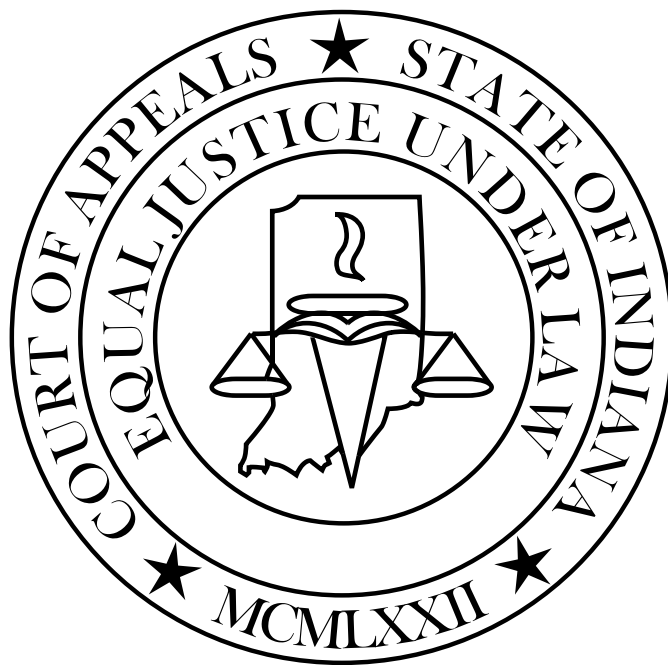


# COURT OF APPEALS OF INDIANA

2 0 2 0   A N N U A L   R E P O R T





# COURT OF APPEALS OF INDIANA

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## COURT OF APPEALS OF INDIANA

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This report pertaining to the progress of the work of the Court of Appeals of Indiana for the period from January 1, 2020, through December 31, 2020, is being submitted pursuant to section 2-6-1-1, Judges' Manual.

**Cale J. Bradford**

CHIEF JUDGE & PRESIDING JUDGE  
SECOND DISTRICT

**L. Mark Bailey**

PRESIDING JUDGE  
FIRST DISTRICT

**Elizabeth F. Tavitaz**

PRESIDING JUDGE  
THIRD DISTRICT

**Melissa S. May**

PRESIDING JUDGE  
FOURTH DISTRICT

**Elaine B. Brown**

PRESIDING JUDGE  
FIFTH DISTRICT

# COURT OF APPEALS OF INDIANA

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THE MISSION OF THE COURT OF APPEALS OF INDIANA:

To serve all people by providing  
**EQUAL JUSTICE UNDER LAW**

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## FIRST DISTRICT

L. Mark Bailey, Presiding Judge | Edward W. Najam, Jr., Judge | Leanna K. Weissmann, Judge

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## SECOND DISTRICT

Cale J. Bradford, Chief Judge | James S. Kirsch, Judge | Robert R. Altice, Jr., Judge

---

## THIRD DISTRICT

Elizabeth F. Tavitas, Presiding Judge | Paul D. Mathias, Judge | Terry A. Crone, Judge

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## FOURTH DISTRICT

Melissa S. May, Presiding Judge | Patricia A. Riley, Judge | Rudolph R. Pyle, III, Judge

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## FIFTH DISTRICT

Elaine B. Brown, Presiding Judge | Margret G. Robb, Judge | Nancy H. Vaidik, Judge

# COURT OF APPEALS OF INDIANA

## 2 0 2 0     A N N U A L     R E P O R T

The 2020 Annual Report provides statistical information about the work of the Court of Appeals of Indiana from January through December 2020. Our hardworking team of judges, senior judges, law clerks, staff attorneys, and administrative staff work together every day to not only complete the Court's tasks, but also teach fellow Hoosiers about the Court's role in state government. This can be measured in statistics and through examples of the Court's commitment to serve all people by providing equal justice under law.

The Court did an impressive job adapting to change in 2020. The Court began remote operations on March 11 due to the coronavirus pandemic and quickly adjusted to new challenges as they arose, consistently providing all essential services at a very high level and continuing to operate under its usual rules and practices.

Despite the pandemic and a transition to remote operations, the Court held 20 oral arguments. We began conducting virtual oral arguments in May and held 13 oral arguments via the Zoom platform, enabling the Court to adhere to social-distancing requirements. The Court's average age of cases pending was an impressive 1.4 months, a 12.5% improvement from the previous year.

2020 was a year of productive change, new processes, and continued upgrades:

- Chief Judge Cale J. Bradford assumed the role of chief judge on January 1, 2020.
- Judge John G. Baker retired from the Court on July 31, 2020, as the longest-serving judge in the state of Indiana, and began service as a senior judge.
- Judge Leanna K. Weissmann was appointed to the Court by Governor Eric Holcomb and began her service on September 14, 2020.
- The Court utilized its Continuity of Operations Planning (COOP) team to monitor the statewide changes associated with the coronavirus pandemic and create processes to allow for efficient court operations while working remotely.
- The Court created a plan for staff to safely return to the office in phases and implemented safety protocols, including sanitation, PPE distribution, social-distancing guidelines, and arrival/departure protocol.
- The Court transitioned to new, user-friendly SharePoint sites for all staff members.
- The Carr L. Darden CLEO summer internship was held remotely for the first time, still giving interns invaluable experience.
- The Court updated its website template to prepare for the transition to a new web content management system, Squiz Matrix.
- A new Training Committee was formed to educate staff on a variety of topics.
- Conference Rooms A and B were upgraded to support audio and video conferencing.

As the second-highest court in the state, the Court of Appeals of Indiana will continue to take pride in its commitment to constitutional government and the rule of law.



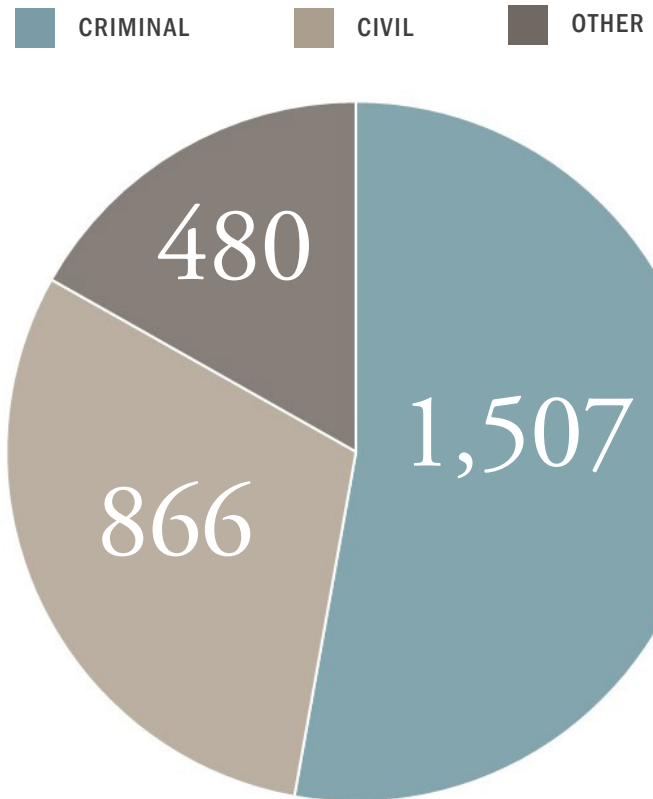
**Cale J. Bradford**

CHIEF JUDGE & PRESIDING JUDGE  
SECOND DISTRICT

## TOTAL CASELOAD\*

YEAR	FILED	DISPOSED
2016	3,136	3,047
2017	3,306	3,187
2018	3,310	2,933
2019	3,221	3,151
2020	2,572	2,853

### TOTAL CASES DISPOSED (BY TYPE)



\*Total caseload is defined by the National Center for State Courts in “Appellate Court Tools” as all appellate cases that have been disposed of in a year. A case is an appellate case when a notice of appeal is filed, when a petition for a permissive interlocutory appeal is filed, or when a petition requesting permission to file a successive petition for post-conviction relief is filed.

## CIVIL AND CRIMINAL CASELOADS

	CRIMINAL		CIVIL		OTHER	
	FILED	DISPOSED	FILED	DISPOSED	FILED	DISPOSED
2016	1,757	1,728	979	949	400	370
2017	1,870	1,807	968	961	468	419
2018	1,797	1,633	963	847	550	453
2019	1,694	1,722	918	864	609	565
2020	1,314	1,507	809	866	449	480

# COURT SUMMARY

## AVERAGE AGE OF CASES PENDING

**1.4 MONTHS**

AS OF 12/31/2020

**1.6 MONTHS**

AS OF 12/31/2019

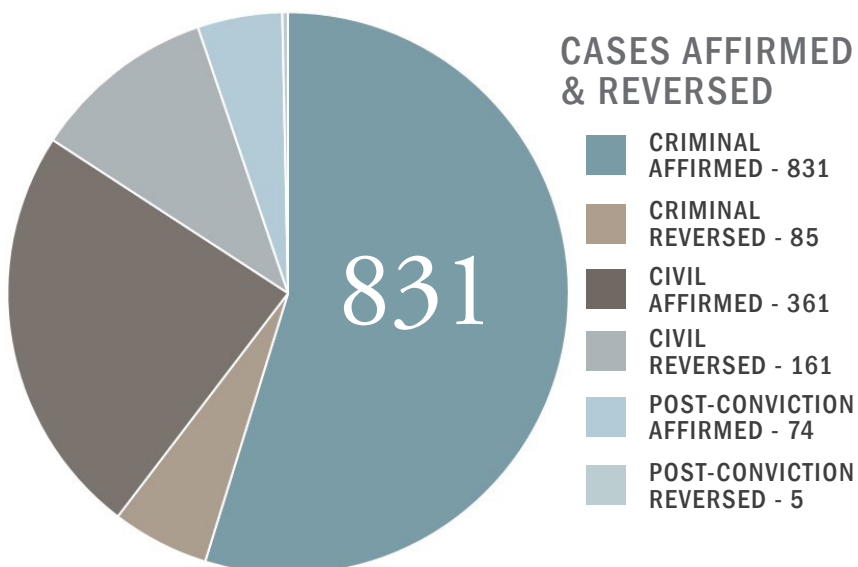
	CRIMINAL	POST - CONVICTION	CIVIL	EXPEDITE	OTHER	TOTAL
Cases Pending 12/31/2019	115	16	82	0	46	259
Cases Fully-Briefed Received	888	76	517	14	290	1,785
<i>Geographic District One</i>	294	28	187	0	113	622
<i>Geographic District Two</i>	347	20	199	14	118	698
<i>Geographic District Three</i>	247	28	131	0	59	465
Cases Disposed	940	80	537	12	322	1,891
<i>By Majority Opinion</i>	937	80	533	12	320	1,882
<i>By Order</i>	3	0	4	0	2	9
Net Increase/Decrease	(52)	(4)	(20)	2	(32)	(106)
Cases Pending 12/31/2020	63	12	62	2	14	153
Cases Affirmed	831	74	361	9	294	1,569
<i>Cases Affirmed Percent</i>	88.7%	92.5%	67.7%	75.0%	91.9%	83.4%
Cases Reversed	85	5	161	3	23	277
<i>Cases Reversed Percent</i>	9.1%	6.3%	30.2%	25.0%	7.2%	14.7%
Cases Remanded	21	1	11	0	3	36
<i>Cases Remanded Percent</i>	2.2%	1.2%	2.1%	0.0%	0.9%	1.9%
Oral Arguments Heard	7	2	10	0	1	20

**6,045**

Total number of Motions

**6,595**

Total number of Orders





## SUMMARY BY JUDGE

JUDGES (DISTRICT)	MAJORITY OPINIONS ISSUED	ALL OPINIONS ISSUED	ORDERS ISSUED	CASES VOTED ON	ORAL ARGUMENTS HEARD	CASES PENDING 12/31/2019	CASES PENDING 12/31/2020
Altice (2nd)	118	118	0	366	4	17	12
Bailey (1st)	117	121	0	374	2	6	4
Baker (1st)	81	87	0	226	6	9	0
Bradford (2nd)	126	127	1	378	3	8	6
Brown (5th)	121	131	0	363	5	7	7
Crone (3rd)	130	136	1	376	1	10	8
Kirsch (2nd)	114	116	2	362	0	16	8
Mathias (3rd)	132	139	1	384	1	31	10
May (4th)	119	123	0	372	13	28	19
Najam (1st)	123	125	0	373	3	6	3
Pyle (4th)	103	105	2	383	5	22	10
Riley (4th)	115	121	0	355	2	10	7
Robb (5th)	115	116	1	381	5	25	12
Tavitas (3rd)	121	137	0	366	4	20	10
Vaidik (5th)	108	116	1	361	5	11	12
Weissmann (1st)	19	21	0	68	0	0	9
SENIOR JUDGES						33	16
Baker	21	22	0	59	0	0	0
Barnes	8	8	0	8	0	0	0
Barteau	12	12	0	12	0	0	0
Darden	11	12	0	11	0	0	0
Friedlander	29	29	0	29	0	0	0
Rucker	6	6	0	6	0	0	0
Sharpnack	17	18	0	17	0	0	0
Shepard	16	16	0	16	1	0	0
TOTAL	1,882	1,962	9	5,646	60	259	153

# CASELOAD

JUDGES (DISTRICT)		INTAKE				DISPOSITIONS			CASES PENDING 12/31/2020
	CASES PENDING 1/1/2020	CASES ASSIGNED	TRANSFERS			MAJORITY OPINIONS	ORDERS	TOTALS	
			IN	OUT	TOTAL				
Altice (2nd)	17	113	1	1	113	118	0	118	12
Bailey (1st)	6	116	1	2	115	117	0	117	4
Baker (1st)	9	73	7	8	72	81	0	81	0
Bradford (2nd)	8	112	13	0	125	126	1	127	6
Brown (5th)	7	115	11	5	121	121	0	121	7
Crone (3rd)	10	115	14	0	129	130	1	131	8
Kirsch (2nd)	16	114	0	6	108	114	2	116	8
Mathias (3rd)	31	114	0	2	112	132	1	133	10
May (4th)	28	113	0	3	110	119	0	119	19
Najam (1st)	6	114	8	2	120	123	0	123	3
Pyle (4th)	22	113	2	22	93	103	2	105	10
Riley (4th)	10	112	1	1	112	115	0	115	7
Robb (5th)	25	111	4	12	103	115	1	116	12
Tavitas (3rd)	20	111	5	5	111	121	0	121	10
Vaidik (5th)	11	112	1	3	110	108	1	109	12
Weissmann (1st)	0	28	1	1	28	19	0	19	9
SENIOR JUDGES	33	99	8	4	103	(120)	(0)	(120)	16
Baker	0	0	0	0	0	21	0	21	0
Barnes	0	0	0	0	0	8	0	8	0
Barteau	0	0	0	0	0	12	0	12	0
Darden	0	0	0	0	0	11	0	11	0
Friedlander	0	0	0	0	0	29	0	29	0
Rucker	0	0	0	0	0	6	0	6	0
Sharpnack	0	0	0	0	0	17	0	17	0
Shepard	0	0	0	0	0	16	0	16	0
TOTAL	259	1,785	77	77	1,785	1,882	9	1,891	153

# OPINIONS ISSUED

## PORTION OF ISSUED OPINIONS THAT ARE MAJORITY OPINIONS

TOTAL MAJORITY OPINIONS ISSUED- 1,882

TOTAL OPINIONS ISSUED - 1,962

JUDGES (DISTRICT)	MAJORITY OPINIONS			CONCURRING OPINIONS	DISSENTING OPINIONS	REHEARING OPINIONS	OTHER OPINIONS	TOTAL OPINIONS
	ISSUED	PUBLISHED	PERCENT PUBLISHED					
Altice (2nd)	118	22	18.6%	0	0	0	0	118
Bailey (1st)	117	20	17.1%	1	2	1	0	121
Baker (1st)	81	20	24.7%	1	2	3	0	87
Bradford (2nd)	126	26	20.6%	0	0	1	0	127
Brown (5th)	121	23	19.0%	2	7	0	1	131
Crone (3rd)	130	29	22.3%	2	4	0	0	136
Kirsch (2nd)	114	14	12.3%	0	1	1	0	116
Mathias (3rd)	132	25	18.9%	5	2	0	0	139
May (4th)	119	32	26.9%	2	2	0	0	123
Najam (1st)	123	32	26.0%	1	0	1	0	125
Pyle (4th)	103	24	23.3%	0	2	0	0	105
Riley (4th)	115	34	29.6%	0	5	0	1	121
Robb (5th)	115	23	20.0%	0	0	1	0	116
Tavitas (3rd)	121	24	19.8%	5	10	1	0	137
Vaidik (5th)	108	35	32.4%	3	4	0	1	116
Weissmann (1st)	19	3	15.8%	1	1	0	0	21
SENIOR JUDGES								
Baker	21	4	19.0%	0	1	0	0	22
Barnes	8	1	12.5%	0	0	0	0	8
Barteau	12	0	0.0%	0	0	0	0	12
Darden	11	2	18.2%	0	0	1	0	12
Friedlander	29	8	27.6%	0	0	0	0	29
Rucker	6	1	16.7%	0	0	0	0	6
Sharpnack	17	8	47.1%	0	0	1	0	18
Shepard	16	2	12.5%	0	0	0	0	16
TOTAL	1,882	412	21.9%	23	43	11	3	1,962

# CASES HANDED DOWN

JUDGES (DISTRICT)	CRIMINAL		POST-CONVICTION		CIVIL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Altice (2nd)	53	124	7	12	37	67
Bailey (1st)	55	125	7	14	34	74
Baker (1st)	38	68	2	6	27	43
Bradford (2nd)	60	125	8	8	33	68
Brown (5th)	56	118	5	15	40	76
Crone (3rd)	58	121	5	10	47	65
Kirsch (2nd)	57	124	6	9	34	76
Mathias (3rd)	66	128	4	12	34	74
May (4th)	58	133	7	10	29	64
Najam (1st)	58	132	3	9	46	61
Pyle (4th)	57	127	2	15	22	87
Riley (4th)	59	121	1	7	34	68
Robb (5th)	55	131	8	13	30	78
Tavitas (3rd)	62	124	5	6	27	73
Vaidik (5th)	58	128	3	10	24	71
Weissmann (1st)	10	25	2	1	6	12
<b>TOTAL</b>	<b>860</b>	<b>1,854</b>	<b>75</b>	<b>157</b>	<b>504</b>	<b>1,057</b>

JUDGES (DISTRICT)	EXPEDITE		OTHER		TOTAL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Altice (2nd)	1	2	20	43	118	248
Bailey (1st)	1	2	20	42	117	257
Baker (1st)	1	1	13	27	81	145
Bradford (2nd)	0	4	25	47	126	252
Brown (5th)	0	2	20	31	121	242
Crone (3rd)	1	2	19	48	130	246
Kirsch (2nd)	1	0	16	39	114	248
Mathias (3rd)	1	1	27	37	132	252
May (4th)	1	1	24	45	119	253
Najam (1st)	1	1	15	47	123	250
Pyle (4th)	1	2	21	49	103	280
Riley (4th)	1	1	20	43	115	240
Robb (5th)	1	1	21	43	115	266
Tavitas (3rd)	0	1	27	41	121	245
Vaidik (5th)	1	1	22	43	108	253
Weissmann (1st)	0	2	1	9	19	49
<b>TOTAL</b>	<b>12</b>	<b>24</b>	<b>311</b>	<b>634</b>	<b>1,762</b>	<b>3,726</b>

# CASES HANDED DOWN

SENIOR JUDGES	SENIOR JUDGES					
	CRIMINAL		POST-CONVICTION		CIVIL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Baker	12	20	0	3	5	9
Barnes	5	0	1	0	2	0
Barteau	9	0	2	0	0	0
Darden	10	0	0	0	1	0
Friedlander	15	0	0	0	12	0
Rucker	6	0	0	0	0	0
Sharpnack	11	0	1	0	3	0
Shepard	9	0	1	0	6	0
<b>TOTAL</b>	<b>77</b>	<b>20</b>	<b>5</b>	<b>3</b>	<b>29</b>	<b>9</b>

SENIOR JUDGES	EXPEDITE		OTHER		TOTAL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Baker	0	0	4	6	21	38
Barnes	0	0	0	0	8	0
Barteau	0	0	1	0	12	0
Darden	0	0	0	0	11	0
Friedlander	0	0	2	0	29	0
Rucker	0	0	0	0	6	0
Sharpnack	0	0	2	0	17	0
Shepard	0	0	0	0	16	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>9</b>	<b>6</b>	<b>120</b>	<b>38</b>

The Court of Appeals handed down 1,882 written decisions in 2020.

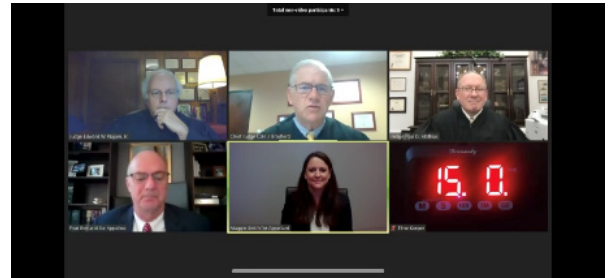
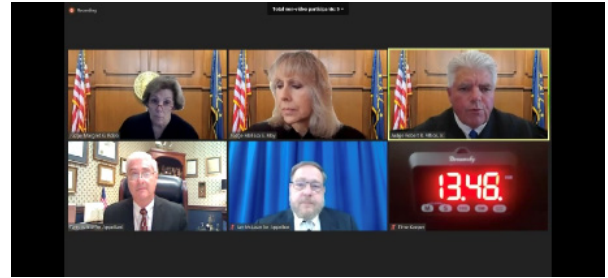




# ORAL ARGUMENTS

JUDGES (DISTRICT)	CRIMINAL		POST-CONVICTION		CIVIL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Altice (2nd)	1	2	0	0	0	1
Bailey (1st)	0	1	0	1	0	0
Baker (1st)	0	2	0	0	3	1
Bradford (2nd)	0	0	0	0	2	1
Brown (5th)	0	1	0	1	0	3
Crone (3rd)	0	0	0	0	0	1
Kirsch (2nd)	0	0	0	0	0	0
Mathias (3rd)	0	0	0	0	0	1
May (4th)	3	3	1	1	3	2
Najam (1st)	1	0	0	0	0	1
Pyle (4th)	0	1	0	1	0	3
Riley (4th)	0	0	0	0	1	1
Robb (5th)	0	3	0	0	0	2
Tavitas (3rd)	1	1	1	0	0	0
Vaidik (5th)	1	0	0	0	0	3
Weissmann (1st)	0	0	0	0	0	0
<b>TOTAL</b>	<b>7</b>	<b>14</b>	<b>2</b>	<b>4</b>	<b>9</b>	<b>20</b>

JUDGES (DISTRICT)	EXPEDITE		OTHER		TOTAL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Altice (2nd)	0	0	0	0	1	3
Bailey (1st)	0	0	0	0	0	2
Baker (1st)	0	0	0	0	3	3
Bradford (2nd)	0	0	0	0	2	1
Brown (5th)	0	0	0	0	0	5
Crone (3rd)	0	0	0	0	0	1
Kirsch (2nd)	0	0	0	0	0	0
Mathias (3rd)	0	0	0	0	0	1
May (4th)	0	0	0	0	7	6
Najam (1st)	0	0	1	0	2	1
Pyle (4th)	0	0	0	0	0	5
Riley (4th)	0	0	0	0	1	1
Robb (5th)	0	0	0	0	0	5
Tavitas (3rd)	0	0	0	1	2	2
Vaidik (5th)	0	0	0	1	1	4
Weissmann (1st)	0	0	0	0	0	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>2</b>	<b>19</b>	<b>40</b>



## ORAL ARGUMENTS

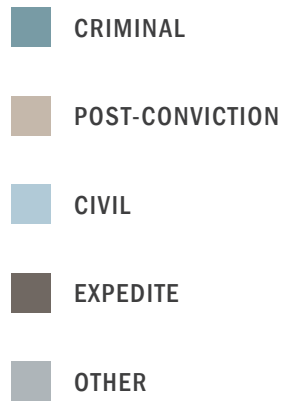
### SENIOR JUDGES

SENIOR JUDGES	CRIMINAL		POST-CONVICTION		CIVIL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Baker	0	0	0	0	0	0
Barnes	0	0	0	0	0	0
Barteau	0	0	0	0	0	0
Darden	0	0	0	0	0	0
Friedlander	0	0	0	0	0	0
Rucker	0	0	0	0	0	0
Sharpnack	0	0	0	0	0	0
Shepard	0	0	0	0	1	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>

SENIOR JUDGES	EXPEDITE		OTHER		TOTAL	
	WRITING	PANEL	WRITING	PANEL	WRITING	PANEL
Baker	0	0	0	0	0	0
Barnes	0	0	0	0	0	0
Barteau	0	0	0	0	0	0
Darden	0	0	0	0	0	0
Friedlander	0	0	0	0	0	0
Rucker	0	0	0	0	0	0
Sharpnack	0	0	0	0	0	0
Shepard	0	0	0	0	1	0
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>

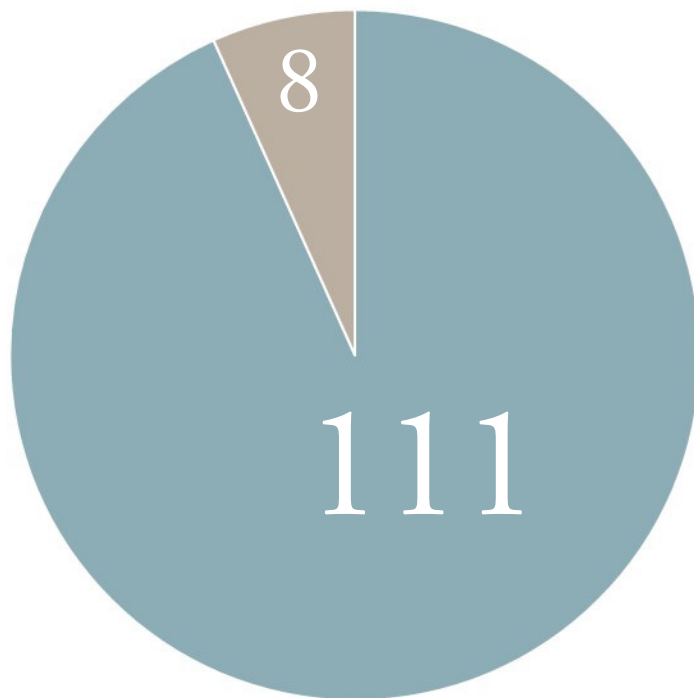
# CASES PENDING

## TOTAL CASES PENDING (PER TYPE)



JUDGES (DISTRICT)	CRIMINAL	POST - CONVICTION	CIVIL	EXPEDITE	OTHER	TOTAL
Altice (2nd)	7	1	1	0	3	12
Bailey (1st)	1	0	3	0	0	4
Bradford (2nd)	2	0	3	1	0	6
Brown (5th)	2	0	4	0	1	7
Crone (3rd)	1	2	4	0	1	8
Kirsch (2nd)	3	0	4	0	1	8
Mathias (3rd)	4	1	4	0	1	10
May (4th)	7	3	7	0	2	19
Najam (1st)	2	0	1	0	0	3
Pyle (4th)	4	1	4	0	1	10
Riley (4th)	3	0	4	0	0	7
Robb (5th)	7	1	4	0	0	12
Tavitas (3rd)	3	1	3	1	2	10
Vaidik (5th)	4	0	7	0	1	12
Weissmann (1st)	4	0	4	0	1	9
SENIOR JUDGES	9	2	5	0	0	16
<b>TOTAL</b>	<b>63</b>	<b>12</b>	<b>62</b>	<b>2</b>	<b>14</b>	<b>153</b>

## SUCCESSIVE PETITIONS FOR POST-CONVICTION RELIEF



8

Pending as of 12/31/2019

111

Petitions filed

119

Total petitions

## AUTHORIZATION

8

Petitions authorized to be  
filed in trial court for hearing

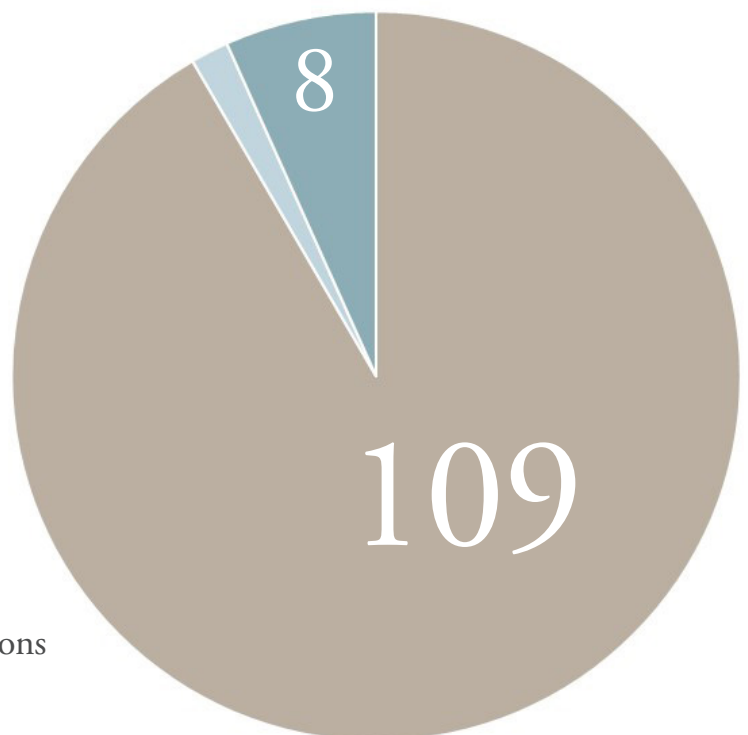
109

Petitions not authorized to be filed  
in trial court for hearing ("No Merit")

2

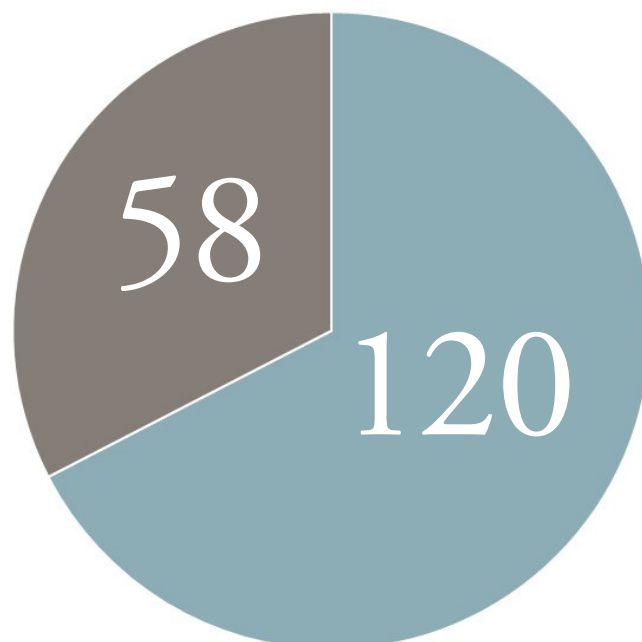
Petitions pending

119 Total petitions



## APPELLEE'S MOTIONS TO DISMISS

MOTIONS TO DISMISS GRANTED	MOTION TO DISMISS DENIED
120	58
PER CURIAM OPINIONS	TOTAL DISPOSITIONS
0	178



16	177	193
Pending as of 12/31/2019	Motions filed	Total motions

15 Pending motions as of 12/31/2020



# STATISTICS REGARDING DISPOSITION OF CHIEF JUDGE MATTERS

**6,045** Motions, Petitions for Time, Misc. Motions Received

## JANUARY 1, 2020 - DECEMBER 31, 2020

Orders Granting Petitions to File Belated Notice of Appeal	41
Orders Denying Petitions to File Belated Notice of Appeal	18
Orders Granting Pre-Appeal Conferences	0
Orders Denying Pre-Appeal Conferences	0
Orders with Instructions from Pre-Appeal Conference	0
Orders Granting Permissive Interlocutory Appeals	90
Orders Denying Permissive Interlocutory Appeals	101
Orders Granting Successive Petitions for Post-Conviction Relief	8
Orders Denying Successive Petitions for Post-Conviction Relief	109
Orders Granting Consolidations of Appeals	101
Orders Denying Consolidations of Appeals	5
Orders Granting Petitions to Amend Brief	102
Orders Denying Petitions to Amend Brief	10
Orders Granting Withdrawals of Record	188
Orders Denying Withdrawals of Record	31
Miscellaneous Orders	2,887

## REHEARINGS

Petitions for Rehearing Granted without Opinion	0
Petitions for Rehearing Denied without Opinion	123
Petitions for Rehearing Granted with Opinion	11
Petitions for Rehearing Denied with Opinion	0

## TIME GRANTS

Petitions for Time to File Record Granted	273
Petitions for Time to File Record Denied	5
Petitions for Time to File Appellant's Brief Granted	937
Petitions for Time to File Appellant's Brief Denied	47
Petitions for Time to File Appellee's Brief Granted	379
Petitions for Time to File Appellee's Brief Denied	6
Petitions for Time to File Appellant's Reply Brief Granted	133
Petitions for Time to File Appellant's Reply Brief Denied	3

## ORAL ARGUMENT ACTION

Orders Setting Oral Arguments	86
Orders Denying Petitions for Oral Arguments	62

## DISMISSALS

Orders Granting Appellant's Motions to Dismiss	203
Orders Denying Appellant's Motions to Dismiss	17
Orders Granting Appellee's Motions to Dismiss	120
Orders Denying Appellee's Motions to Dismiss	58
Court-Directed Orders of Dismissal	441

**6,595** TOTAL



# COURT OF APPEALS OF INDIANA

2 0 2 0   A N N U A L   R E P O R T

This report pertaining to the progress of the work of the Court of Appeals of Indiana for the period from January 1, 2020, through December 31, 2020, is being submitted pursuant to section 2-6-1-1, Judges' Manual.

Information about the Court of Appeals of Indiana and the Indiana Judicial Branch can be found online at:

<http://www.in.gov/judiciary/appeals>

THE MISSION OF THE COURT OF APPEALS OF INDIANA:  
**To serve all people by providing equal justice under law**