 (Ind. 1995), *aff'g in part and rev'g in part*; *Hayse v. Indiana Dep't of State Revenue*, 660 N.E.2d 325 (Ind. 1995), *rev'g*; *Bailey v. Indiana Dep't of State Revenue*, 660 N.E.2d 322 (Ind. 1995), *rev'g*; *Cliff v.*

Indiana Dep't of State Revenue, 660 N.E.2d 310 (Ind. 1995), *aff'g in part and rev'g in part*.

^{dd} Blackburn v. Sweeney, 659 N.E.2d 131 (Ind. 1995).

^{ee} Farmers Loan & Trust Co. v. Letsinger, 652 N.E.2d 63 (Ind. 1995); Blackburn v. Sweeney, 659 N.E.2d 131 (Ind. 1995); Barth v. Barth, 659 N.E.2d 559 (Ind. 1995).

^{ff} Carpenter v. Farm Credit Serv. of Mid-America, ACA, 654 N.E.2d 1125 (Ind. 1995); Parke State Bank v. Akers, 659 N.E.2d 1031 (Ind. 1995).

^{gg} Hill v. Worldmark Corp./Mid America Extrusions Corp., 651 N.E.2d 785 (Ind. 1995); Ackerman v. Kimball Int'l, Inc., 652 N.E.2d 507 (Ind. 1995); McQuade v. Draw Tite, Inc., 659 N.E.2d 1016 (Ind. 1995); Bagley v. Insight Communications Co., 658 N.E.2d 584 (Ind. 1995); Benante v. United Pacific Life Ins. Co., 659 N.E.2d 545 (Ind. 1995).

^{hh} Town of Merrillville v. Peters, 655 N.E.2d 341 (Ind. 1995).

ⁱⁱ Brown v. State, 653 N.E.2d 77 (Ind. 1995); Pence v. State, 652 N.E.2d 486 (Ind. 1995); Clark v. State, 659 N.E.2d 548 (Ind. 1995).

