

AN EXAMINATION OF THE  
INDIANA SUPREME COURT DOCKET,  
DISPOSITIONS, AND VOTING IN 1998\*

KEVIN W. BETZ\*\*  
MARK A. LINDSEY\*\*\*

In 1998, the Indiana Supreme Court's docket, dispositions, and voting were again overwhelmed by its mandatory criminal appeals—the highest percentage in the eight years of this study. Because of this crush of mandatory appeals, the court also issued its lowest number of discretionary civil appeals.<sup>1</sup>

Faced with this type of docket, the court's members have also decreased their productivity and have the highest percent of unanimous opinions in the period of this study. Fortunately, the court is nearing a constitutional change in its mandatory jurisdiction. Pursuant to the Indiana Constitution, the Indiana General Assembly must pass this change for the second time in this year's session and then it will be placed on the state-wide ballot.<sup>2</sup>

\* 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 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; but, of course, any errors or omissions belong to his former law clerk. We also thank WESTLAW® for its kind willingness to allow us free access to its computer resources and assistance in preparing these tables.

\*\* Attorney at Law, representing employees and professionals and practicing in the appellate area, 1997-present. Former Chief Counsel and Deputy Commissioner, Indiana Department of Environmental Management, 1995-97. Associate, Krieg DeVault Alexander & Capehart, Indianapolis, 1990-95. Law clerk for Chief Justice Randall T. Shepard, Indiana Supreme Court, 1988-90. B.A., 1982, Indiana University; M.S., 1984, Northwestern University; J.D., 1988, Indiana University School of Law—Bloomington.

\*\*\* Associate, Barnes & Thornburg, 1996-present; B.A., 1993, Indiana University; J.D., 1996, Indiana University School of Law—Indianapolis.

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

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*

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

**Table A.** In 1998, the supreme court issued 141 opinions that were authored by an individual justice. This is a decrease from last year's 171 opinions authored by an individual justice. Of the 141 opinions issued in 1998, only 35 were civil opinions and 106 were criminal. This is the fewest number of civil opinions since 1990.

The court as a whole issued 40 per curiam opinions—38 civil and 2 criminal. Almost all 38 civil opinions were attorney discipline matters.

The only individual justice that did not decrease in productivity was Justice Boehm who issued the same number of opinions as last year—43. He issued 25 criminal opinions, which was roughly even with the other justices' output of criminal opinions; but he also rendered 18 civil opinions, which is more than triple the number of civil opinions issued by any other justice.

Chief Justice Shepard was next with 30 opinions; Justice Sullivan issued 29; Justice Dickson authored 20; and Justice Selby wrote 19.

The court also issued the fewest number of dissents in the 8 years of this study—23. Justice Sullivan, as in the past, had the most dissents with 9. Justice Dickson, as in the past also, was next with 7.

**Table B-1.** For civil cases, Justices Selby and Shepard were the two justices most aligned at 97.2%. Justices Selby and Boehm were next at 94.1%. As in the past, Justices Shepard and Sullivan were the least aligned at 84.4%.

Justice Selby was the most aligned with other justices, and Justice Sullivan was the least aligned overall.

**Table B-2.** For criminal cases, Justices Shepard and Boehm were the most aligned at 96.3%, which is the same as last year. Justices Sullivan and Dickson were the least aligned at 89.8%, which is also the same as last year. As for criminal cases overall, Justice Shepard was the most aligned with his fellow justices.

**Table B-3.** For all cases, Chief Justice Shepard and Justice Boehm, and Chief Justice Shepard and Justice Selby, are the most aligned pairs of justices—each pair in agreement 95.1% of the time. This is nearly identical to last year's results. The two least aligned justices, also the same as last year, were Justices Sullivan and Dickson at 89.3%.

Overall, Chief Justice Shepard was the most aligned with his fellow justices.

**Table C.** As seen last year, the court's unanimity increased because of the less-divisive mandatory docket of cases. In 1998, the court was either unanimous or unanimous with concurrence in 88% of its opinions. This is equal to last year's

percentage, which is the highest in the eight years of this study.

**Table D.** The court issued only 3 split decisions that were composed of only a three-justice majority. This is by far the lowest number of such split opinions in the history of this study—if not in the history of the court. Last year was the next lowest number of 3-2 opinions with 6 such decisions. Chief Justice Shepard was the author of 2 of the 3 split opinions.

**Table E-1.** The court affirmed almost 90% of the mandatory criminal appeals, which was also the majority of its docket. This is compelling evidence in support of a move to change the court's jurisdiction. Obviously, if the jurisdiction were changed, the court would not even have decided the vast majority of these appeals.

**Table E-2.** The court decreased the number of civil petitions it transferred from 45 in 1997 to 32 in 1998. Interestingly, in 1997 there were no petitions to transfer in juvenile cases, but in 1998 there were a total of 24 and 3 were granted.

A civil petition to transfer stood about a 10% chance of being granted, and a criminal petition stood about a 6% chance of being granted.

**Table F.** The court continues to demonstrate its interest in the Indiana Constitution with 14 opinions involving such issues, although this, too, is a drop from last year where there were 24 such cases. There were also only 9 death penalty cases reviewed, which is on par with recent years except last year when the court reviewed 18 death penalty cases. The court reversed only 1 of those 9 death penalty cases.

**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.	22	8	30	1	0	1	0	1	1
Dickson, J.	17	3	20	1	1	2	3	4	7
Sullivan, J. <sup>e</sup>	24	5	29	1	1	2	6	3	9
Selby, J	18	1	19	3	0	3	2	0	2
Boehm, J. <sup>e</sup>	25	18	43	1	0	1	2	2	4
Per Curiam	2	38	40						
<b>Total</b>	<b>108</b>	<b>73</b>	<b>181</b>	<b>7</b>	<b>2</b>	<b>9</b>	<b>13</b>	<b>10</b>	<b>23</b>

<sup>a</sup> These are opinions and votes on opinions by each justice and in per curiam in the 1998 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. Also, the following 7 miscellaneous cases are not included in the table: *Winkler v. Winkler*, 699 N.E.2d 657 (Ind. 1998) (dissent from denial of transfer); *Davenport v. State*, 696 N.E.2d 870 (Ind. 1998) (denial of petition to reinstate convictions); *Pruitt v. City of Lake Station*, 695 N.E.2d 123 (Ind. 1998) (order dismissing appeal as moot); *Town of St. John v. State Bd. of Tax Comm'rs*, 695 N.E.2d 123 (Ind. 1998) (order granting petitions for review and setting oral argument); *Worldcom Network Servs., Inc. v. Thompson*, 694 N.E.2d 1125 (Ind. 1998) (order denying petition to hold appellee in contempt); *Indiana High Sch. Athletic Ass'n v. Carlberg*, 694 N.E.2d 222 (Ind. 1998) (dissent from denial of rehearing); *National City Bank, Ind. v. Shortridge*, 691 N.E.2d 1210 (Ind. 1998) (denial of motion for retroactive disqualification of supreme court justice).

<sup>c</sup> This category includes both written concurrences 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> Justices declined to participate in the following non-disciplinary cases: *Shell Oil Co. v. Meyer*, 705 N.E.2d 962 (Ind. 1998); *Shell Oil Co. v. Lovold Co.*, 705 N.E.2d 981 (Ind. 1998); *Walker v. State*, 694 N.E.2d 258 (Ind. 1998) (Justice Sullivan); *McClain v. Review Bd. of the Ind. Dep't of Workforce Dev.*, 693 N.E.2d 1314 (Ind. 1998); *Melrose v. Capitol City Motor Lodge, Inc.*, 705 N.E.2d 985 (Ind. 1998); *State Bd. of Tax Comm'rs v. Town of St. John*, 702 N.E.2d 1034 (Ind. 1998) (Justice Boehm).

**TABLE B-1**  
**VOTING ALIGNMENTS FOR CIVIL CASES<sup>f</sup>**  
**NOT INCLUDING JUDICIAL OR ATTORNEY DISCIPLINE CASES**

		Shepard	Dickson	Sullivan	Selby	Boehm
Shepard, C.J.	O		33	27	35	31
	S		0	0	0	0
	D	---	33	27	35	31
	N		36	32	36	34
	P		91.7%	84.4%	97.2%	91.2%
Dickson, J.	O	33		27	34	30
	S	0		1	0	0
	D	33	---	28	34	30
	N	36		32	36	34
	P	91.7%		87.5%	94.4%	88.2%
Sullivan, J.	O	27	27		28	26
	S	0	1		0	1
	D	27	28	---	28	27
	N	32	32		32	30
	P	84.4%	87.5%		87.5%	90.0%
Selby, J.	O	35	34	28		32
	S	0	0	0		0
	D	35	34	28	---	32
	N	36	36	32		34
	P	97.2%	94.4%	87.5%		94.1%
Boehm, J.	O	31	30	26	32	
	S	0	0	1	0	
	D	31	30	27	32	----
	N	34	34	30	34	
	P	91.2%	88.2%	90.0%	94.1%	

<sup>f</sup> This table records the number of times that one justice voted with another in full-opinion decisions, including per curiam, for civil cases only. For example, in the top set of numbers for Chief Justice Shepard, 33 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 CASES<sup>8</sup>**

		Shepard	Dickson	Sullivan	Selby	Boehm
Shepard, C.J.	O		103	101	102	104
	S		0	0	0	0
	D	---	103	101	102	104
	N		108	108	108	108
	P		95.4%	93.5%	94.4%	96.3%
Dickson, J.	O	103		97	99	101
	S	0		0	0	0
	D	103	---	97	99	101
	N	108		108	108	108
	P	95.4%		89.8%	91.7%	93.5%
Sullivan, J.	O	101	97		97	99
	S	0	0		1	1
	D	101	97	---	98	100
	N	108	108		108	108
	P	93.5%	89.8%		90.7%	92.6%
Selby, J.	O	102	99	97		100
	S	0	0	1		0
	D	102	99	98	---	100
	N	108	108	108		108
	P	94.4%	91.7%	90.7%		92.6%
Boehm, J.	O	104	101	99	100	
	S	0	0	1	0	
	D	104	101	100	100	---
	N	108	108	108	108	
	P	96.3%	93.5%	92.6%	92.6%	

<sup>8</sup> This table records the number of times that one justice voted with another in full-opinion decisions, including per curiam, for criminal cases only. For example, in the top set of numbers for Chief Justice Shepard, 103 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<sup>h</sup>**

	Shepard	Dickson	Sullivan	Selby	Boehm	
Shepard, C.J.	O		136	128	137	135
	S		0	0	0	0
	D	---	136	128	137	135
	N		144	149	144	142
	P		94.4%	91.4%	95.1%	95.1%
Dickson, J.	O	136		124	133	131
	S	0		1	0	0
	D	136	---	125	133	131
	N	144		140	144	142
	P	94.4%		89.3%	92.4%	92.3%
Sullivan, J.	O	128	124		125	125
	S	0	1		1	2
	D	128	125	---	126	127
	N	140	140		140	138
	P	91.4%	89.3%		90.0%	92.0%
Selby, J.	O	137	133	125		132
	S	0	0	1		0
	D	137	133	126	---	132
	N	144	144	140		142
	P	95.1%	92.4%	90.0%		93.0%
Boehm, J.	O	135	131	125	132	
	S	0	0	2	0	
	D	135	131	127	132	---
	N	142	142	138	142	
	P	95.1%	92.3%	92.0%	93.0%	

<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, 136 is the total number of times Chief Justice Shepard and Justice Dickson agreed in all full majority opinions written by the court in 1998. 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	
91	29	120(83.3%)	6	1	7(4.9%)	11	6	17(11.8%)	144

<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 percent 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>**

<b>Justices Constituting the Majority</b>	<b>Number of Opinions<sup>m</sup></b>
1. Shepard, C.J., Dickson, J., Boehm, J.	1
2. Shepard, C.J., Dickson, J., Selby, J.	2
<b>Total<sup>n</sup></b>	<b>3</b>

<sup>1</sup> This table reflects 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 1998 term's 3-2 decisions were:

1. Shepard, C. J., Dickson, J., Boehm, J.: *Garner v. State*, 704 N.E.2d 1011 (Ind. 1998) (Shepard, C.J.).

2. Shepard, C.J., Dickson, J., Selby, J.: *Meridian Mut. Ins. Co. v. Auto-Owners Ins. Co.*, 698 N.E.2d 770 (Ind. 1998) (Shepard, C.J.); *Jackson v. State*, 697 N.E.2d 53 (Ind. 1998) (Dickson, 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	26 (78.8%)	7 (21.2%)	33
Direct Civil Appeals	0	0	0
Criminal Appeals Accepted for Transfer	9 (52.9%)	8 (47.1%)	17
Direct Criminal Appeals	11 (13.1%)	73 (86.9%)	84
Total	46 (34.3%)	88 (65.7%)	134 <sup>q</sup>

<sup>o</sup> Direct criminal appeals are cases in which the trial court imposed a sentence of greater than 50 years. *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. R. APP. P. 4(A); *see also* IND. ORIG. ACT. RS. All other Indiana Supreme Court opinions are accepted for transfer from the Indiana Court of Appeals. *See* IND. R. APP. P. 11(B). The court's transfer docket, especially civil cases, has substantially increased in the past five years, but declined significantly last year. *See* Chief Justice Randall T. Shepard, *Indiana Law, the Supreme Court, and a New Decade*, 24 IND. L. REV. 499 (1991).

<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. R. APP. P. 11(B)(3). As a practical matter, "reverse" or "vacate" simply represents any action by the supreme court that does not affirm the trial court or court of appeals opinion.

<sup>q</sup> This does not include 37 attorney and judicial discipline opinions, 3 writs of mandamus or prohibition, or 1 opinion related to certified questions. These opinions did not reverse, vacate, or affirm any other court's decision. This also does not include 6 opinions that considered petitions for post-conviction relief.

**TABLE E-2****DISPOSITION OF PETITIONS TO TRANSFER  
TO SUPREME COURT IN 1998<sup>1</sup>**

	Denied or Dismissed	Granted	Total
Petitions to Transfer			
Civil <sup>*</sup>	292 (90.1%)	32 (9.9%)	324
Criminal <sup>†</sup>	367 (93.9%)	23 (6.1%)	383
Juvenile	21 (87.5%)	3 (12.5%)	24
<b>Total</b>	<b>673 (92.0%)</b>	<b>58 (8.0%)</b>	<b>731</b>

<sup>1</sup> This table analyzes the disposition of petitions to transfer by the court. See IND. R. APP. P. 11(B) This table is compiled from information provided by the Indiana Supreme Court in a report entitled, "Grant and Denial of Cases in Which Transfer to the Indiana Supreme Court Has Been Sought."

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

<sup>†</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	1 <sup>v</sup>
• Writs of Mandamus or Prohibition	3 <sup>w</sup>
• Attorney Discipline	64 <sup>x</sup>
• Judicial Discipline	1 <sup>y</sup>
<b>Criminal</b>	
• Death Penalty	9 <sup>z</sup>
• Fourth Amendment or Search and Seizure	3 <sup>aa</sup>
• Writ of Habeas Corpus	1 <sup>bb</sup>
Emergency Appeals to the Supreme Court	0
Trusts, Estates, or Probate	0
Real Estate or Real Property	2 <sup>cc</sup>
Personal Property	0
Landlord-Tenant	0
Divorce or Child Support	3 <sup>dd</sup>
Children in Need of Services ("CHINS")	0
Paternity	0
Product Liability or Strict Liability	0
Negligence or Personal Injury	4 <sup>ee</sup>
Invasion of Privacy	0
Medical Malpractice	0
Indiana Tort Claims Act	2 <sup>ff</sup>
Statute of Limitations or Statute of Repose	0
Tax, Department of State Revenue, or State Board of Tax Commissioners	3 <sup>gg</sup>
Contracts	2 <sup>hh</sup>
Corporate Law or the Indiana Business Corporation Law	1 <sup>ii</sup>
Uniform Commercial Code	0
Banking Law	1 <sup>jj</sup>
Employment Law	1 <sup>kk</sup>
Insurance Law	2 <sup>ll</sup>
Environmental Law	2 <sup>mm</sup>
Consumer Law	1 <sup>nn</sup>
Workers Compensation	2 <sup>oo</sup>
Arbitration, Mediation, Alternative Dispute Resolution	0
Administrative Law	1 <sup>pp</sup>
First Amendment, Open Door Law, or Public Records Law	1 <sup>qq</sup>
Full Faith and Credit	0
Eleventh Amendment	0
Civil Rights	0
Indiana Constitution	14 <sup>rr</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 1998. It is also a quick reference guide to court rulings

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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 in these subject areas. A citation list is provided in a footnote for each area.

<sup>v</sup> Koval v. Simon Telelect, Inc., 693 N.E.2d 1299 (Ind. 1998).

<sup>w</sup> State *ex rel.* W.A. v. Marion County Superior Court, Juvenile Div., 704 N.E.2d 477 (Ind. 1998); State *ex rel.* New Haven v. Allen Superior Court, 699 N.E.2d 1134 (Ind. 1998); State *ex rel.* Bishop v. Madison Circuit Court, 690 N.E.2d 1173 (Ind. 1998).

<sup>x</sup> *In re* Ragland, No. 49S00-9608-DI-565, 1998 WL 432963 (Ind. July 24, 1998); *In re* Nienaber, 704 N.E.2d 457 (Ind. 1998); *In re* Rabb, 704 N.E.2d 117 (Ind. 1998); *In re* Bender, 704 N.E.2d 115 (Ind. 1998); *In re* McNeil, 704 N.E.2d 114 (Ind. 1998); *In re* Comer, 704 N.E.2d 112 (Ind. 1998); *In re* Tew, 703 N.E.2d 1049 (Ind. 1998); *In re* Goebel, 703 N.E.2d 1045 (Ind. 1998); *In re* Brown, 703 N.E.2d 1041 (Ind. 1998); *In re* Campbell, 702 N.E.2d 692 (Ind. 1998); *In re* Szarwark, 702 N.E.2d 351 (Ind. 1998); *In re* Robinson, 701 N.E.2d 576 (Ind. 1998); *In re* Salter, 701 N.E.2d 576 (Ind. 1998); *In re* Hoffman, 700 N.E.2d 1138 (Ind. 1998); *In re* Riddle, 700 N.E.2d 788 (Ind. 1998); *In re* Golding, 700 N.E.2d 464 (Ind. 1998); *In re* Knobel, 699 N.E.2d 1142 (Ind. 1998); *In re* Towell, 699 N.E.2d 1138 (Ind. 1998); *In re* Puterbaugh, 699 N.E.2d 1133 (Ind. 1998); *In re* Minnette, 699 N.E.2d 1133 (Ind. 1998); *In re* Horine, 699 N.E.2d 270 (Ind. 1998); *In re* Anonymous, 698 N.E.2d 808 (Ind. 1998); *In re* Makin, 698 N.E.2d 767 (Ind. 1998); *In re* Johnston, 698 N.E.2d 313 (Ind. 1998); *In re* Radford, 698 N.E.2d 310 (Ind. 1998); *In re* O'Brien, 697 N.E.2d 479 (Ind. 1998); *In re* Newell, 697 N.E.2d 479 (Ind. 1998); *In re* Ballantine, 697 N.E.2d 478 (Ind. 1998); *In re* Ragland, 697 N.E.2d 44 (Ind. 1998); *In re* Quinn, 696 N.E.2d 863 (Ind. 1998); *In re* Szarwark, 696 N.E.2d 46 (Ind. 1998); *In re* Brooks, 695 N.E.2d 920 (Ind. 1998); *In re* Blumberg, 695 N.E.2d 114 (Ind. 1998); *In re* Pope, 695 N.E.2d 112 (Ind. 1998); *In re* Hawkins, 695 N.E.2d 109 (Ind. 1998); *In re* Merideth, 695 N.E.2d 110 (Ind. 1998); *In re* Astbury, 695 N.E.2d 98 (Ind. 1998); *In re* Chovanec, 695 N.E.2d 95 (Ind. 1998); *In re* Fletcher, 694 N.E.2d 1143 (Ind. 1998); *In re* Martenet, 694 N.E.2d 1143 (Ind. 1998); *In re* Cohen, 694 N.E.2d 1143 (Ind. 1998); *In re* Brooks, 694 N.E.2d 724 (Ind. 1998); *In re* Puterbaugh, 694 N.E.2d 281 (Ind. 1998); *In re* Bolden, 693 N.E.2d 565 (Ind. 1998); *In re* Putsey, 693 N.E.2d 565 (Ind. 1998); *In re* Thonert, 693 N.E.2d 559 (Ind. 1998); *In re* Contempt of Mitterer, 693 N.E.2d 555 (Ind. 1998); *In re* Barratt, 693 N.E.2d 530 (Ind. 1998); *In re* Cushing, 693 N.E.2d 530 (Ind. 1998); *In re* Haecker, 693 N.E.2d 529 (Ind. 1998); *In re* Taylor, 693 N.E.2d 526 (Ind. 1998); *In re* Antcliff, 693 N.E.2d 525 (Ind. 1998); *In re* Appointment of a Temporary Prosecuting Attorney in Knox County, 692 N.E.2d 885 (Ind. 1998); *In re* Catt, 692 N.E.2d 885 (Ind. 1998); *In re* Barnes, 691 N.E.2d 1225 (Ind. 1998); *In re* Dinius, 691 N.E.2d 1222 (Ind. 1998); *In re* Fisher, 691 N.E.2d 1221 (Ind. 1998); *In re* Colman, 691 N.E.2d 1219 (Ind. 1998); *In re* Verma, 691 N.E.2d 1211 (Ind. 1998); *In re* Neswick, 691 N.E.2d 906 (Ind. 1998); *In re* Light, 691 N.E.2d 906 (Ind. 1998); *In re* Wright, 690 N.E.2d 709 (Ind. 1998); *In re* Romero, 690 N.E.2d 707 (Ind. 1998); *In re* O'Neil, 690 N.E.2d 705 (Ind. 1998).

<sup>y</sup> *In re* Edwards, 694 N.E.2d 701 (Ind. 1998).

<sup>z</sup> Coleman v. State, 703 N.E.2d 1022 (Ind. 1998), *aff'g* (post-conviction relief); Miller v. State, 702 N.E.2d 1053 (Ind. 1998), *aff'g* (post-conviction relief); Woods v. State, 701 N.E.2d 1208 (Ind. 1998), *aff'g* (post-conviction relief); Rogers v. State, 698 N.E.2d 1172 (Ind. 1998), *aff'g* (direct appeal); Brown v. State, 698 N.E.2d 1132 (Ind. 1998), *aff'g* (post-conviction relief); Minnick v. State, 698 N.E.2d 745 (Ind. 1998), *aff'g* (post-conviction relief); Barker v. State, 695 N.E.2d 925 (Ind. 1998), *aff'g and remanding for resentencing* (direct appeal); Wisheart v. State, 693 N.E.2d 23 (Ind. 1998), *aff'g* (post-conviction relief); Johnson v. State, 693 N.E.2d 941 (Ind. 1998), *aff'g* (direct appeal).

<sup>aa</sup> Berry v. State, 704 N.E.2d 462 (Ind. 1998); Cox v. State, 696 N.E.2d 853 (Ind. 1998); Brown v. State, 691 N.E.2d 438 (Ind. 1998).

<sup>bb</sup> Sweeney v. State, 704 N.E.2d 86 (Ind. 1998).

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- <sup>cc</sup> Board of Zoning Appeals, Bloomington, Ind. v. Leisz, 702 N.E.2d 1026 (Ind. 1998); Ragucci v. Metropolitan Dev. Comm'n, 702 N.E.2d 677 (Ind. 1998).
- <sup>dd</sup> Collier v. Collier, 702 N.E.2d 351 (Ind. 1998); Pond v. Pond, 700 N.E.2d 1130 (Ind. 1998); Lea v. Lea, 691 N.E.2d 1214 (Ind. 1998).
- <sup>ee</sup> Hanson v. Saint Luke's United Methodist Church, 704 N.E.2d 1020 (Ind. 1998); Robinson v. Wroblewski, 704 N.E.2d 467 (Ind. 1998); Biereichel v. Smith, 704 N.E.2d 456 (Ind. 1998); Sauders v. County of Steuben, 693 N.E.2d 16 (Ind. 1998).
- <sup>ff</sup> Indiana State Highway Comm'n v. Curtis, 704 N.E.2d 1015 (Ind. 1998); Budden v. Board of Sch. Comm'rs, 698 N.E.2d 1157 (Ind. 1998).
- <sup>gg</sup> State Bd. of Tax Comm'rs v. Town of St. John, 702 N.E.2d 1034 (Ind. 1998); State Bd. of Tax Comm'rs v. L.H. Carbide Corp., 702 N.E.2d 706 (Ind. 1998); State Bd. of Tax Comm'rs v. Mixmill Mfg. Co., 702 N.E.2d 701 (Ind. 1998).
- <sup>hh</sup> Indiana State Highway Comm'n v. Curtis, 704 N.E.2d 1015 (Ind. 1998); Trimble v. Ameritech Publ'g, Inc., 700 N.E.2d 1128 (Ind. 1998).
- <sup>ii</sup> Melrose v. Capitol City Motor Lodge, Inc., 705 N.E.2d 985 (Ind. 1998).
- <sup>jj</sup> Kirchoff v. Selby, 703 N.E.2d 644 (Ind. 1998).
- <sup>kk</sup> McClain v. Review Bd. of Ind. Dep't of Workforce Dev., 693 N.E.2d 1314 (Ind. 1998).
- <sup>ll</sup> Foster v. Auto-Owners Ins. Co., 703 N.E.2d 657 (Ind. 1998); Meridian Mut. Ins. Co. v. Auto-Owners Ins. Co., 698 N.E.2d 770 (Ind. 1998).
- <sup>mm</sup> Shell Oil Co. v. Lovold Co., 705 N.E.2d 981 (Ind. 1998); Shell Oil Co. v. Meyer, 705 N.E.2d 962 (Ind. 1998).
- <sup>nn</sup> McKinney v. State, 693 N.E.2d 65 (Ind. 1998).
- <sup>oo</sup> Walkup v. Wabash Nat'l Corp., 702 N.E.2d 713 (Ind. 1998); Walker v. State, 694 N.E.2d 258 (Ind. 1998).
- <sup>pp</sup> Indiana Wholesale Wine & Liquor Co. v. Indiana Alcoholic Beverage Comm'n, 695 N.E.2d 99 (Ind. 1998).
- <sup>qq</sup> WTHR-TV v. Cline, 693 N.E.2d 1 (Ind. 1998).
- <sup>rr</sup> Melrose v. Capitol City Motor Lodge, Inc., 705 N.E.2d 985 (Ind. 1998); Bufkin v. State, 700 N.E.2d 1147 (Ind. 1998); Robinson v. State, 699 N.E.2d 1146 (Ind. 1998); White v. State, 699 N.E.2d 630 (Ind. 1998); Anderson v. State, 699 N.E.2d 257 (Ind. 1998); Budden v. Board of Sch. Comm'rs, 698 N.E.2d 1157 (Ind. 1998); Sylvester v. State, 698 N.E. 2d 1126 (Ind. 1998); Parker v. State, 698 N.E.2d 737 (Ind. 1998); Seay v. State, 698 N.E.2d 732 (Ind. 1998); Klein v. State, 698 N.E.2d 296 (Ind. 1998); Wilson v. State, 697 N.E.2d 466 (Ind. 1998); Ajabu v. State, 693 N.E.2d 921 (Ind. 1998); Ratliff v. Cohn, 693 N.E.2d 530 (Ind. 1998); WTHR-TV v. Cline, 693 N.E.2d 1 (Ind. 1998).