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SURVEY

AN EXAMINATION OF THE INDIANA SUPREME COURT DOCKET, DISPOSITIONS, AND VOTING IN 2015*

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On November 9, 2015, Justice Brent Dickson announced his decision to retire from the Indiana Supreme Court after a nearly thirty-year term on the court.¹ Justice Dickson served the second-longest tenure in Indiana Supreme Court history.² He left an indelible mark on Indiana law. The announcement of his departure marks by far the most significant event for the court in 2015, warranting an examination of his contributions.

First, Justice Dickson remained a champion for civility in the practice of law throughout his career. In a widely discussed and cited article, Justice Dickson implored lawyers to “restore civility as the *modus operandi* of the legal profession.”³ In his view, the increased lack of civility—although not “an irreversible trend”—threatened the fabric of the legal profession itself: “We have

* 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*; 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 Justice Brent Dickson Retiring in April*, INDIANAPOLIS STAR (Jan. 11, 2016), <http://www.indystar.com/story/news/politics/2016/01/11/indiana-supreme-court-justice-brent-dickson-retiring-april/78633916/> [<https://perma.cc/485B-Y655>].

2. *Id.*

3. Brent E. Dickson & Julia Bunton Jackson, *Professionalism in the Practice of Law: A Symposium on Civility and Judicial Ethics in the 1990s*, 28 VAL. U. L. REV. 531, 531 (1994).

chosen the law as a noble profession. But when lawyers abandon civility, they defame this nobility. The essence of lawyer civility is not just how we treat each other; it is how we treat the law as an institution and as our profession.”⁴ He continued not only to bring this message to the lawyers of the state, but to live it through how he conducted himself as a justice. He was often a consensus builder and seldom found himself a lone dissenter. This is borne out by the court’s statistics for 2015, in which he agreed with none of his colleagues in less than 85% of all cases.⁵ He wrote the fewest number of dissents in 2015 as well, dissenting only a single time.⁶ Moreover, the Indiana State Bar Association awarded him its 2015 Civility Award.⁷

Second, no review of Justice Dickson’s tenure would be complete without recognizing the life he helped breathe into Indiana’s Equal Privileges and Immunities Clause.⁸ For years, that provision lay dormant as courts construed it to simply mimic the effect of the Equal Protection Clause of the Fourteenth Amendment.⁹ However, Justice Dickson authored a new methodology for reviewing claims under Indiana’s Equal Privileges and Immunities Clause in the seminal case of *Collins v. Day*.¹⁰ Instead of simply applying federal analysis, *Collins* established a two-part test based on the language and history of the Indiana constitution: “First, the disparate treatment accorded by the legislation must be reasonably related to inherent characteristics which distinguish the unequally treated classes. Second, the preferential treatment must be uniformly applicable and equally available to all persons similarly situated.”¹¹ *Collins*’ influence has proven to be lasting, as an almost-forgotten clause has become a lively source of Indiana constitutional discussion. As of this writing, courts have cited *Collins* more than 180 times since 1994 and secondary sources have examined *Collins* almost 200 times.¹²

Third, Justice Dickson’s jurisprudence helped illuminate the religious freedoms enjoyed by Hoosiers under the Indiana Constitution. In dozens of cases spanning his decades on the Court, Justice Dickson helped define what religious freedom and freedom of conscience mean under the Indiana Constitution. Religious freedom plays an important role in Indiana’s constitutional hierarchy. Distinct from the broad language of the First Amendment to the Federal

4. *Id.* at 541.

5. See *infra* Table B-3: Voting Alignments for All Cases.

6. *Id.*

7. Carissa Long, *Justice Brent E. Dickson Receives Civility Award from the Indiana State Bar Association*, IND. ST. B. ASS’N (Oct. 29, 2015), <http://www.inbar.org/news/257865/Justice-Brent-E.-Dickson-receives-Civility-Award-from-the-Indiana-State-Bar-Association.htm> [<https://perma.cc/X2VV-H5JE>].

8. IND. CONST. art. 1, § 23.

9. *Collins v. Day*, 644 N.E.2d 72, 74 (Ind. 1994)

10. *Id.*

11. *Id.* at 80.

12. This information was obtained from the citing references tab for the case on Westlaw. An image of this tab as of May 12, 2016 is available with the authors.

Constitution, the Indiana Constitution contains six separate provisions safeguarding various aspects of religious freedom.¹³ Justice Dickson's work helped illuminate what these provisions meant in concrete contexts, having authored opinions that: (1) protected the interests of religious institutions facing condemnation;¹⁴ (2) examined the interplay between school voucher programs and freedom of religion;¹⁵ (3) set the standard for resolving disputes among church members;¹⁶ and (4) upheld a dual-enrollment system that gave public schools funding for providing secular education services to children in parochial schools.¹⁷

Fourth, Justice Dickson remained faithful to the Indiana Supreme Court's role in the administration of justice. The demands on a supreme court justice extend beyond authoring opinions. Over his three-decade judicial career, Justice Dickson chaired the Supreme Court Records Management Committee, the Judicial Data Processing Oversight Committee, the Task Force on Access to Court Records, and various other committees.¹⁸ He also served as a liaison to the Disciplinary Commission and Board of Law Examiners.¹⁹ Yet he has remained one of the court's more robust justices, authoring as many or more opinions each year than his colleagues.²⁰ For instance, in each of the last five years—including 2015, with his retirement pending—he authored the second most opinions of any justice on the court.²¹

Justice Dickson's countless contributions have left an indelible mark on the Indiana Supreme Court—for the better. We turn now to an examination of the Indiana Supreme Court's docket in 2015.

Table A. The court issued a total of 87 opinions in 2015, slightly down from the 100 opinions issued in 2014, but still greater than the 74 opinions issued in 2013. As in the past few years, the court again handed down more civil cases than

13. See IND. CONST. art. 1, §§ 2-8.

14. *City Chapel Evangelical Free Inc. v. City of S. Bend*, 744 N.E.2d 443 (Ind. 2001).

15. *Meredith v. Pence*, 984 N.E.2d 1213 (Ind. 2013).

16. *Presbytery of Ohio Valley, Inc. v. Olivet Presbyterian Church, Inc.*, 973 N.E.2d 1099 (Ind. 2012).

17. *Embry v. O'Bannon*, 798 N.E.2d 157 (Ind. 2003).

18. *Justice Brent E. Dickson*, IND. JUD. BRANCH, <http://www.in.gov/judiciary/citc/2829.htm> [<https://perma.cc/Z8KF-5GLR>] (last visited May 12, 2016).

19. *Id.*

20. See, e.g., *infra* Table A: Opinions.

21. See *infra* Table A: Opinions; Mark Crandley & Jeffrey M. Peabody, *An Examination of the Indiana Supreme Court Docket, Dispositions, and Voting in 2014*, 48 IND. L. REV. 1133, 1137 (2015); Mark Crandley & Jeffrey M. Peabody, *An Examination of the Indiana Supreme Court Docket, Dispositions, and Voting in 2013*, 47 IND. L. REV. 929, 933 (2014); Mark Crandley, Jeffrey M. Peabody, P. Jason Stephenson, *An Examination of the Indiana Supreme Court Docket, Dispositions, and Voting in 2012*, 46 IND. L. REV. 881, 886 (2013); Mark Crandley, Jeffrey M. Peabody, P. Jason Stephenson, *An Examination of the Indiana Supreme Court Docket, Dispositions, and Voting in 2011*, 45 IND. L. REV. 917, 922 (2012).

criminal cases, although the difference was slight. 55% of the opinions came in civil cases, as compared to 58% in 2014. The opinions were fairly evenly distributed among the justices, with Justice David writing the most opinions with eighteen, followed next by Chief Justice Rush and Justice Dickson with seventeen.

Table B-1. The court was generally well aligned in civil cases, although alignments were generally lower than in 2014. Chief Justice Rush and Justice Massa had the highest level of alignment, agreeing in 96% of the civil cases heard. In contrast, Justices Rucker and Dickson agreed in 81% of the civil cases heard, lower than any pair of justices in 2014 or 2013. Justices Rucker and David agreed in 85% of civil cases, again less than any pair of justices in 2014 or 2013.

Table B-2. As was the case in 2014, the court showed less alignment in criminal cases. For the second consecutive year, the lowest alignment in criminal cases was between Justices Massa and Rucker, who agreed only 79% of the time. This continues a trend of non-alignment between these justices, who agreed less the second least amount of time in 2013 and the least in 2012, with only 68% agreement in criminal cases. The highest alignment was between Chief Justice Rush and Justice Massa, who agreed in 92% of the criminal cases handed down in 2015. The same justices agreed the second most in 2014.

Table B-3. The court continues to show a generally high level of alignment across all cases. The lowest overall alignment was between Justices Massa and Rucker at 84%, while Chief Justice Rush aligned with Justice Massa in 94% of the cases. This marks the third consecutive year in which no pair of justices agreed in less than 80% of cases.

Table C. The court continues to reach unanimous decisions in most of its cases, with unanimous opinions handed down in 83% of cases (not counting judicial and attorney discipline cases). The level of unanimity dipped slightly from the levels seen in 2014 (88%) and 2013 (84%). Of the 15 separate opinions, two were concurrences, meaning dissents were included in 15% of the cases in 2015. This was the highest percentage of cases drawing dissents since the 34% in 2012.

Table D. After hitting a low of 3% in 2014, the percentage of the court's decisions that were split 3-2 increased substantially to nearly 14% in 2015. Notably, both Chief Justice Rush and Justice Massa were in the majority for nine of the twelve split decisions.

Table E-1. The number of reversals remained relatively constant from 2014, as the court reversed in 59% of its cases, as compared to 58% of cases in 2014. Civil cases continued to experience a significantly higher rate of reversal, as 73% of all civil cases transferred to the court were reversed. Last year, criminal cases accepted for transfer were more likely to be affirmed than to be reversed; this

year, the opposite is true—63% of all criminal appeals accepted for transfer were reversed.

Table E-2. The number of petitions to transfer in 2015 dropped slightly as compared to 2014, with about 3.5% fewer petitions than last year. That said, the percentage of petitions the court granted remained relatively high, with 11% of all petitions being granted, as compared to 12% in 2014.

Table F. The court's cases continue to cover a broad scope of topics, including 22 different substantive areas of law in 2015. In particular, the court heard several more cases involving the death penalty or life without parole than in 2014. On the flip side, the court handed down fewer opinions dealing with divorce, child support, and medical malpractice.

TABLE A
OPINIONS^a

| | OPINIONS OF COURT ^b | | | CONCURRENCES ^c | | | DISSENTS ^d | | |
|--------------|--------------------------------|-----------|-----------|---------------------------|----------|----------|-----------------------|----------|-----------|
| | Criminal | Civil | Total | Criminal | Civil | Total | Criminal | Civil | Total |
| Rush, C.J. | 5 | 12 | 17 | 0 | 1 | 1 | 0 | 1 | 1 |
| David, J. | 10 | 8 | 18 | 0 | 1 | 1 | 2 | 2 | 4 |
| Rucker, J. | 9 | 3 | 12 | 1 | 0 | 1 | 4 | 2 | 6 |
| Dickson, J. | 6 | 11 | 17 | 0 | 0 | 0 | 0 | 1 | 1 |
| Massa, J. | 8 | 5 | 13 | 0 | 0 | 0 | 2 | 0 | 2 |
| Per Curiam | 1 | 9 | 10 | | | | | | |
| Total | 39 | 48 | 87 | 1 | 2 | 3 | 8 | 6 | 14 |

^a These are opinions and votes on opinions by each justice and in per curiam in the 2015 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 direct or 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, 213 (1990). The order of discussion and voting is started by the most junior member of the court and follows in reverse seniority. *See id.* at 210.

^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.

^c This category includes both written concurrences, joining in written concurrence, and votes to concur in result only.

^d This category includes both written dissents and votes to dissent without opinion. Opinions concurring in part and dissenting in part, or opinions concurring in part only and differing on another issue, are counted as dissents.

TABLE B-1
VOTING ALIGNMENTS FOR CIVIL CASES[°]

| | | Massa | Dickson | David | Rucker | Rush |
|-------------|---|-------|---------|-------|--------|------|
| Massa, J. | O | | 44 | 44 | 42 | 45 |
| | S | | 0 | 0 | 0 | 1 |
| | D | --- | 44 | 44 | 42 | 46 |
| | N | | 48 | 48 | 48 | 48 |
| | P | | 92% | 92% | 88% | 96% |
| Dickson, J. | O | 44 | | 43 | 39 | 42 |
| | S | 0 | | 2 | 0 | 0 |
| | D | 44 | --- | 45 | 39 | 42 |
| | N | 48 | | 48 | 48 | 48 |
| | P | 92% | | 94% | 81% | 88% |
| David, J. | O | 44 | 43 | | 41 | 43 |
| | S | 0 | 2 | | 0 | 0 |
| | D | 44 | 45 | --- | 41 | 43 |
| | N | 48 | 48 | | 48 | 48 |
| | P | 92% | 94% | | 85% | 88% |
| Rucker, J. | O | 42 | 39 | 41 | | 43 |
| | S | 0 | 0 | 0 | | 2 |
| | D | 42 | 39 | 41 | --- | 45 |
| | N | 48 | 48 | 48 | | 48 |
| | P | 88% | 81% | 85% | | 92% |
| Rush, C.J. | O | 45 | 42 | 43 | 43 | |
| | S | 1 | 0 | 0 | 2 | |
| | D | 46 | 42 | 43 | 45 | --- |
| | N | 48 | 48 | 48 | 48 | |
| | P | 96% | 88% | 88% | 92% | |

[°] 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 Justice Massa, 44 is the number of times Justice Massa 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^f

| | | Massa | Dickson | David | Rucker | Rush |
|-------------|---|-------|---------|-------|--------|------|
| Massa, J. | O | | 35 | 36 | 31 | 36 |
| | S | | 0 | 0 | 0 | 0 |
| | D | --- | 35 | 36 | 31 | 36 |
| | N | | 39 | 39 | 39 | 39 |
| | P | | 90% | 92% | 79% | 92% |
| Dickson, J. | O | 35 | | 35 | 33 | 35 |
| | S | 0 | | 0 | 2 | 0 |
| | D | 35 | --- | 35 | 35 | 35 |
| | N | 39 | | 39 | 39 | 39 |
| | P | 90% | | 90% | 90% | 90% |
| David, J. | O | 36 | 35 | | 32 | 35 |
| | S | 0 | 0 | | 1 | 0 |
| | D | 36 | 35 | --- | 33 | 35 |
| | N | 39 | 39 | | 39 | 39 |
| | P | 92% | 90% | | 85% | 90% |
| Rucker, J. | O | 31 | 33 | 32 | | 32 |
| | S | 0 | 2 | 1 | | 1 |
| | D | 31 | 35 | 33 | --- | 33 |
| | N | 39 | 39 | 39 | | 39 |
| | P | 79% | 90% | 85% | | 85% |
| Rush, C.J. | O | 36 | 35 | 35 | 32 | |
| | S | 0 | 0 | 0 | 1 | |
| | D | 36 | 35 | 35 | 33 | --- |
| | N | 39 | 39 | 39 | 39 | |
| | P | 92% | 90% | 90% | 85% | |

^f 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 Justice Massa, 36 is the number of times Justice Massa 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 CASES⁸

| | | Massa | Dickson | David | Rucker | Rush |
|-------------|---|-------|---------|-------|--------|------|
| Massa, J. | O | | 79 | 80 | 73 | 81 |
| | S | | 0 | 0 | 0 | 1 |
| | D | --- | 79 | 80 | 73 | 82 |
| | N | | 87 | 87 | 87 | 87 |
| | P | | 91% | 92% | 84% | 94% |
| Dickson, J. | O | 79 | | 78 | 72 | 77 |
| | S | 0 | | 2 | 2 | 0 |
| | D | 79 | --- | 80 | 74 | 77 |
| | N | 87 | | 87 | 87 | 87 |
| | P | 91% | | 92% | 85% | 89% |
| David, J. | O | 80 | 78 | | 73 | 78 |
| | S | 0 | 2 | | 1 | 0 |
| | D | 80 | 80 | --- | 74 | 78 |
| | N | 87 | 87 | | 87 | 87 |
| | P | 92% | 92% | | 85% | 90% |
| Rucker, J. | O | 73 | 72 | 73 | | 75 |
| | S | 0 | 2 | 1 | | 3 |
| | D | 73 | 74 | 74 | --- | 78 |
| | N | 87 | 87 | 87 | | 87 |
| | P | 84% | 85% | 85% | | 90% |
| Rush, C.J. | O | 81 | 77 | 78 | 75 | |
| | S | 1 | 0 | 0 | 3 | |
| | D | 82 | 77 | 78 | 78 | --- |
| | N | 87 | 87 | 87 | 87 | |
| | P | 94% | 89% | 90% | 90% | |

⁸ 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 former Justice Massa, 79 is the total number of times Justice Massa and Justice Dickson agreed in all full majority opinions written by the court in 2015. 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)^h

| Unanimous ⁱ | | | Unanimous with Concurrence ^j | | | Opinions with Dissent | | | Total |
|------------------------|-------|-----------|--|-------|----------|--------------------------|-------|-----------|-------|
| Criminal | Civil | Total | Criminal | Civil | Total | Criminal | Civil | Total | |
| 31 | 36 | 67 | 1 | 1 | 2 | 7 | 6 | 13 | 82 |

^h This Table tracks the number and percent of unanimous opinions among all opinions written. If, for example, only four justices participated and all concurred, it is still considered unanimous. It also tracks the percentage of overall opinions with concurrence and overall opinions with dissent.

ⁱ 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.

^j 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
SPLIT DECISIONS^k

| Justices Constituting the Majority | Number of Opinions^l |
|---|---------------------------------------|
| 1. Rush, C.J., Dickson, J., Massa, J. | 2 |
| 2. Rush, C.J., David, J., Massa, J. | 2 |
| 3. Rush, C.J., Dickson, J., Rucker, J. | 1 |
| 4. Rush, C.J., Rucker, J., Massa, J. | 2 |
| 5. Rush, C.J., David, J., Rucker, J. | 1 |
| 6. David, J., Dickson, J., Massa, J. | 3 |
| 7. David, J., Dickson, J., Rucker, J. | 1 |
| Total ^m | 12 |

^k This Table concerns only decisions rendered by full opinion. An opinion is counted as a split decision if two or more justices voted to decide the case in a manner different from that of the majority of the court.

^l This column lists the number of times each group of justices constituted the majority in a split decision.

^m The 2015 term's split decisions were:

1. Rush, C.J., Dickson, J., Massa, J.: *Anderson v. Gaudin*, 42 N.E.3d 82 (Ind. 2015) (Dickson, J.); *Shell v. State*, 24 N.E.3d 968 (Ind. 2015) (Rush, C.J.).

2. Rush, C.J., David, J., Massa, J.: *Pierce v. State*, 29 N.E.3d 1258 (Ind. 2015) (Massa, J.); *Griesemer v. State*, 26 N.E.3d 606 (Ind. 2015) (Massa, J.).

3. Rush, C.J., Dickson, J., Rucker, J.: *Sargent v. State*, 27 N.E.3d 729 (Ind. 2015) (Rucker, J.).

4. Rush, C.J., Rucker, J., Massa, J.: *Hay v. Hay*, 33 N.E.3d 1038 (Ind. 2015) (Rush, C.J.); *Giles v. Anonymous Physician I*, 30 N.E.3d 710 (Ind. 2015) (Rush, C.J.).

5. Rush, C.J., David, J., Rucker, J.: *Thornton v. State*, 43 N.E.3d 585 (Ind. 2015) (per curiam).

6. David, J., Dickson, J., Massa, J.: *In re Visitation of L-A.D.W.*, 38 N.E.3d 993 (Ind. 2015) (David, J.); *Hall v. State*, 36 N.E.3d 459 (Ind. 2015) (David, J.); *Thomson Inc. v. Ins. Co. of N. Am.*, 33 N.E.3d 1039 (Rush, C.J.).

7. David, J., Dickson, J., Rucker, J.: *Russell v. State*, 34 N.E.3d 1223 (Ind. 2015) (David, J.).

TABLE E-1
DISPOSITION OF CASES REVIEWED BY TRANSFER
AND DIRECT APPEALSⁿ

| | Reversed or Vacated ^o | Affirmed | Total |
|--|----------------------------------|----------|-------|
| Civil Appeals Accepted for Transfer | 29 (73%) | 11 (27%) | 40 |
| Direct Civil Appeals | 1 (12%) | 7 (88%) | 8 |
| Criminal Appeals Accepted for Transfer | 19 (63%) | 11 (37%) | 30 |
| Direct Criminal Appeals | 2 (22%) | 7 (78%) | 9 |
| Total | 51 (59%) | 36 (41%) | 87 |

ⁿ 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, R. 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.

^o Generally, the Indiana Supreme Court uses the term “vacate” when it is reviewing a court of appeals opinion, and the term “reverse” 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’s opinion.

TABLE E-2
DISPOSITION OF PETITIONS TO TRANSFER
TO SUPREME COURT IN 2015^p

| | Denied or Dismissed | Granted | Total |
|-----------------------|---------------------|----------|-------|
| Petitions to Transfer | | | |
| Civil ^q | 208 (78%) | 57 (22%) | 265 |
| Criminal ^r | 464 (94%) | 30 (6%) | 494 |
| Juvenile ^s | 27 (93%) | 2 (7%) | 29 |
| Total | 699 (89%) | 89 (11%) | 788 |

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

^q This also includes petitions to transfer in tax cases and workers' compensation cases.

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

^s This also includes guardianship and adoption cases.

TABLE F
SUBJECT AREAS OF SELECTED DISPOSITIONS
WITH FULL OPINIONS¹

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

¹ 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 2015. 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.

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- ^u *In re Howell*, 27 N.E.3d 723 (Ind. 2015).
- ^v *In re Philpot*, 31 N.E.3d 468 (Ind. 2015); *In re Thomas*, 30 N.E.3d 704 (Ind. 2015); *In re Keaton*, 29 N.E.3d 103 (Ind. 2015); *In re Hollander*, 27 N.E.3d 278 (Ind. 2015).
- ^w *In re Bennington*, 24 N.E.3d 958 (Ind. 2015).
- ^x *Helsley v. State*, 43 N.E.3d 225 (Ind. 2015); *Lewis v. State*, 34 N.E.3d 240 (Ind. 2015); *Satterfield v. State*, 33 N.E.3d 344 (Ind. 2015); *Bell v. State*, 31 N.E.3d 495 (Ind. 2015); *Isom v. State*, 31 N.E.3d 469 (Ind. 2015), *cert. denied*, 136 S. Ct. 1161 (2016); *Stephenson v. State*, 29 N.E.3d 111 (Ind.); *Moore v. State*, 27 N.E.3d 749 (Ind. 2015); *Weisheit v. State*, 26 N.E.3d 3 (Ind. 2015), *cert. denied*, 136 S. Ct. 901 (2016).
- ^y *State v. Vanderkolk*, 32 N.E.3d 775 (Ind. 2015); *State v. Cunningham*, 26 N.E.3d 21 (Ind. 2015).
- ^z *Markey v. Estate of Markey*, 38 N.E.3d 1003 (Ind. 2015).
- ^{aa} *Schmidt v. Ind. Ins. Co.*, 45 N.E.3d 781 (Ind. 2015); *JPMorgan Chase Bank, v. Claybridge Homeowners Ass'n*, 39 N.E.3d 666 (Ind. 2015); *Huntington Nat'l Bank v. Car-X Assoc. Corp.*, 39 N.E.3d 652 (Ind. 2015); *Celebration Worship Ctr., Inc. v. Tucker*, 35 N.E.3d 251 (Ind. 2015).
- ^{bb} *Goodrich Quality Theaters, Inc. v. Fostcorp Heating & Cooling, Inc.*, 39 N.E.3d 660 (Ind. 2015).
- ^{cc} *Gertiser v. Stokes*, 45 N.E.3d 363 (Ind. 2015); *Masters v. Masters*, 43 N.E.3d 570 (Ind. 2015); *Bogner v. Bogner*, 29 N.E.3d 733 (Ind. 2015); *Ball State Univ. v. Irons*, 27 N.E.3d 717 (Ind. 2015).
- ^{dd} *In re the Involuntary Termination of the Parent-Child Relationship of K.E.*, 39 N.E.3d 641 (Ind. 2015); *In re I.B.*, 32 N.E.3d 1164 (Ind. 2015); *In re J.K.*, 30 N.E.3d 695 (Ind. 2015).
- ^{ee} *Knighten v. East Chi. Hous. Auth.*, 45 N.E.3d 788 (Ind. 2015); *SCI Propane, LLC v. Frederick*, 39 N.E.3d 675 (Ind. 2015).
- ^{ff} *Stafford v. Szymanowski*, 31 N.E.3d 959 (Ind. 2015).
- ^{gg} *Hoadland v. Franklin Twp. Cmty. Sch. Corp.*, 27 N.E.3d 737 (Ind. 2015).
- ^{hh} *Miller v. Danz*, 36 N.E.3d 455 (Ind. 2015); *Study v. State*, 24 N.E.3d 947 (Ind.), *cert. denied*, 136 S. Ct. 412 (2015).
- ⁱⁱ *AM Gen. LLC v. Armour*, 46 N.E.3d 436 (Ind. 2015); *Kramer v. Kramer*, 27 N.E.3d 270 (Ind. 2015); *Young v. Hood's Gardens, Inc.*, 24 N.E.3d 421 (Ind. 2015).
- ^{jj} *AM Gen. LLC*, 46 N.E.3d 436; *Hewitt v. Westfield Washington Sch. Corp.*, 46 N.E.3d 425 (Ind. 2015); *Knighten*, 45 N.E.3d 788; *Young*, 24 N.E.3d 421.
- ^{kk} *Schmidt v. Ind. Ins. Co.*, 45 N.E.3d 781 (Ind. 2015); *State Farm Mut. Auto. Ins. Co. v. Earl*, 33 N.E.3d 337 (Ind. 2015); *Bd. of Comm'rs v. Teton Corp.*, 30 N.E.3d 711 (Ind. 2015); *WellPoint, Inc. v. Nat'l Union Fire Ins. Co.*, 29 N.E.3d 716 (Ind. 2015); *Ind. Restorative Dentistry, P.C. v. Laven Ins. Agency, Inc.*, 27 N.E.3d 260 (Ind. 2015).
- ^{ll} *Young*, 24 N.E.3d 421.
- ^{mm} *First Am. Title Ins. Co. v. Robertson*, 27 N.E.3d 768 (Ind. 2015).
- ⁿⁿ *Comm'r of the Ind. Bureau of Motor Vehicles v. Vawter*, 45 N.E.3d 1200 (Ind. 2015).
- ^{oo} *Thornton v. State*, 43 N.E.3d 585 (Ind. 2015); *Fishers Adolescent Catholic Enrichment Soc'y, Inc. v. Bridgewater*, 23 N.E.3d 1 (Ind. 2015).
- ^{pp} *Vawter*, 45 N.E.3d 1200; *Hines v. State*, 30 N.E.3d 1216 (Ind. 2015); *Hoadland v. Franklin Twp. Cmty. Sch. Corp.*, 27 N.E.3d 737 (Ind. 2015); *Sargent v. State*, 27 N.E.3d 729 (Ind. 2015).