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## SURVEY

### AN EXAMINATION OF THE INDIANA SUPREME COURT DOCKET, DISPOSITIONS, AND VOTING IN 2017\*

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Justice Robert D. Rucker ended his decades-long legal career in 2017 with his retirement from the Indiana Supreme Court. Justice Rucker came to the supreme court after serving eight years as a judge on the Indiana Court of Appeals.<sup>1</sup> His elevation to the supreme court in 1999<sup>2</sup> still stands as the most recent occasion a court of appeals judge was selected for Indiana's highest court. (Prior to Justice Rucker, the most recent judge to hold that honor was Justice Donald Mote, who was elevated from what was then known as the Indiana Appellate Court in 1966 into the then-elected position of supreme court justice.)<sup>3</sup>

Justice Rucker's nearly two-decade long tenure on the court saw him serve with eight other justices (Shepard, Dickson, Sullivan, Boehm, David, Massa, Rush, and Slaughter), including three Chief Justices (Shepard, Dickson, and then Rush). He was the last sitting member of the longest-serving supreme court—the

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

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1. Hon. Robert D. Rucker, COURTS.IN.GOV, <https://www.in.gov/judiciary/supreme/2579.htm> [https://perma.cc/228V-3Z84] (last visited Sept. 1, 2018).

2. *Id.*

3. LINDA C. GUGIN & JAMES E. ST. CLAIR, JUSTICES OF THE INDIANA SUPREME COURT, 367-69 (2010).

grouping of Chief Justice Shepard and Justices Dickson, Sullivan, Boehm, and Rucker.

Although he served less than five months in 2017, Justice Rucker remained productive. He authored six majority opinions in that span as well as a concurrence and a dissent.<sup>4</sup> Throughout his career, Justice Rucker proved a powerful and important voice in his separate opinions. In 2016 – his last full year on the bench – he authored five separate opinions, the most of any justice.<sup>5</sup> He held that mantle in 2015 and 2014 as well. In 2017, the title passed to Justice David, who authored the most separate opinions with five.<sup>6</sup>

Filling Justice Rucker's large shoes is newly elevated Justice Christopher M. Goff, who took his seat as Indiana's 110th Supreme Court Justice on July 24, 2017.<sup>7</sup> Prior to that time, he served as a superior court judge in Wabash County.<sup>8</sup> He also previously served as public defender for Huntington County and won awards for his *pro bono* service.<sup>9</sup>

Having served less than a half of a year on the court, little can be known at this early point about what Justice Goff's tenure on the court will look like. He had the opportunity to hand down only a single opinion during the limited time he sat on the court in 2017.<sup>10</sup> However, his voting on 2017 opinions appears consistent with the general agreement that persists on the court. Justice Goff agreed with each of his colleagues in more than 90% of the cases in which he participated.<sup>11</sup> In civil cases, he agreed with Justices Massa and Slaughter in every one of the 18 cases in which they voted together.<sup>12</sup> He aligned with Chief Justice Rush in 94% of civil cases and Justice David in 83% of civil cases.<sup>13</sup> As for criminal cases, he aligned with Chief Justice Rush and Justice David in all 13 of the criminal cases on which they voted together.<sup>14</sup> His lowest level of agreement in criminal cases was with Justice Massa, with whom he agreed 85% of the time.<sup>15</sup>

**Table A.** The court issued a total of 77 opinions in 2017, up slightly from the 76 opinions issued in 2016, when Justice Slaughter took his seat on the court. The total number of opinions is consistent with past experience with years in which a

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4. See *infra* Table A: Opinions.

5. See Mark J. Crandley & Jeffrey M. Peabody, *An Examination of the Indiana Supreme Court Docket, Dispositions, and Voting in 2016*, 50 IND. L. REV. 1101, 1105 (2017) (referring to Table A: Opinions).

6. See *infra* Table A: Opinions.

7. Hon. Christopher M. Goff, COURTS.IN.GOV, <https://www.in.gov/judiciary/supreme/2583.htm> [<https://perma.cc/B5F9-EU22>] (last visited Sept. 1, 2018).

8. *Id.*

9. *Id.*

10. See *infra* Table A: Opinions.

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

12. See *infra* Table B-1: Voting Alignments for Civil Cases.

13. *Id.*

14. See *infra* Table B-2: Voting Alignments for Criminal Cases.

15. *Id.*

new justice comes on the bench. For instance, in Justice Massa's first year – 2013 – the court handed down 74 opinions. The court handed down more opinions in civil cases than in criminal cases, reverting back to prior form after a departure last year. Criminal cases accounted for 44% of the court's opinions, compared to 53% in 2016. The year saw a sizeable number of per curiam opinions, representing more than a third of all of the court's opinions. The 28 per curiam opinions nearly doubled 2016's total and is by far the most in any year over the past decade. Chief Justice Rush authored the most opinions (14) with Justice Massa in second (10).

**Table B-1.** Justices Massa and Slaughter agreed in all 41 civil cases in which both voted. This marks the second consecutive year in which Justice Massa agreed in 100% of civil cases with a colleague, as he agreed with Chief Justice Rush in 100% of civil cases in 2016. The least amount of agreement in civil cases for 2017 was between Justice David and Justice Goff at 83%. But that total came from a sample of only 15 cases. No pair of justices agreed less than 80% of the time in civil cases and most pairs of justices agreed in more than 90% of civil cases.

**Table B-2.** While Justice Goff was completely aligned with Justices Massa and Slaughter in civil cases, he was completely aligned with Chief Justice Rush and Justice David in all 13 criminal cases in which he participated. He was aligned with Justice Massa in only 85% of criminal cases. Of the three Justices who were present for the entire term, all three showed relatively high levels of agreement, with the lowest level of alignment being 86%, between Justices Massa and David. While Justice Rucker was only present for 15 criminal cases, he nonetheless disagreed with Justices Massa and Slaughter in 20% of the cases they heard together.

**Table B-3.** Perhaps reflecting the higher number of per curiam opinions, the court continued to experience a generally high level of alignment across all cases. While Justice Goff has not had a full year to sit with his fellow Justices, he nonetheless showed a generally high degree of agreement with his colleagues on the bench, with his overall alignment at or above 90% with each of his fellow justices.

**Table C.** Unanimous opinions continue to be the norm for the court, as 80% of its cases were unanimous in 2017. That was the same rate as in 2016 and just slightly lower than the 81% of unanimity in 2015.

**Table D.** Only 6 of the court's 77 opinions produced a 3-2 split. Again, that figure is consistent with prior years. In 2016, the court issued only 7 split decisions. In 2015, the total was 12. Justice Slaughter appeared in the majority in all but two of the split decisions in 2017.

**Table E-1.** The court reversed in 61% of its cases, down from 68% the year before and more in line with the 59% of cases in 2015. Civil cases have traditionally had the highest reversal rate, meaning that a transfer grant in a civil case carries a higher likelihood that the court will reverse the lower courts' treatment of the case. In 2017, the court saw a change from this norm, as it reversed in 68% of criminal

cases but only 58% of civil cases. By contrast, in 2016 it reversed in 75% of criminal cases but in 93% of its civil cases.

**Table E-2.** The number of petitions to transfer continues to drop. In 2017, petitioners filed 670 petitions to transfer, down from 682 in 2016 and 788 in 2015. By contrast, just 10 years ago the court regularly received about 800 petitions per year. In 2009, there were 795 petitions obtaining transfer. The court only granted 12% of petitions in civil cases and 6% of petitions in criminal cases. This has typically been the case, as in every year for the past decade the court has granted a higher percentage of civil petitions than criminal ones. The volume of transfer petitions in criminal cases continues to be substantially higher, as 2017 saw more than double the number of petitions in criminal cases than civil cases.

**Table F.** The court's cases continue to cover a broad scope of topics, including 16 different substantive areas of law in 2017. Notably, the court handed down four death penalty cases in 2017. Those cases involve more time and effort on the court's behalf given the issues involved.

**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
Rush, C.J.	9	5	14	0	0	0	0	1	1
David, J.	7	2	9	0	0	0	1	4	5
Goff, J.	0	1	1	0	0	0	0	0	0
Massa, J.	6	4	10	1	0	1	2	0	2
Slaughter, J.	2	6	8	0	0	0	2	0	2
Rucker, J.	4	2	6	1	0	1	0	1	1
Per Curiam	6	23	28	-	-	-	-	-	-
<b>Total</b>	<b>34</b>	<b>43</b>	<b>77</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>5</b>	<b>6</b>	<b>11</b>

<sup>a</sup> These are opinions and votes on opinions by each justice and in per curiam in the 2017 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.

<sup>b</sup> This is only a counting of full opinions written by each justice. Plurality opinions that announce the judgment of the court are counted as opinions of the court. It includes opinions on civil, criminal, and original actions.

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

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

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

		Rush	David	Goff	Massa	Rucker	Slaughter
Rush, C.J.	O		36	17	38	20	39
	S		2	0	2	1	0
	D	---	38	17	40	21	39
	N		42	18	41	22	42
	P		90%	94%	98%	95%	93%
David, J.	O	36		15	36	19	37
	S	2		0	0	0	0
	D	38	---	15	36	19	37
	N	42		18	41	22	42
	P	90%		83%	88%	86%	88%
Goff, J.	O	17	15		18		18
	S	0	0		0		0
	D	17	15	---	18	---	18
	N	18	18		18		18
	P	94%	83%		100%		100%
Massa, J.	O	38	36	18		21	41
	S	2	0	0		0	0
	D	40	36	18	---	21	41
	N	41	41	18		22	41
	P	98%	88%	100%		95%	100%
Rucker, J.	O	20	19		21		21
	S	1	0		0		0
	D	21	19	---	21	---	21
	N	22	22		21		22
	P	95%	86%		100%		95%
Slaughter, J.	O	39	37	18	41	21	
	S	0	0	0	0	0	
	D	39	37	18	41	21	---
	N	42	42	18	41	22	
	P	93%	88%	100%	100%	95%	

<sup>e</sup> This Table records the number of times that one justice voted with another in full-opinion decisions, including per curiam, for only civil cases. For example, in the top set of numbers for Chief Justice Rush, 36 is the number of times Chief Justice Rush and Justice David agreed in a full majority opinion in a civil case. Two justices are considered to have agreed whenever they joined the same opinion, as indicated by either the reporter or the explicit statement of a justice in the body of his or her own opinion. The Table does not treat two justices as having agreed if they did not join the same opinion, even if they agreed only in the result of the case or wrote separate opinions revealing little philosophical disagreement.

“O” represents the number of decisions in which the two justices agreed in opinions of the court or opinions announcing the judgment of the court.

“S” represents the number of decisions in which the two justices agreed in separate opinions, including agreements in both concurrences and dissents.

“D” represents the number of decisions in which the two justices agreed in either a majority, dissenting, or concurring opinion.

“N” represents the number of decisions in which both justices participated and thus the number of opportunities for agreement.

“P” represents the percentage of decisions in which one justice agreed with another justice, calculated by dividing “D” by “N.”

**TABLE B-2**  
**VOTING ALIGNMENTS FOR CRIMINAL CASES<sup>f</sup>**

		Rush	David	Goff	Massa	Rucker	Slaughter
Rush, C.J.	O		34	13	31	13	32
	S		0	0	0	0	0
	D	---	34	13	31	13	32
	N		35	13	35	15	35
	P		97%	100%	89%	87%	91%
David, J.	O	34		13	30	13	31
	S	0		0	0	0	0
	D	34	---	13	30	13	31
	N	35		13	35	15	35
	P	97%		100%	86%	87%	89%
Goff, J.	O	13	13		11		12
	S	0	0		0		0
	D	13	13	---	11	---	12
	N	13	13		13		13
	P	100%	100%		85%		92%
Massa, J.	O	31	30	11		12	30
	S	0	0	0		0	2
	D	31	30	11	---	12	32
	N	35	35	13		15	35
	P	89%	86%	85%		80%	91%
Rucker, J.	O	13	13		12		12
	S	0	1		0		0
	D	13	14	---	12	---	12
	N	15	15		15		15
	P	87%	93%		80%		80%
Slaughter, J.	O	32	31	12	30	12	
	S	0	0	0	2	0	
	D	32	31	12	32	12	---
	N	35	35	13	35	15	
	P	91%	89%	92%	91%	80%	

<sup>f</sup> This Table records the number of times that one justice voted with another in full-opinion decisions, including per curiam, for only criminal cases. For example, in the top set of numbers for Chief Justice Rush, 34 is the number of times Chief Justice Rush and Justice David agreed in a full majority opinion in a criminal case. Two justices are considered to have agreed whenever they joined the same opinion, as indicated by either the reporter or the explicit statement of a justice in the body of his or her own opinion. The Table does not treat two justices as having agreed if they did not join the same opinion, even if they agreed only in the result of the case or wrote separate opinions revealing little philosophical disagreement.

“O” represents the number of decisions in which the two justices agreed in opinions of the court or opinions announcing the judgment of the court.

“S” represents the number of decisions in which the two justices agreed in separate opinions, including agreements in both concurrences and dissents.

“D” represents the number of decisions in which the two justices agreed in either a majority, dissenting, or concurring opinion.

“N” represents the number of decisions in which both justices participated and thus the number of opportunities for agreement.

“P” represents the percentage of decisions in which one justice agreed with another justice, calculated by dividing “D” by “N.”

**TABLE B-3**  
**VOTING ALIGNMENTS FOR ALL CASES<sup>g</sup>**

		Rush	David	Goff	Massa	Rucker	Slaughter
Rush, C.J.	O		70	30	69	33	71
	S		2	0	2	1	0
	D	---	72	30	71	34	71
	N		77	31	76	37	77
	P		94%	97%	93%	92%	92%
David, J.	O	70		28	66	32	68
	S	2		0	0	0	0
	D	72	---	28	66	32	68
	N	77		31	76	37	77
	P	94%		90%	87%	86%	88%
Goff, J.	O	30	28		29		30
	S	0	0		0		0
	D	30	28	---	29	---	30
	N	31	31		31		31
	P	97%	90%		94%		97%
Massa, J.	O	69	66	29		33	71
	S	2	0	0		0	2
	D	71	66	29	---	33	73
	N	76	76	31		37	76
	P	93%	87%	94%		89%	96%
Rucker, J.	O	33	32		33		33
	S	1	0		0		0
	D	34	32	---	33	---	33
	N	37	37		37		37
	P	92%	86%		89%		89%
Slaughter, J.	O	71	68	30	71	33	
	S	0	0	0	2	0	
	D	71	68	30	73	33	---
	N	77	77	31	76	37	
	P	92%	88%	97%	96%	89%	

<sup>g</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 Rush, 70 is the total number of times Chief Justice Rush and Justice David agreed in all full majority opinions written by the court in 2017. 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>h</sup>**

Unanimous <sup>i</sup>			Unanimous with Concurrence <sup>j</sup>			Opinions with Dissent			Total
Criminal	Civil	Total	Criminal	Civil	Total	Criminal	Civil	Total	
28	20	<b>48</b>	2	0	<b>2</b>	5	5	<b>10</b>	60

<sup>h</sup> 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.

<sup>i</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>j</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**  
**SPLIT DECISIONS<sup>k</sup>**

<b>Justices Constituting the Majority</b>	<b>Number of Opinions<sup>l</sup></b>
1. Massa, J., Rucker, J., Slaughter, J.	1
2. David, J., Massa, J., Slaughter, J.	1
3. Rush, C.J., Massa, J., Slaughter, J.	1
4. Rush, C.J., David, J., Rucker, J.	1
5. Goff, J., Massa, J., Slaughter, J.	1
6. Rush, C.J., David, J., Goff, J.	1
Total <sup>m</sup>	6

<sup>k</sup> 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.

<sup>l</sup> This column lists the number of times each group of justices constituted the majority in a split decision.

<sup>m</sup> The 2017 term's split decisions were:

1. Massa, J., Rucker, J., Slaughter, J.: *Montgomery v. Montgomery*, 74 N.E.3d 1205 (Ind. 2017) (per curiam).

2. David, J., Massa, J., Slaughter, J.: *KS&E Sports v. Runnels*, 72 N.E.3d 892 (Ind. 2017) (Slaughter, J.).

3. Rush, C.J., Massa, J., Slaughter, J.: *Zanders v. State*, 73 N.E.3d 178 (Ind. 2017) (Rush, C.J.).

4. Rush, C.J., David, J., Rucker, J.: *Humphrey v. State*, 73 N.E.3d 677 (Ind. 2017) (Rucker, J.).

5. Goff, J., Massa, J., Slaughter, J.: *In re White*, 81 N.E.3d 211 (Ind. 2017) (per curiam).

6. Rush, C.J., David, J., Goff, J.: *Taylor v. State*, 86 N.E.3d 157 (Ind. 2017) (Rush, C.J.).

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

	Reversed or Vacated <sup>o</sup>	Affirmed	Total
Civil Appeals Accepted for Transfer	14 (58%)	10 (42%)	24
Direct Civil Appeals	0 --	0 --	0
Criminal Appeals Accepted for Transfer	21 (68%)	10 (32%)	31
Direct Criminal Appeals	1 (25%)	3 (75%)	4
Total	36 (61%)	23 (39%)	59

<sup>n</sup> Direct criminal appeals are cases in which the trial court imposed a death sentence. *See* IND. CONST. art. 7, § 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.

<sup>o</sup> 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 2017<sup>p</sup>**

	Denied or Dismissed	Granted	Total
Petitions to Transfer			
Civil <sup>q</sup>	176 (88%)	25 (12%)	201
Criminal <sup>r</sup>	435 (94%)	29 (6%)	464
Juvenile <sup>s</sup>	59 (94%)	4 (6%)	63
Total	670	58	728

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

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

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

<sup>s</sup> This also includes guardianship and adoption cases.

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

<b>Original Actions</b>	<b>Number</b>
• Certified Questions	0
• Writs of Mandamus or Prohibition	1 <sup>u</sup>
• Attorney Discipline	15 <sup>v</sup>
• Judicial Discipline	2 <sup>w</sup>
<b>Criminal</b>	
• Death Penalty	4 <sup>x</sup>
• Fourth Amendment or Search and Seizure	7 <sup>y</sup>
• Writ of Habeas Corpus	0
Emergency Appeals to the Supreme Court	0
Trusts, Estates, or Probate	1 <sup>z</sup>
Real Estate or Real Property	4 <sup>aa</sup>
Personal Property	1 <sup>bb</sup>
Landlord-Tenant	0
Divorce or Child Support	0
Children in Need of Services (CHINS)	3 <sup>cc</sup>
Paternity	0
Product Liability or Strict Liability	0
Negligence or Personal Injury	4 <sup>dd</sup>
Invasion of Privacy	0
Medical Malpractice	1 <sup>ee</sup>
Indiana Tort Claims Act	0
Statute of Limitations or Statute of Repose	2 <sup>ff</sup>
Tax, Department of State Revenue, or State Board of Tax Commissioners	1 <sup>gg</sup>
Contracts	0
Corporate Law or the Indiana Business Corporation Law	1 <sup>hh</sup>
Uniform Commercial Code	0
Banking Law	0
Employment Law	3 <sup>ii</sup>
Insurance Law	0
Environmental Law	0
Consumer Law	0
Worker's Compensation	0
Arbitration	0
Administrative Law	1 <sup>jj</sup>
First Amendment, Open Door Law, or Public Records Law	0
Full Faith and Credit	0
Eleventh Amendment	0
Civil Rights	0
Indiana Constitution	0

<sup>t</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 2017. 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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- <sup>u</sup> Price v. Ind. Dep't of Child Servs., 80 N.E.3d 170 (Ind. 2017).
- <sup>v</sup> *In re* Ellison, 87 N.E.3d 460 (Ind. 2017); *In re* Chamberlain, 87 N.E.3d 447 (Ind. 2017); *In re* Mossler, 86 N.E.3d 387 (Ind. 2017); *In re* Neary, 84 N.E.3d 1194 (Ind. 2017); *In re* Bernacchi, 83 N.E.3d 700 (Ind. 2017); *In re* White, 81 N.E.3d 211 (Ind. 2017); *In re* Pierce, 80 N.E.3d 888 (Ind. 2017); *In re* Keiffner, 79 N.E.3d 903 (Ind. 2017); *In re* Krasnoff, 78 N.E.3d 657 (Ind. 2017); *In re* Powell, 76 N.E.3d 130 (Ind. 2017); *In re* Johnson, 74 N.E.3d 550 (Ind. 2017); *In re* Wall, 73 N.E.3d 170 (Ind. 2017); *In re* James, 70 N.E.3d 346 (Ind. 2017); *In re* Emmons, 68 N.E.3d 1068 (Ind. 2017); *In re* Coleman, 67 N.E.3d 629 (Ind. 2017).
- <sup>w</sup> *In re* Phillips, 72 N.E.3d 917 (Ind. 2017); *In re* Page, 69 N.E.3d 470 (Ind. 2017).
- <sup>x</sup> Taylor v. State, 86 N.E.3d 157 (Ind. 2017); Leonard v. State, 80 N.E.3d 878 (Ind. 2017); Leonard v. State, 73 N.E.3d 155 (Ind. 2017); Shoun v. State, 67 N.E.3d 635 (Ind. 2017).
- <sup>y</sup> Watkins v. State, 85 N.E.3d 597 (Ind. 2017); Thomas v. State, 81 N.E.3d 621 (Ind. 2017); Jacobs v. State, 76 N.E.3d 846 (Ind. 2017); McNeal v. State, 76 N.E.3d 136 (Ind. 2017); Pinner v. State, 74 N.E.3d 226 (Ind. 2017); Zanders v. State, 73 N.E.3d 178 (Ind. 2017); State v. Brown, 70 N.E.3d 331 (Ind. 2017).
- <sup>z</sup> Underwood v. Bunger, 70 N.E.3d 338 (Ind. 2017).
- <sup>aa</sup> Bellwether Props., LLC v. Duke Energy Ind., Inc., 87 N.E.3d 462 (Ind. 2017); Bd. of Comm'rs of Union Cty. v. McGuinness, 80 N.E.3d 164 (Ind. 2017); McCullough v. CitiMortgage, Inc., 70 N.E.3d 820 (Ind. 2017); *Underwood*, 70 N.E.3d 338.
- <sup>bb</sup> Merch. Warehouse Co. v. Ind. Dep't of State Revenue, 87 N.E.3d 12 (Ind. 2017).
- <sup>cc</sup> Doe #1 v. Ind. Dep't of Child Servs., 81 N.E.3d 199 (Ind. 2017); D.B. v. Ind. Dep't of Child Servs. (*In re* Bl.B & Br.B), 69 N.E.3d 464 (Ind. 2017); GR J. v. Ind. Dep't of Child Servs. (*In re* D.J.), 68 N.E.3d 574 (Ind. 2017).
- <sup>dd</sup> Sims v. Pappas, 73 N.E.3d 700 (Ind. 2017); Escamilla v. Shiel Sexton Co., 73 N.E.3d 663 (Ind. 2017); KS&E Sports v. Runnels, 72 N.E.3d 892 (Ind. 2017); Megenity v. Dunn, 68 N.E.3d 1080 (Ind. 2017).
- <sup>ee</sup> McKeen v. Turner, 71 N.E.3d 833 (Ind. 2017).
- <sup>ff</sup> *Bellwether Props.*, 87 N.E.3d 462; Kennedy Tank & Mfg. Co., Inc. v. Emmert Indus. Corp., 67 N.E.3d 1025 (Ind. 2017).
- <sup>gg</sup> *Merch. Warehouse Co.*, 87 N.E.3d 12.
- <sup>hh</sup> Consumer Attorney Servs., P.A. v. State, 71 N.E.3d 362 (Ind. 2017).
- <sup>ii</sup> Esserman v. Ind. Dep't of Envtl. Mgmt., 84 N.E.3d 1185 (Ind. 2017); Sedam v. 2JR Pizza Enters., LLC, 84 N.E.3d 1174 (Ind. 2017); Ryan v. TCI Architects/ Eng'rs/ Contrs., Inc., 72 N.E.3d 908 (Ind. 2017).
- <sup>jj</sup> Ind. Alcohol & Tobacco Comm'n v. Spirited Sales, LLC, 79 N.E.3d 371 (Ind. 2017).