

AN EXAMINATION OF THE INDIANA SUPREME COURT DOCKET, DISPOSITIONS, AND VOTING IN 2013*

MARK J. CRANDLEY**
JEFF PEABODY***

Change continues to impact the Indiana Supreme Court, as 2013 was the first full year for the current alignment of the court's five justices. The court continues to evolve after Justices Massa and Rush joined the court in 2012 and Chief Justice Dickson assumed that mantle the same year. So much change naturally begs the question of how much—or how little—the current court resembles its predecessors. If 2013 is any indication, the court has retained important characteristics it has long demonstrated but has also changed in fundamental ways.

One feature the court appears to have retained is the ability to reach consensus. The court continues to show unity in its decision-making and the ability to avoid the fractious process of dissent that divides other courts of last resort. The percentage of unanimous opinions rose significantly in 2013 to 84%, nearly 20% higher than in 2012 and 2011. Of the court's 74 opinions, only nine drew a dissent. The level of agreement between the justices was most pronounced in civil cases, with only one separate concurrence and only five dissents out of the entire civil workload. In civil cases, almost all of the justices agreed with one another more than 90 percent of the time and no obvious voting blocs were evident, as has traditionally been the case. Only one pair of justices—Justices David and Rush—agreed with each other less than 90% of civil cases, and even then their level of agreement reached 87%. Three other pairs of justices—Justices Massa and Rush; the Chief Justice and Justice Massa; and the Chief Justice and Justice Rucker—agreed with each other in 95% of civil cases. Demonstrating how consensus-building sweeps across the entire Court, two of these pairs represent the two most recently added justices (Justices Massa and Rush) as well as the two most senior justices (the Chief Justice and Justice

* 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: Foreword: On Drawing Lines*, 82 HARV. L. REV. 63, 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*.

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. We also thank P. Jason Stephenson, Vice President, General Counsel Vectren Utility Holdings, Inc., for his time and effort shepherding this project over the last several years. As is appropriate, credit for the idea for this project goes to former Chief Justice Shepard.

** Partner, Barnes & Thornburg LLP, 2005-present; Assistant Corporation Counsel, City of Indianapolis 2004-2005; Law Clerk for Justice Frank Sullivan, Jr., Indiana Supreme Court, 2000-2001; B.A., 1995, Indiana University, Bloomington; J.D., 2000 Indiana University Maurer School of Law, Bloomington.

*** Associate, Barnes & Thornburg LLP, 2008-present; B.A., 2003, University of California, Davis; J.D., 2008, Indiana University Maurer School of Law, Bloomington.

Rucker).

Moreover, only five of the court's 74 opinions were 3-2 decisions. In other words, only 6.7% of the court's cases were decided by a single vote. Interestingly, Justice David was in the majority in all five cases, and Chief Justice Dickson was in the majority for four of them.

Although the court has retained its cohesiveness, some developments in 2013 are worthy of note in analyzing potential new trends as the court moves into the future. Critically, while it used to be a maxim that the court was likely to reverse if it granted transfer, one can no longer assume that is the case with the new supreme court membership. For cases coming to the court on transfer, the court reversed in only 56% of its civil cases and in 55% of its criminal cases in 2013. This reversal rate in civil cases is the lowest in the last three years. Indeed, just a few years ago—in 2011—the court reversed in 70% of its civil transfer cases and 61.5% of criminal transfer cases. In 2010, it reversed in 70.8% of civil cases and in 71.0% of criminal cases. These numbers were consistent with the court's prior practice. Going back a decade to 2004, it reversed 84% of the time in civil transfer cases and in 75.8% of criminal transfer cases. In 2005, the court affirmed only *one* civil case that came before it on transfer, and reversed in 97.8% of its civil cases. Whether the results in 2013 are the start of a trend away from reversals or an anomaly warrants close watching in future years.

Moreover, criminal law continues to grow as an area of importance for the court. Through a constitutional amendment, the court's jurisdiction changed in 2001 to allow the court greater discretion over the cases that came before it.¹ That initially meant a spike in the number of civil cases the court accepted on transfer. However, criminal law remains a central and critical focus of the court's work. Of the 74 cases in 2013, 46% arose in the criminal law context. In 2012, the court's criminal cases were 41% of its work. The future should see the court continue to engage in its role in overseeing the State's criminal justice system, as 41% of the transfers granted in 2013 arose in the criminal law context. These cases are in addition to the mandatory criminal appeals that automatically come before the court without the need for transfer.

Although still showing overall alignment in their voting, the justices proved more likely to deviate from one another in criminal cases. While the lowest amount of agreement between justices was 87% for civil cases, it was down to 83% (between Chief Justice Dickson and Justice Massa) in criminal cases. Justice Massa was involved in the next two lowest levels of agreement, as he agreed with Justices David and Rucker in 86% of criminal cases. This is consistent with 2012, his first year on the bench, as he agreed with then-Justice Sullivan in only 58% of the court's criminal cases and only 68% of the time with Justice Rucker. Moreover, dissents were almost evenly split between criminal cases and civil cases, with four and five dissents, respectively. In prior years, civil cases were far more likely to draw a dissent. For instance, in 2011 there were eleven criminal dissents versus 15 dissents in civil cases, while in 2010 there were more than two times as many dissents in civil cases. Justice Massa's

1. IND. CONST. art. 7, § 4 (amended 2000).

presence was felt here as well, as he wrote nearly half of the 11 separate opinions (concurring or dissenting) in criminal cases during 2013. Prior to being elevated to the court, Justice Massa developed an extensive background in criminal law. It is hardly surprising that he has developed a unique voice on the court in criminal law matters.

Finally, a potential quirk in 2013 arose in the number of per curiam opinions. More than 15% of the court's cases went without an author in 2013, by far the highest percentage over the past 10 years. Previously, it was rare for more than 10% of the court's cases to be per curiam, and in 2007 only 3% of its cases were per curiam. In 2012, only 9.7% of the court's cases were per curiam. While this jump in the percentage of the court's cases that went unsigned might be a factor of the new justices joining the court or the particular issues presented in those cases, it is a development worthy of watching for future years.

Table A. The court handed down a total of 74 opinions in 2013, down from the 103 opinions handed down in 2012 and the lowest in more than 10 years. That dip in the total number of opinions is not surprising, however, when considering the turnover on the court and that multiple justices were still coming up to speed in 2013. Indeed, in 2011—Justice David's first year on the court—the raw number of the court's opinions also dropped from the previous year, but the court returned to its customary level of approximately 100 opinions in 2012. The court again handed down more civil cases than criminal cases, but the division remains close. About 53% of the opinions came in civil cases. The opinions were fairly evenly distributed among the justices, with Justice David writing the most opinions with 16. Justices Massa and Rush—the two newest justices—handed down 10 each.

Table B-1. In 2013, Justice Massa agreed with Chief Justice Dickson and Justice Rush in 95% of the civil cases the court handed down. Justices Dickson and Rucker were also aligned 95% of the time, the highest level of agreement for those two justices at any point in the last decade.

Table B-2. Overall agreement remains high in criminal cases. The highest level of agreement was between Justices David and Rucker, who agreed in 97% of criminal cases, up from their 81% agreement in 2012 and their agreement of only 79.5% in 2011. Indeed, Chief Justice Dickson, Justice Rucker, Justice David, and Justice Rush agreed with at least three other justices in more than 94% of the court's criminal cases. While Justice Massa agreed with each of his colleagues more than 90% of the time in civil cases, he tended to be less aligned in criminal cases. In fact, he did not agree with any of the other four justices more than 89% of the time in criminal cases.

Table B-3. The justices most aligned in 2013 were Chief Justice Dickson and Justice Rucker, as they agreed in 95% of all cases in 2013. Reflecting the higher level of alignment in civil cases, the lowest overall alignment between justices was still quite high, at 89%, between Justice Massa and Chief Justice Dickson, Justice David and Justice Rucker.

Table C. The percentage of unanimous opinions rose significantly in 2013 to 84%, nearly 20% higher than in 2012 and 2011. Of the 12 separate opinions in 2013, only three were concurrences. The total percentage of cases drawing a dissent dropped to 12%. In 2012, 34% of the cases had at least one dissent and in 2011 there were dissents in 28.6% of cases. The number of dissents were almost evenly split between criminal cases and civil cases, with four and five dissents, respectively.

Table D. The percentage of the court's decisions that were split 3-2 dropped to just under 7% from the 16% level in 2012, reaching a three year low.

Table E-1. For cases coming to the court on transfer, the court reversed in only 56% of its civil cases and in 55% of its criminal cases. This reversal rate in civil cases is the lowest in the last three years.

Table E-2. The number of petitions to transfer in 2013 remained higher than the level seen in prior years, although it was still lower than the 920 petitions filed in 2011. The percentage of petitions that the court granted dropped only a tenth of a percentage point from last year's rate, to 9.8%. This is the lowest percentage since 2009, when only 8.4% of petitions were granted.

Table F. The court's cases continue to cover a broad scope of topics, including 16 different areas of law in 2013. After handing down only three opinions on divorce or child support in 2012, the court handed down nine such opinions in 2013. The court also handed down considerably more opinions in the areas of Fourth Amendment, search and seizure, and Indiana Tort Claims Act than in 2012.

TABLE A
OPINIONS^a

| | OPINIONS OF COURT ^b | | | CONCURRENCES ^c | | | DISSENTS ^d | | |
|---------------|--------------------------------|-----------|-----------|---------------------------|----------|----------|-----------------------|----------|-----------|
| | Criminal | Civil | Total | Criminal | Civil | Total | Criminal | Civil | Total |
| Dickson, C.J. | 5 | 9 | 14 | 2 | 0 | 2 | 3 | 0 | 3 |
| David, J. | 9 | 7 | 16 | 0 | 0 | 0 | 0 | 2 | 2 |
| Rucker, J. | 7 | 6 | 13 | 0 | 0 | 0 | 1 | 2 | 3 |
| Massa, J. | 4 | 6 | 10 | 2 | 0 | 2 | 3 | 0 | 3 |
| Rush, J. | 4 | 6 | 10 | 0 | 1 | 1 | 0 | 2 | 2 |
| Per Curiam | 6 | 5 | 11 | | | | | | |
| Total | 35 | 39 | 74 | 4 | 1 | 5 | 7 | 6 | 13 |

^a These are opinions and votes on opinions by each justice and in per curiam in the 2013 term. The Indiana Supreme Court is unique as 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^e

| | Massa | Dickson | David | Rucker | Rush |
|---------------|-------|---------|-------|--------|------|
| Massa, J. | O | | 37 | 36 | 36 |
| | S | | 0 | 0 | 1 |
| | D | --- | 37 | 36 | 36 |
| | N | | 39 | 39 | 39 |
| | P | | 95% | 92% | 92% |
| Dickson, C.J. | O | 37 | | 36 | 37 |
| | S | 0 | | 0 | 0 |
| | D | 37 | --- | 36 | 37 |
| | N | 39 | | 39 | 39 |
| | P | 95% | | 92% | 95% |
| David, J. | O | 36 | 36 | | 35 |
| | S | 0 | 0 | | 0 |
| | D | 36 | 36 | --- | 35 |
| | N | 39 | 39 | | 39 |
| | P | 92% | 92% | | 90% |
| Rucker, J. | O | 36 | 37 | 35 | |
| | S | 0 | 0 | 0 | |
| | D | 36 | 37 | 35 | --- |
| | N | 39 | 39 | 39 | |
| | P | 92% | 95% | 90% | |
| Rush, J. | O | 36 | 35 | 34 | 35 |
| | S | 1 | 0 | 0 | 0 |
| | D | 37 | 35 | 34 | 35 |
| | N | 39 | 39 | 39 | 39 |
| | P | 95% | 90% | 87% | 90% |

^e 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, 37 is the number of times Justice Massa and Chief 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 | | 29 | 30 | 30 |
| | S | | 0 | 0 | 1 |
| | D | --- | 29 | 30 | 30 |
| | N | | 35 | 35 | 35 |
| | P | | 83% | 86% | 86% |
| Dickson, C.J. | O | 29 | | 33 | 33 |
| | S | 0 | | 0 | 1 |
| | D | 29 | --- | 33 | 33 |
| | N | 35 | | 35 | 35 |
| | P | 83% | | 94% | 94% |
| David, J. | O | 30 | 33 | | 34 |
| | S | 0 | 0 | | 0 |
| | D | 30 | 33 | --- | 34 |
| | N | 35 | 35 | | 35 |
| | P | 86% | 94% | | 97% |
| Rucker, J. | O | 30 | 33 | 34 | |
| | S | 0 | 0 | 0 | |
| | D | 30 | 33 | 34 | --- |
| | N | 35 | 35 | 35 | |
| | P | 86% | 94% | 97% | |
| Rush, J. | O | 30 | 32 | 33 | 33 |
| | S | 1 | 1 | 0 | 0 |
| | D | 31 | 33 | 33 | 33 |
| | N | 35 | 35 | 35 | 35 |
| | P | 89% | 94% | 94% | 94% |

^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, 29 is the number of times former Justice Massa and Chief 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 | | 66 | 66 | 66 |
| | S | | 0 | 0 | 2 |
| | D | --- | 66 | 66 | 66 |
| | N | | 74 | 74 | 74 |
| | P | | 89% | 89% | 89% |
| Dickson, C.J. | O | 66 | | 69 | 70 |
| | S | 0 | | 0 | 1 |
| | D | 66 | --- | 69 | 70 |
| | N | 74 | | 74 | 74 |
| | P | 89% | | 93% | 95% |
| David, J. | O | 66 | 69 | | 69 |
| | S | 0 | 0 | | 0 |
| | D | 66 | 69 | --- | 69 |
| | N | 74 | 74 | | 74 |
| | P | 89% | 93% | | 93% |
| Rucker, J. | O | 66 | 70 | 69 | |
| | S | 0 | 0 | 0 | |
| | D | 66 | 70 | 69 | --- |
| | N | 74 | 74 | 74 | |
| | P | 89% | 95% | 93% | |
| Rush, J. | O | 66 | 67 | 67 | 68 |
| | S | 2 | 1 | 0 | 0 |
| | D | 68 | 68 | 67 | 68 |
| | N | 74 | 74 | 74 | 74 |
| | P | 92% | 92% | 91% | 92% |

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, 66 is the total number of times former Justice Massa and Chief Justice Dickson agreed in all full majority opinions written by the court in 2013. 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 ⁱ | | | Opinions with Dissent | | | Total |
|------------------------|-------|----------|--|-------|--------|--------------------------|-------|---------|-------|
| Criminal | Civil | Total | Criminal | Civil | Total | Criminal | Civil | Total | |
| 29 | 33 | 62 (84%) | 2 | 1 | 3 (4%) | 4 | 5 | 9 (12%) | 74 |

^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. Dickson, C.J., David, J., Rucker, J. | 2 |
| 2. Dickson, C.J., David, J., Rush, J. | 1 |
| 3. Dickson, C.J., David, J., Massa, J. | 1 |
| 4. Massa, J., David, J., Rush, J. | 1 |
| Total ^m | 5 |

^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 2013 term's split decisions were:

1. Dickson, C.J., David, J., Rucker, J.: *F.D. v. Ind. Dep't of Family Servs.*, 2013 Ind. LEXIS 330 (Ind. 2013) (Dickson, C.J.); *VanPatten v. State*, 986 N.E.2d 255 (Ind. 2013) (David, J.).
2. Dickson, C.J., David, J., Rush, J.: *Fry v. State*, 990 N.E.2d 429 (Ind. 2013) (David, J.).
3. Dickson, C.J., David, J., Massa, J.: *Berry v. Crawford*, 990 N.E.2d 410 (Ind. 2013) (Dickson, C.J.).
4. Massa, J., David, J., Rush, J.: *Holiday Hospitality Franchising, Inc. v. AMCO Ins. Co.*, 983 N.E.2d 574 (Ind. 2013) (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 | 19 (56%) | 15 (44%) | 34 |
| Direct Civil Appeals | 0 (0%) | 1 (100%) | 1 |
| Criminal Appeals Accepted for Transfer | 17 (55%) | 14 (45%) | 31 |
| Direct Criminal Appeals | 0 (0%) | 3 (100%) | 3 |
| Total | 36 (52%) | 33 (48%) | 69 ^p |

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.

^p This does not include 3 attorney discipline opinions and 2 original actions. These opinions did not reverse, vacate, or affirm any other court’s decision.

TABLE E-2
DISPOSITION OF PETITIONS TO TRANSFER
TO SUPREME COURT IN 2013^q

| | Denied or Dismissed | Granted | Total |
|-----------------------|---------------------|------------|-------|
| Petitions to Transfer | | | |
| Civil ^r | 206 (84.8%) | 37 (15.2%) | 243 |
| Criminal ^s | 479 (93.6%) | 33 (6.4%) | 512 |
| Juvenile | 52 (83.9%) | 10 (16.1%) | 62 |
| Total | 737 (90.2%) | 80 (9.8%) | 817 |

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

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

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

TABLE F
SUBJECT AREAS OF SELECTED DISPOSITIONS
WITH FULL OPINIONS¹

| Original Actions | Number |
|---|-----------------|
| • Certified Questions | 0 |
| • Writs of Mandamus or Prohibition | 2 ^u |
| • Attorney Discipline | 3 ^v |
| • Judicial Discipline | 0 |
| Criminal | |
| • Death Penalty | 1 ^w |
| • Fourth Amendment or Search and Seizure | 5 ^x |
| • Writ of Habeas Corpus | 0 |
| Emergency Appeals to the Supreme Court | 0 |
| Trusts, Estates, or Probate | 1 ^y |
| Real Estate or Real Property | 4 ^z |
| Personal Property | 0 |
| Landlord-Tenant | 0 |
| Divorce or Child Support | 9 ^{aa} |
| Children in Need of Services (CHINS) | 2 ^{bb} |
| Paternity | 0 |
| Product Liability or Strict Liability | 0 |
| Negligence or Personal Injury | 2 ^{cc} |
| Invasion of Privacy | 0 |
| Medical Malpractice | 4 ^{dd} |
| Indiana Tort Claims Act | 3 ^{ee} |
| Statute of Limitations or Statute of Repose | 0 |
| Tax, Department of State Revenue, or State Board of Tax Commissioners | 0 |
| Contracts | 2 ^{ff} |
| Corporate Law or the Indiana Business Corporation Law | 0 |
| Uniform Commercial Code | 0 |
| Banking Law | 0 |
| Employment Law | 2 ^{gg} |
| Insurance Law | 2 ^{hh} |
| Environmental Law | 0 |
| Consumer Law | 0 |
| Worker's Compensation | 0 |
| Arbitration | 0 |
| Administrative Law | 1 ⁱⁱ |
| First Amendment, Open Door Law, or Public Records Law | 0 |
| Full Faith and Credit | 0 |
| Eleventh Amendment | 0 |
| Civil Rights | 0 |
| Indiana Constitution | 6 ^{jj} |

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 2013. 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. Also, any attorney discipline case resolved by order (as opposed to an opinion) was not considered in preparing this Table.

^u *In re* Mandate of Funds for Ctr. Twp. of Marion Cnty. Small Claims Court, 989 N.E.2d 1237 (Ind. 2013); State *ex rel.* Commons v. Pera, 987 N.E.2d 1074 (Ind. 2013).

^v *In re* Dixon, 994 N.E.2d 1129 (Ind. 2013); *In re* Smith, 991 N.E.2d 106 (Ind. 2013); *In re* Usher, IV, 987 N.E.2d 1080 (Ind. 2013).

^w Wilkes v. State, 984 N.E.2d 1236 (Ind. 2013).

^x Kelly v. State, 997 N.E.2d 1045 (Ind. 2013); Austin v. State, 997 N.E.2d 1027 (Ind. 2013); Clark v. State, 994 N.E.2d 252 (Ind. 2013); Sanders v. State, 989 N.E.2d 332 (Ind. 2013); Hartman v. State, 2013 Ind. LEXIS 417 (Ind. 2013).

^y Fulp v. Gilliland, 998 N.E.2d 204 (Ind. 2013).

^z Fulp v. Gilliland, 998 N.E.2d 204 (Ind. 2013); M & M Investment Group, LLC v. Ahlemeyer Farms, Inc., 994 N.E.2d 1108 (Ind. 2013); Johnson v. Wysocki, 990 N.E.2d 456 (Ind. 2013); Girl Scouts of S. Ill. v. Vincennes Ind. Girls, Inc., 988 N.E.2d 250 (Ind. 2013).

^{aa} Johnson v. Johnson, 999 N.E.2d 56 (Ind. 2013); Wilson v. Myers, 997 N.E.2d 338 (Ind. 2013); Schwartz v. Heeter, 2013 Ind. LEXIS 725 (Ind. 2013); C.A.B. v. J.D.M. (*In re* C.B.M. and C.R.M.), 992 N.E.2d 687 (Ind. 2013); J.C. v. J.B. (*In re* A.J.A.), 991 N.E.2d 110 (Ind. 2013); Perkinson v. Perkinson, 989 N.E.2d 758 (Ind. 2013); M.L.B. v. M.A.B., 983 N.E.2d 583 (Ind. 2013); Sickels v. State, 982 N.E.2d 1010 (Ind. 2013); Horner v. Carter, 981 N.E.2d 1210 (Ind. 2013).

^{bb} F.D. v. Ind. Dep't of Family Servs., 2013 Ind. LEXIS 930 (Ind. 2013); T.K. v. Ind. Dep't of Child Servs., 989 N.E.2d 1225 (Ind. 2013).

^{cc} Santelli v. Rahmatullah, 993 N.E.2d 167 (Ind. 2013); Holiday Hospitality Franchising, Inc. v. AMCO Ins. Co., 983 N.E.2d 574 (Ind. 2013).

^{dd} Manley v. Sherer, 992 N.E.2d 670 (Ind. 2013); Miller v. Dobbs, 991 N.E.2d 562 (Ind. 2013); Wright v. Miller, 989 N.E.2d 324 (Ind. 2013); Plank v. Cmty. Hosps. of Ind., 981 N.E.2d 49 (Ind. 2013).

^{ee} F.D. v. Ind. Dep't of Family Servs., 2013 Ind. LEXIS 930 (Ind. 2013); Schoettmer v. Wright, 992 N.E.2d 702 (Ind. 2013); City of Indianapolis v. Buschman, 988 N.E.2d 791 (Ind. 2013).

^{ff} Ind. Gas Co. v. Ind. Fin. Auth., 999 N.E.2d 63 (Ind. 2013); Kesling v. Hubler Nissan, Inc., 997 N.E.2d 327 (Ind. 2013).

^{gg} Comm'r of Labor *ex rel.* Shofstall v. Int'l Union of Painters & Allied Trades AFL-CIO, 991 N.E.2d 100 (Ind. 2013); Walczak v. Labor Works-Fort Wayne, LLC, 983 N.E.2d 1146 (Ind. 2013).

^{hh} Schoettmer v. Wright, 992 N.E.2d 702 (Ind. 2013); Holiday Hospitality Franchising, Inc. v. AMCO Ins. Co., 983 N.E.2d 574 (Ind. 2013); Dodd v. Am. Family Mut. Ins. Co., 983 N.E.2d 568 (Ind. 2013).

ⁱⁱ Ind. Gas Co. v. Ind. Fin. Auth., 999 N.E.2d 63 (Ind. 2013).

^{jj} Austin v. State, 997 N.E.2d 1027 (Ind. 2013); Fry v. State, 990 N.E.2d 429 (Ind. 2013); Berry v. Crawford, 990 N.E.2d 410 (Ind. 2013); State v. Doe, 987 N.E.2d 1066 (Ind. 2013); Girl Scouts of S. Ill. v. Vincennes Ind. Girls, Inc., 988 N.E.2d 250 (Ind. 2013); Meredith v. Pence, 984 N.E.2d 1213 (Ind. 2013).