

AN EXAMINATION OF THE INDIANA SUPREME COURT DOCKET, DISPOSITIONS, AND VOTING IN 1999*

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In 1999, the Indiana Supreme Court continued to battle with a hefty docket of mandatory criminal appeals.¹ Although the court increased its number of discretionary cases over last year's number, it still finds itself bogged down in mandatory criminal appeals.² The court issued 170 written opinions, 101

* 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 in *The Supreme Court, 1967 Term*, 82 HARV. L. REV. 93, 301-02 (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

2. The court fought this battle against an overwhelming number of mandatory criminal cases in 1998. 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).

mandatory and 69 discretionary. The amendment to the Indiana Constitution to decrease this overload of mandatory criminal appeals will be put to voters in the coming state-wide election in November 2000. Another point of interest was Justice Selby's resignation from the court in 1999. Justice Selby was replaced by Justice Rucker.³

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

Table A. Justice Boehm proved himself to be by far the most productive member of the court in terms of the number of opinions written. He produced 64 written opinions—the most overall, the most criminal, and the most civil. He authored 23 more opinions than Justice Sullivan, who was the second-most productive with 41 opinions. The court as a whole issued 132 criminal opinions and 48 civil opinions. Each of the Justices either continued at his or her same level of production or increased dramatically. For example, Justice Boehm went from 43 opinions in 1998 to 64 opinions in 1999. Justice Sullivan went from 29 opinions in 1998 to 41 opinions in 1999.

The court also increased its number of dissents from an 8-year low of 23 in 1998 to 38 in 1999. The largest number of dissenting opinions were written by two justices—Justice Dickson with 16 and Justice Sullivan with 11.

Table B-1. For civil cases, Justice Boehm and Justice Selby were the two justices most in agreement at 87%. Justice Boehm and Chief Justice Shepard were next at 84.8%. Overall, Justices Boehm and Shepard individually were the most aligned with their colleagues and Justice Sullivan was the least aligned.

Table B-2. For criminal cases, Justices Boehm and Selby were again the two justices most aligned at 96.8%. The two justices least aligned were Selby and Sullivan. Overall, Justice Boehm was most aligned with his colleagues, and Justice Sullivan was the least aligned.

Table B-3. For all cases, Justices Boehm and Selby were obviously the two most aligned justices at 93.6%. The two least aligned were Justices Sullivan and Selby at 78.4%, and Justices Dickson and Sullivan were close behind at 79.4%. Overall, Justices Boehm and Shepard were individually the most aligned with their colleagues while Justice Sullivan was the individual justice least aligned with all of his colleagues.

Table C. The court's level of unanimity remained high, at 87%, just below the

3. The voting alignment among justices reflected in Tables B-1, B-2, and B-3 does not include statistics on the alignment of the court's newest member, Justice Rucker, with his peers. Statistics on Justice Rucker were omitted due to the limited number of opinions in which he participated, in this, his first year on the court. Justice Rucker participated in at least 15 opinions during 1999.

court's 1998 level of unanimity of 88%. Once again this high level of unanimity was primarily attributable to the less-divisive mandatory docket of criminal cases.

Table D. The number of 3-2 opinions tripled to nine in 1999 from a low of only three in 1998. The now retired Justice Selby was in the majority the most often, having been in the majority in eight of the nine opinions.

Table E-1. The court affirmed almost 80% of the mandatory criminal appeals, and it affirmed only 18% of the discretionary civil appeals.

Table E-2. The court increased the number of civil petitions it transferred from 32 in 1998 to 35 in 1999. The number of criminal petitions it transferred decreased slightly from 23 in 1998 to 22 in 1999. The greatest percentage change in petitions denied was in the area of juvenile cases. The court did not grant any petitions to transfer in juvenile cases, denying all 38 petitions it considered in 1999.

A civil petition to transfer stood about a 10% chance of being granted, and a criminal petition to transfer stood about a 5% chance of being granted. Both of these rates are consistent with those in 1998.

Table F. The area that drew the sharpest increased attention from the court was medical malpractice. The court disposed of 12 medical malpractice cases in 1999 after handing down zero such cases in 1998. The court also issued 11 negligence or personal injury cases following the issuance of only 4 last year. Once again, the court discussed Indiana Constitutional issues in 21 cases in 1999.

TABLE A
OPINIONS^a

	OPINIONS OF COURT ^b			CONCURRENCES ^c			DISSENTS ^d		
	Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total
Shepard, C.J.	23	8	31	3	3	6	2	4	6
Dickson, J.	19	0	19	1	1	2	5	11	16
Sullivan, J. ^e	30	11	41	8	8	16	7	4	11
Selby, J.	11	13	24	7	1	8	0	1	1
Boehm, J. ^e	48	16	64	8	4	12	3	1	4
Per Curiam	1	39	40						
Total	132	87	219	27	17	44	17	21	38

^a These are opinions and votes on opinions by each justice and those that were in per curiam in the 1999 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, 209 (1990). The order of discussion and voting is started by the most junior member of the court and continues according to 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 four miscellaneous cases are not included in the table: *Walker v. Campbell*, 719 N.E.2d 1248 (Ind. 1999) (order granting transfer and dismissing appeal); *State v. Klein*, 719 N.E.2d 386 (Ind. 1999) (dissent from denial of petition to transfer); *State v. Linck*, 716 N.E.2d 892 (Ind. 1999) (vacating order granting petition to transfer); *Michigan Mutual Insurance Co. v. Sports, Inc.*, 706 N.E.2d 555 (Ind. 1999) (denying petition to transfer and striking appellant's brief in support of petition to transfer for its "scurrilous and intemperate attack on the integrity of the Court of Appeals").

^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 Justices declined to participate in the following four non-disciplinary cases; Chief Justice Shepard declined to participate in *Doe v. Shults-Lewis Child & Family Services, Inc.*, 718 N.E.2d 728 (Ind. 1999), *Weinberg v. Bess*, 717 N.E.2d 584 (Ind. 1999), and *Halbe v. Weinberg*, 717 N.E.2d 876 (Ind. 1999); Justice Sullivan declined to participate in *Indiana Bell Telephone Co. v. Indiana Utility Regulatory Commission*, 715 N.E.2d 351 (Ind. 1999).

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

		Shepard, C.J.	Dickson, J.	Sullivan, J.	Selby, J.	Boehm, J.
Shepard, C.J.	O		35	35	36	39
	S		2	1	0	0
	D	---	37	36	36	39
	N		46	45	43	46
	P		80.4%	80.0%	83.7%	84.8%
Dickson, J.	O	35		32	38	40
	S	2		1	0	0
	D	37	---	33	38	40
	N	46		48	46	49
	P	80.4%		68.8%	82.6%	81.6%
Sullivan, J.	O	35	32		33	35
	S	1	1		0	3
	D	36	33	---	33	38
	N	45	48		45	48
	P	80.0%	68.8%		73.3%	79.2%
Selby, J.	O	36	38	33		40
	S	0	0	0		0
	D	36	38	33	---	40
	N	43	46	45		46
	P	83.7%	82.6%	73.3%		87.0%
Boehm, J.	O	39	40	35	40	
	S	0	0	3	0	
	D	39	40	38	40	---
	N	46	49	48	46	
	P	84.8%	81.6%	79.2%	87.0%	

^f This Table records the number of times that one justice voted with another in full-opinion decisions, including per curiam, for only civil cases. For example, in the top set of numbers for Chief Justice Shepard, 35 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 be in agreement 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. In the Table, two justices are not treated 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 CASES⁸

		Shepard, C.J.	Dickson, J.	Sullivan, J.	Selby, J.	Boehm, J.
Shepard, C.J.	O		120	114	84	116
	S	0	2	0	0	
	D	---	120	116	84	116
	N		132	132	94	132
	P		90.9%	87.9%	89.4%	87.9%
Dickson, J.	O	120		110	84	117
	S	0		0	0	3
	D	120	---	110	84	120
	N	132		132	94	132
	P	90.9%		83.3%	89.4%	90.9%
Sullivan, J.	O	114	110		76	109
	S	2	0		0	0
	D	116	110	---	76	109
	N	132	132		94	132
	P	87.9%	83.3%		80.9%	82.6%
Selby, J.	O	84	84	76		85
	S	0	0	0		6
	D	84	84	76	---	91
	N	94	94	94		94
	P	89.4%	89.4%	80.9%		96.8%
Boehm, J.	O	116	117	109	85	
	S	0	3	0	6	
	D	116	120	109	91	---
	N	132	132	132	94	
	P	87.9%	90.9%	82.6%	96.8%	

⁸ This Table records the number of times that one justice voted with another in full-opinion decisions, including per curiam, for criminal cases. For example, in the top set of numbers for Chief Justice Shepard, 120 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 be in agreement 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. In the Table, two justices are not treated 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, C.J.	Dickson, J.	Sullivan, J.	Selby, J.	Boehm, J.
Shepard, C.J.	O		155	149	120	155
	S		2	3	0	0
	D	---	157	152	120	155
	N		178	177	137	178
	P		88.2%	85.9%	87.6%	87.1%
Dickson, J.	O	155		142	122	157
	S	2		1	0	3
	D	157	---	143	122	160
	N	178		180	140	181
	P	88.2%		79.4%	87.1%	88.4%
Sullivan, J.	O	149	142		109	144
	S	3	1		0	3
	D	152	143	---	109	147
	N	177	180		139	180
	P	85.9%	79.4%		78.4%	81.7%
Selby, J.	O	120	122	109		125
	S	0	0	0		6
	D	120	122	109	---	131
	N	137	140	139		140
	P	87.6%	87.1%	78.4%		93.6%
Boehm, J.	O	155	157	144	125	
	S	0	3	3	6	
	D	155	160	147	131	---
	N	178	181	180	140	
	P	87.1%	88.4%	81.7%	93.6%	

^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, 155 is the total number of times Chief Justice Shepard and Justice Dickson agreed in all full majority opinions written by the court in 1999. 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. In the Table, two justices are not treated 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	
101	30	131(72.8%)	17	9	26(14.4%)	13	10	23(12.8%)	180

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 justice 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 justice concurred in the result but not in the opinion of the court. A decision is also listed in this column if one or more justice 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., Selby, J., Boehm, J.	1
2. Shepard, C.J., Sullivan, J., Selby, J.	1
3. Shepard, C.J., Dickson, J., Selby, J.	2
4. Shepard, C.J., Sullivan, J., Rucker, J.	1
5. Dickson, J., Selby, J., Boehm, J.	2
6. Sullivan, J., Selby, J., Boehm, J.	2
Total ⁿ	9

¹ This Table concerns only decisions rendered by full opinion. It does not include the case of *In re Lahey*, 716 N.E.2d 362 (Ind. 1999) (per curiam), which although a 3-2 decision, is not a full opinion and is instead an order granting petition for reinstatement in an attorney discipline proceeding. 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 1999 term's 3-2 decisions were:

1. Shepard, C. J., Selby, J., Boehm, J.: *Yoon v. Yoon*, 711 N.E.2d 1265 (Ind. 1999) (Boehm, J.).
2. Shepard, C.J., Sullivan, J., Selby, J.: *Hernandez v. State*, 716 N.E.2d 948 (Ind. 1999) (Sullivan, J.).
3. Shepard, C.J., Dickson, J., Selby, J.: *Shane v. State*, 716 N.E.2d 391 (Ind. 1999) (Selby, J.); *Ellis v. Luxbury Hotels, Inc.*, 716 N.E.2d 359 (Ind. 1999) (Selby, J.).
4. Shepard, C.J., Sullivan, J., Rucker, J.: *Allen v. State*, 720 N.E.2d 707 (Ind. 1999) (Shepard, C.J.).
5. Dickson, J., Selby, J., Boehm, J.: *Riley v. State*, 711 N.E.2d 489 (Ind. 1999) (Dickson, J.); *Palmer v. State*, 704 N.E.2d 124 (Ind. 1999) (Dickson, J.).
6. Sullivan, J., Selby, J., Boehm, J.: *In re Reed*, 716 N.E.2d 426 (Ind. 1999) (per curiam); *Journal-Gazette Co. v. Bandido's, Inc.*, 712 N.E.2d 446 (Ind. 1999) (Sullivan, J.).

TABLE E-1

DISPOSITION OF CASES REVIEWED BY TRANSFER
AND DIRECT APPEALS^o

	Reversed or Vacated ^p	Affirmed	Total
Civil Appeals Accepted for Transfer	37 (82%)	8 (18%)	45
Direct Civil Appeals	0	2 (100%)	2
Criminal Appeals Accepted for Transfer	18 (75%)	6 (25%)	24
Direct Criminal Appeals	21 (21%)	78 (79%)	99
Total	76 (44.7%)	94(55.3%)	170 ^a

^o Direct criminal appeals are cases in which the trial court imposed a sentence of greater than 50 years. *See* IND. CONST. art. VII, § 4. Thus, direct criminal appeals are those that come directly from the trial court. A civil appeal may also be direct from the trial court. *See* IND. R. APP. P. 4(A). *See generally* IND. ORIGINAL ACTION RULES. All other Indiana Supreme Court opinions are accepted for transfer from the Indiana Court of Appeals. *See* IND. APP. R. 11(B). The court's transfer docket, especially civil cases, has substantially increased in the past five years, but declined significantly last year. *See* Randall T. Shepard, *Indiana Law, the Supreme Court, and a New Decade*, 24 IND. L. REV. 499 (1991).

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

^a This does not include 37 attorney and judicial discipline opinions and two opinions related to certified questions. These opinions did not reverse, vacate, or affirm any other court's decision. This also does not include seven opinions which considered petitions for post-conviction relief, five opinions which considered petitions for rehearing, one order setting the date for execution of a death sentence, or one opinion which considered an interlocutory appeal in a capital punishment case.

TABLE E-2**DISPOSITION OF PETITIONS TO TRANSFER
TO SUPREME COURT IN 1999^r**

	Denied or Dismissed	Granted	Total
Petitions to Transfer			
Civil ^s	300 (89.6%)	35 (10.4%)	335
Criminal ^t	396 (94.7%)	22 (5.3%)	418
Juvenile	38 (100%)	0	38
Total	734 (92.8%)	57 (7.2%)	791

^r 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.”

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

^t This category 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	0
• Attorney and Judicial Discipline	33 ^w
• Judicial Discipline	4 ^x
Criminal	
• Death Penalty	9 ^y
• Fourth Amendment or Search and Seizure	4 ^z
• Writ of Habeas Corpus	0
Emergency Appeals to the Supreme Court	3 ^{aa}
Trusts, Estates, or Probate	0
Real Estate or Real Property	2 ^{bb}
Personal Property	0
Landlord-Tenant	3 ^{cc}
Divorce or Child Support	3 ^{dd}
Children in Need of Services (CHINS)	0
Paternity	0
Product Liability or Strict Liability	1 ^{ee}
Negligence or Personal Injury	11 ^{ff}
Invasion of Privacy	0
Medical Malpractice	12 ^{gg}
Indiana Tort Claims Act	1 ^{hh}
Statute of Limitations or Statute of Repose	1 ⁱⁱ
Tax, Department of State Revenue, or State Board of Tax Commissioners	1 ^{jj}
Contracts	0
Corporate Law or the Indiana Business Corporation Law	0
Uniform Commercial Code	1 ^{kk}
Banking Law	0
Employment Law	0
Insurance Law	1 ^{ll}
Environmental Law	0
Consumer Law	0
Workers Compensation	2 ^{mm}
Arbitration	0
Administrative Law	0
First Amendment, Open Door Law, or Public Records Law	1 ⁿⁿ
Full Faith and Credit	0
Eleventh Amendment	0
Civil Rights	2 ^{oo}
Indiana Constitution	21 ^{pp}

^u This Table is designed to provide a general idea of the specific subject areas which the court discussed or ruled on and how many times it did so in 1999. 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.

^v *Brownsburg Area Patrons Affecting Change v. Baldwin*, 714 N.E.2d 135 (Ind. 1999); *United Nat'l Ins. Co. v. DePrizio*, 705 N.E.2d 455 (Ind. 1999).

^w *In re Litz*, 721 N.E.2d 258 (Ind. 1999); *In re Razo*, 720 N.E.2d 719 (Ind. 1999); *In re Graddick*, 719 N.E.2d 1245 (Ind. 1999); *In re Bell*, 718 N.E.2d 1115 (Ind. 1999); *In re Benjamin*, 718 N.E.2d 1111 (Ind. 1999); *In re Puterbaugh*, 716 N.E.2d 1287 (Ind. 1999); *In re Corbin*, 716 N.E.2d 429 (Ind. 1999); *In re Reed*, 716 N.E.2d 426 (Ind. 1999); *In re Deets*, 716 N.E.2d 366 (Ind. 1999); *In re Wilson*, 715 N.E.2d 838 (Ind. 1999); *In re Van Rider*, 715 N.E.2d 402 (Ind. 1999); *In re Gole*, 715 N.E.2d 399 (Ind. 1999); *In re Cable*, 715 N.E.2d 396 (Ind. 1999); *In re Davis*, 715 N.E.2d 386 (Ind. 1999); *In re Cherry*, 715 N.E.2d 382 (Ind. 1999); *In re Conn*, 715 N.E.2d 379 (Ind. 1999); *In re Welling*, 715 N.E.2d 377 (Ind. 1999); *In re Caldwell*, 715 N.E.2d 362 (Ind. 1999); *In re Kummerer*, 714 N.E.2d 653 (Ind. 1999); *In re Brown*, 714 N.E.2d 630 (Ind. 1999); *State ex rel. Indiana State Bar Ass'n v. State Bd. of Tax Commr's*, 714 N.E.2d 128 (Ind. 1999); *In re Halcarz*, 712 N.E.2d 964 (Ind. 1999); *In re Contempt of Houston*, 711 N.E.2d 33 (Ind. 1999); *In re Schneider*, 710 N.E.2d 178 (Ind. 1999); *In re Warren*, 708 N.E.2d 873 (Ind. 1999); *In re Siegel*, 708 N.E.2d 869 (Ind. 1999); *In re Norman*, 708 N.E.2d 867 (Ind. 1999); *In re Contempt of Crenshaw*, 708 N.E.2d 859 (Ind. 1999); *In re Eager*, 708 N.E.2d 584 (Ind. 1999); *In re Snyder*, 706 N.E.2d 1080 (Ind. 1999); *In re Samai*, 706 N.E.2d 146 (Ind. 1999); *In re Heppenheimer*, 705 N.E.2d 996 (Ind. 1999); *In re Fleener*, 705 N.E.2d 994 (Ind. 1999).

^x *In re Bybee*, 716 N.E.2d 957 (Ind. 1999); *In re Jacobi*, 715 N.E.2d 873 (Ind. 1999); *In re Johnson*, 715 N.E.2d 370 (Ind. 1999); *In re Public Law 16-1995*, 714 N.E.2d 126 (Ind. 1999).

^y *Dye v. State*, 717 N.E.2d 5 (Ind. 1999); *Benefiel v. State*, 716 N.E.2d 906 (Ind. 1999); *Trueblood v. State*, 715 N.E.2d 1242 (Ind. 1999); *State v. Price*, 715 N.E.2d 331 (Ind. 1999); *Rondon v. State*, 711 N.E.2d 506 (Ind. 1999); *Conner v. State*, 711 N.E.2d 1238 (Ind. 1999); *Harrison v. State*, 707 N.E.2d 767 (Ind. 1999); *Williams v. State*, 706 N.E.2d 149 (Ind. 1999); *Rouster v. State*, 705 N.E.2d 999 (Ind. 1999).

^z *Wise v. State*, 719 N.E.2d 1192 (Ind. 1999); *Vehorn v. State*, 717 N.E.2d 869 (Ind. 1999); *Baldwin v. Reagan*, 715 N.E.2d 332 (Ind. 1999); *Middleton v. State*, 714 N.E.2d 1099 (Ind. 1999).

^{aa} *Cincinnati Ins. Co. v. Wills*, 717 N.E.2d 151 (Ind. 1999); *GTE Corp. v. Indiana Util. Regulatory Comm'n*, 715 N.E.2d 360 (Ind. 1999); *Indiana Bell Tel. Co. v. Indiana Util. Regulatory Comm'n*, 715 N.E.2d 351 (Ind. 1999).

^{bb} *Carnahan v. Moria Property Owners Ass'n, Inc.*, 716 N.E.2d 437 (Ind. 1999); *Dibble v. City of Lafayette*, 713 N.E.2d 269 (Ind. 1999).

^{cc} *Johnson v. Scandia Assocs.*, 717 N.E.2d 24 (Ind. 1999); *Schuman v. Kobets*, 716 N.E.2d 355 (Ind. 1999); *Vernon v. Kroger Co.*, 712 N.E.2d 976 (Ind. 1999).

^{dd} *Glass v. Oeder*, 716 N.E.2d 413 (Ind. 1999); *Cowart v. White*, 711 N.E.2d 523 (Ind. 1999); *Yoon v. Yoon*, 711 N.E.2d 1265 (Ind. 1999).

^{ee} *Estate of Shebel v. Yaskawa Elec. Am., Inc.*, 713 N.E.2d 275 (Ind. 1999).

^{ff} *Serviss v. State Dep't of Natural Resources*, 721 N.E.2d 234 (Ind. 1999); *Benton v. City of Oakland City*, 721 N.E.2d 224 (Ind. 1999); *Conder v. Wood*, 716 N.E.2d 432 (Ind. 1999); *Ross v. Cheema*, 716 N.E.2d 435 (Ind. 1999); *Ellis v. Luxbury Hotels, Inc.*, 716 N.E.2d 359 (Ind. 1999); *Tipmont Rural Elec. Membership Corp. v. Fischer*, 716 N.E.2d 357 (Ind. 1999); *Carrie v. PSI Energy, Inc.*, 715 N.E.2d 853 (Ind. 1999); *Pelo v. Franklin College*, 715 N.E.2d 365 (Ind. 1999); *L.W. v. Western Golf Ass'n*, 712 N.E.2d 983 (Ind. 1999); *Vernon v. Kroger Co.*, 712 N.E.2d 976 (Ind. 1999); *Delta Tau Delta, Beta Alpha Chapter v. Johnson*, 712 N.E.2d 968 (Ind. 1999).

^{gg} *Emergency Physicians v. Pettit*, 718 N.E.2d 753 (Ind. 1999); *Halbe v. Weinberg*, 717 N.E.2d 876 (Ind. 1999); *Weinberg v. Bess*, 717 N.E.2d 584 (Ind. 1999); *Poehlman v. Feferman*, 717 N.E.2d 578 (Ind. 1999).

1999); Wells v. Metrohealth, 716 N.E.2d 933 (Ind. 1999); Wisniewski v. Bennett, 716 N.E.2d 892 (Ind. 1999); Harris v. Raymond, 715 N.E.2d 388 (Ind. 1999); Sword v. NKC Hosps., Inc., 714 N.E.2d 142 (Ind. 1999); Van Dusen v. Stotts, 712 N.E.2d 491 (Ind. 1999); Johnson v. Gupta, 711 N.E.2d 1286 (Ind. 1999); Martin v. Richey, 711 N.E.2d 1273 (Ind. 1999); Smith v. Johnston, 711 N.E.2d 1259 (Ind. 1999).

^{hh} Indiana Farmers Mut. Ins. Co. v. Richie, 707 N.E.2d 992 (Ind. 1999).

ⁱⁱ Doe v. Shults-Lewis Child & Family Servs., Inc., 718 N.E.2d 738 (Ind. 1999).

^{jj} Tax Certificate Invs., Inc. v. Smethers, 714 N.E.2d 131 (Ind. 1999).

^{kk} HCC Credit Corp. v. Springs Valley Bank & Trust, 712 N.E.2d 952 (Ind. 1999).

^{ll} Cincinnati Ins. Co. v. Wills, 717 N.E.2d 151 (Ind. 1999).

^{mm} Wine-Settergren v. Lamey, 716 N.E.2d 381 (Ind. 1999); Tippmann v. Hensler, 716 N.E.2d 372 (Ind. 1999).

ⁿⁿ Journal-Gazette Co. v. Bandido's, Inc., 712 N.E.2d 446 (Ind. 1999).

^{oo} Indiana Civil Rights Comm'n v. Indianapolis Newspapers, Inc., 716 N.E.2d 943 (Ind. 1999); Indiana Civil Rights Comm'n v. Alder, 714 N.E.2d 632 (Ind. 1999).

^{pp} Hampton v. State, 719 N.E.2d 803 (Ind. 1999); Trowbridge v. State, 717 N.E.2d 138 (Ind. 1999); Collins v. State, 717 N.E.2d 108 (Ind. 1999); Guffey v. State, 717 N.E.2d 103 (Ind. 1999); McIntire v. State, 717 N.E.2d 96 (Ind. 1999); Taylor v. State, 717 N.E.2d 90 (Ind. 1999); Griffin v. State, 717 N.E.2d 73 (Ind. 1999); Richardson v. State, 717 N.E.2d 32 (Ind. 1999); Merrill v. State, 716 N.E.2d 902 (Ind. 1999); May v. State, 716 N.E.2d 419 (Ind. 1999); Wilder v. State, 716 N.E.2d 403 (Ind. 1999); Franklin v. State, 715 N.E.2d 1237 (Ind. 1999); Wurster v. State, 715 N.E.2d 341 (Ind. 1999); Baldwin v. Reagan, 715 N.E.2d 332 (Ind. 1999); Goodner v. State, 714 N.E.2d 638 (Ind. 1999); Angleton v. State, 714 N.E.2d 156 (Ind. 1999); Simmons v. State, 714 N.E.2d 153 (Ind. 1999); Van Dusen v. Stotts, 712 N.E.2d 491 (Ind. 1999); Martin v. Richey, 711 N.E.2d 1273 (Ind. 1999); McQueen v. State, 711 N.E.2d 503 (Ind. 1999); Henson v. State, 707 N.E.2d 792 (Ind. 1999).