

Court of Appeals of Indiana



2011 Annual Report

Court of Appeals of Indiana



2011 Annual Report

First District

John G. Baker, Presiding Judge
Edward W. Najam Jr., Judge
L. Mark Bailey, Judge

Second District

Ezra H. Friedlander, Presiding Judge
James S. Kirsch, Judge
Cale J. Bradford, Judge

Third District

Michael P. Barnes, Presiding Judge
Paul D. Mathias, Judge
Terry A. Crone, Judge

Fourth District

Melissa S. May, Presiding Judge
Patricia A. Riley, Judge
Carr L. Darden, Judge

Fifth District

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

The Mission of the Court of Appeals of Indiana

TO SERVE ALL PEOPLE BY PROVIDING EQUAL JUSTICE UNDER LAW

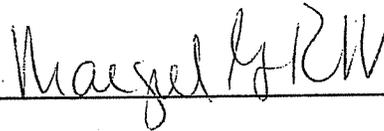
115 West Washington Street, Suite 1270S, Indianapolis, Indiana 46204 (317) 232-6906

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

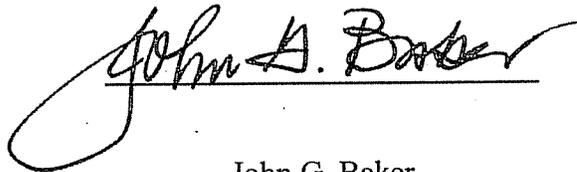
Court of Appeals of Indiana

2011 Annual Report

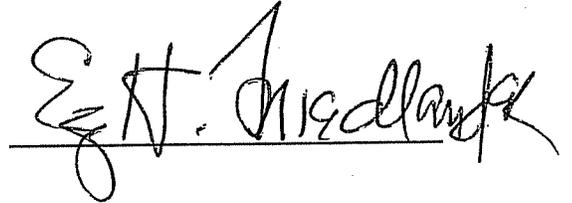
This report pertaining to the progress of the work of the Court of Appeals of Indiana for the period from January 1, 2011, through December 31, 2011, is being submitted pursuant to paragraph 6.35, Judge's Manual.



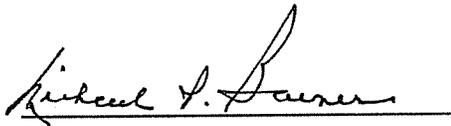
Margret G. Robb
Chief Judge and
Presiding Judge
Fifth District



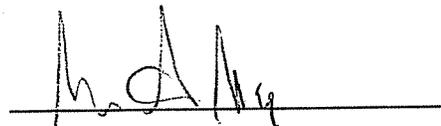
John G. Baker
Presiding Judge
First District



Ezra H. Friedlander
Presiding Judge
Second District



Michael P. Barnes
Presiding Judge
Third District



Melissa S. May
Presiding Judge
Fourth District

COURT OF APPEALS OF INDIANA

ANNUAL REPORT

January 1, 2011 - December 31, 2011

Total Caseload*

<u>Year</u>	<u>Filed</u>	<u>Disposed</u>
2008	3964	4121
2009	3988	3901
2010	4392	3924
2011	4315	3950

Civil and Criminal Caseloads

Year	<u>Criminal</u>		<u>Civil</u>		<u>Other</u>	
	<u>Filed</u>	<u>Disposed</u>	<u>Filed</u>	<u>Disposed</u>	<u>Filed</u>	<u>Disposed</u>
2008	2438	2458	1113	1187	413	476
2009	2147	2238	1229	1066	612	597
2010	2407	2104	1213	1110	772	710
2011	2288	2050	1190	1104	837	796

*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.

COURT OF APPEALS OF INDIANA

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January 1, 2011 - December 31, 2011

Court Summary

	Criminal	Post-Conviction	Civil	Expedite	Other	TOTAL
Cases Pending 12/31/2010	155	12	101	9	23	300
Cases Fully-Briefed Received	1278	130	668	66	270	2412
Geographic District One	335	28	220	0	76	659
Geographic District Two	628	65	264	66	116	1139
Geographic District Three	315	37	184	0	78	614
Cases Disposed	1285	125	662	68	268	2408
By Majority Opinion	1283	125	654	68	267	2397
By Order	2	0	8	0	1	11
Net Increase/Decrease	-7	5	6	-2	2	4
Cases Pending 12/31/2011	148	17	107	7	25	304
Cases Affirmed	1103	109	423	46	227	1908
Cases Affirmed Percent	86.0%	87.2%	64.7%	67.6%	85.0%	79.6%
Cases Reversed	171	15	223	21	38	468
Cases Reversed Percent	13.3%	12.0%	34.1%	30.9%	14.2%	19.5%
Cases Remanded	9	1	8	1	2	21
Cases Remanded Percent	0.7%	0.8%	1.2%	1.5%	0.7%	0.9%
Oral Arguments Heard	24	3	56	1	4	88

Average Age of Cases Pending

12/31/2010	1.1 Months
12/31/2011	1.2 Months

Total number of Motions, Petitions for Time, Misc Motions Received 7202

Total Motions, Petitions for Time, Misc. Orders Issued 7048

COURT OF APPEALS OF INDIANA

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January 1, 2011 - December 31, 2011

Summary by Judge

	Majority Opinions Issued	All Opinions Issued	Orders Issued	Cases Voted On	Oral Arguments Heard	Cases Pending 12/31/2010	Cases Pending 12/31/2011
Judges (District)							
Bailey (1st)	171	178	0	502	14	21	11
Baker (1st)	156	178	2	471	23	12	15
Barnes (3rd)	160	166	1	460	13	13	19
Bradford (2nd)	153	162	0	457	21	10	15
Brown (5th)	153	171	1	463	9	19	16
Crone (3rd)	147	156	1	459	16	14	21
Darden (4th)	130	133	0	464	19	25	26
Friedlander (2nd)	153	162	1	474	13	15	19
Kirsch (2nd)	148	158	1	460	15	27	23
Mathias (3rd)	164	167	1	493	19	25	13
May (4th)	149	166	0	473	22	33	36
Najam (1st)	161	163	0	475	21	12	15
Riley (4th)	153	166	0	482	17	17	12
Robb (5th)	151	164	2	492	23	18	25
Vaidik (5th)	153	160	1	467	18	15	17
Senior Judges						24	21
Barteau	41	42	0	42	0	0	0
Garrard	13	13	0	13	0	0	0
Sharpnack	28	29	0	29	0	0	0
Sullivan	13	14	0	15	1	0	0
TOTAL	2397	2548	11	7191	264	300	304

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January 1, 2011 - December 31, 2011

Caseload

	Cases Pending 1/1/2011	INTAKE			DISPOSITIONS			Cases Pending 12/31/2011	
		Cases Assigned	Transfers In	Out	Total	Majority Opinions	Orders		Total
Judges (District)									
Bailey (1st)	21	157	11	6	162	171	0	171	11
Baker (1st)	12	153	11	3	161	156	2	158	15
Barnes (3rd)	13	151	24	8	167	160	1	161	19
Bradford (2nd)	10	160	7	9	158	153	0	153	15
Brown (5th)	19	153	2	4	151	153	1	154	16
Crone (3rd)	14	150	6	1	155	147	1	148	21
Darden (4th)	25	154	5	28	131	130	0	130	26
Friedlander (2nd)	15	154	5	1	158	153	1	154	19
Kirsch (2nd)	27	153	3	11	145	148	1	149	23
Mathias (3rd)	25	155	4	6	153	164	1	165	13
May (4th)	33	156	3	7	152	149	0	149	36
Najam (1st)	12	154	14	4	164	161	0	161	15
Riley (4th)	17	151	1	4	148	153	0	153	12
Robb (5th)	18	153	9	2	160	151	2	153	25
Vaidik (5th)	15	156	4	4	156	153	1	154	17
Senior Judges	24	103	2	13	92	(95)	(0)	(95)	21
Barteau	0	0	0	0	0	41	0	41	0
Garrard	0	0	0	0	0	13	0	13	0
Sharpnack	0	0	0	0	0	28	0	28	0
Sullivan	0	0	0	0	0	13	0	13	0
TOTAL	300	2413	111	111	2413	2397	11	2408	304

COURT OF APPEALS OF INDIANA

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January 1, 2011 - December 31, 2011

Opinions Issued

	MAJORITY OPINIONS			Dissenting				TOTAL
	Issued	Published	Percent Published	Concurring Opinions	Opinions	Rehearing Opinions	Other Opinions	
Judges (District)								
Bailey (1st)	171	32	18.7%	1	2	4	0	178
Baker (1st)	156	35	22.4%	5	14	3	0	178
Barnes (3rd)	160	37	23.1%	4	1	1	0	166
Bradford (2nd)	153	40	26.1%	2	6	1	0	162
Brown (5th)	153	38	24.8%	3	12	2	1	171
Crone (3rd)	147	50	34.0%	3	3	3	0	156
Darden (4th)	130	26	20.0%	1	1	1	0	133
Friedlander (2nd)	153	22	14.4%	2	3	4	0	162
Kirsch (2nd)	148	33	22.3%	0	10	0	0	158
Mathias (3rd)	164	42	25.6%	1	1	1	0	167
May (4th)	149	39	26.2%	4	12	1	0	166
Najam (1st)	161	33	20.5%	1	0	0	1	163
Riley (4th)	153	43	28.1%	1	9	3	0	166
Robb (5th)	151	40	26.5%	3	6	4	0	164
Vaidik (5th)	153	38	24.8%	2	4	1	0	160
Senior Judges								
Barteau	41	14	34.1%	0	1	0	0	42
Garrard	13	3	23.1%	0	0	0	0	13
Sharpnack	28	8	28.6%	0	0	1	0	29
Sullivan	13	4	30.8%	0	1	0	0	14
TOTAL	2397	577	24.1%	33	86	30	2	2548

COURT OF APPEALS OF INDIANA

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January 1, 2011 - December 31, 2011

Cases Handed Down

	CRIMINAL		POST-CONVICTION		CIVIL		EXPEDITE		OTHER		TOTAL	
	Writing Panel	Panel	Writing Panel	Panel	Writing Panel	Panel	Writing Panel	Panel	Writing Panel	Panel	Writing Panel	Panel
Judges (District)												
Bailey (1st)	88	183	11	18	44	87	5	7	23	36	171	331
Baker (1st)	83	164	7	14	40	94	4	8	22	35	156	315
Barnes (3rd)	82	164	10	11	45	84	5	10	18	31	160	300
Bradford (2nd)	83	153	7	18	47	87	3	10	13	36	153	304
Brown (5th)	81	164	6	11	47	89	4	10	15	36	153	310
Crone (3rd)	75	172	10	15	43	85	4	7	15	33	147	312
Darden (4th)	80	175	4	21	26	86	1	9	19	43	130	334
Friedlander (2nd)	81	182	9	18	42	75	4	10	17	36	153	321
Kirsch (2nd)	79	160	8	21	38	83	4	10	19	38	148	312
Mathias (3rd)	83	173	12	19	49	91	5	10	15	36	164	329
May (4th)	79	177	8	13	41	91	5	8	16	35	149	324
Najam (1st)	87	172	4	19	44	78	7	7	19	38	161	314
Riley (4th)	83	178	9	11	42	96	4	12	15	32	153	329
Robb (5th)	80	178	6	19	45	101	5	9	15	34	151	341
Vaidik (5th)	82	169	7	22	38	79	5	9	21	35	153	314
Senior Judges												
Barteau	18	1	7	0	13	0	1	0	2	0	41	1
Garrard	10	0	0	0	2	0	0	0	1	0	13	0
Sharpnack	20	0	0	0	4	1	2	0	2	0	28	1
Sullivan	9	1	0	0	4	1	0	0	0	0	13	2
TOTAL	1283	2566	125	250	654	1308	68	136	267	534	2397	4794

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January 1, 2011 - December 31, 2011

Oral Arguments

	CRIMINAL		POST-CONVICTION		CIVIL		EXPEDITE		OTHER		TOTAL		
	Writing Panel	Panel	Writing Panel	Panel	Writing Panel	Panel	Writing Panel	Panel	Writing Panel	Panel	Writing Panel	Panel	
Judges (District)													
Bailey (1st)	1	3	0	0	2	8	0	0	0	0	0	3	11
Baker (1st)	4	1	0	0	8	10	0	0	0	0	0	12	11
Barnes (3rd)	1	4	0	1	0	7	0	0	0	0	0	1	12
Bradford (2nd)	3	2	0	0	2	13	0	0	0	1	0	5	16
Brown (5th)	0	4	0	0	0	4	0	0	0	1	0	0	9
Crone (3rd)	2	6	0	2	3	3	0	0	0	0	0	5	11
Darden (4th)	1	4	0	0	6	6	0	0	1	1	0	8	11
Friedlander (2nd)	0	2	0	1	3	5	0	1	0	1	0	3	10
Kirsch (2nd)	1	2	0	1	4	6	0	0	1	0	0	6	9
Mathias (3rd)	0	1	0	0	5	11	1	0	0	1	0	6	13
May (4th)	6	2	1	0	4	8	0	1	0	0	0	11	11
Najam (1st)	0	5	0	1	2	12	0	0	1	0	0	3	18
Riley (4th)	1	6	0	0	2	7	0	0	0	1	0	3	14
Robb (5th)	3	3	2	0	8	6	0	0	1	0	0	14	9
Vaidik (5th)	1	3	0	0	7	5	0	0	0	2	0	8	10
Senior Judges													
Sullivan	0	0	0	0	0	1	0	0	0	0	0	0	1
TOTAL	24	48	3	6	56	112	1	2	4	8	88	176	

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Cases Pending

	Criminal	Post-Conviction	Civil	Expedite	Other	Total
Judges (District)						
Bailey (1st)	6	1	4	0	0	11
Baker (1st)	7	2	5	0	1	15
Barnes (3rd)	9	1	6	1	2	19
Bradford (2nd)	9	1	4	0	1	15
Brown (5th)	7	0	7	1	1	16
Crone (3rd)	13	1	5	1	1	21
Darden (4th)	9	4	9	1	3	26
Friedlander (2nd)	9	0	9	0	1	19
Kirsch (2nd)	14	0	7	1	1	23
Mathias (3rd)	7	0	4	0	2	13
May (4th)	19	2	10	0	5	36
Najam (1st)	6	0	7	0	2	15
Riley (4th)	3	1	5	1	2	12
Robb (5th)	13	1	10	0	1	25
Vaidik (5th)	4	1	10	1	1	17
Senior Judges	13	2	5	0	1	21
TOTAL	148	17	107	7	25	304

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Successive Petitions for Post-Conviction Relief

Pending 12/31/2010.....	11
Petitions Filed.....	<u>172</u>
TOTAL.....	183

Authorization

Petitions Authorized To Be Filed in Trial Court for Hearing.....	6
Petitions Not Authorized To Be Filed in Trial Court for Hearing("No Merit")...	<u>172</u>
Petitions Pending.....	5
TOTAL.....	183

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Appellee's Motions to Dismiss

Pending 12/31/2010.....	47
Motions Filed.....	<u>277</u>
TOTAL.....	324
Dispositions:	
Motion to Dismiss Granted.....	211
Motion to Dismiss Denied.....	<u>88</u>
Subtotal.....	299
By Per Curiam Opinions.....	<u>0</u>
Total Dispositions.....	299
Pending Motions 12/31/2011.....	25

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Statistics Regarding Disposition of Chief Judge Matters

Total number of Motions, Petitions for Time, Misc Motions Received	7202
January 1, 2011 - December 31, 2011	
Orders Granting Petitions to File Belated Notice of Appeal	8
Orders Denying Petitions to File Belated Notice of Appeal	8
Orders Granting Pre-Appeal Conferences	1
Orders Denying Pre-Appeal Conferences	9
Orders with Instructions from Pre-Appeal Conference	0
Orders Granting Permissive Interlocutory Appeals	87
Orders Denying Permissive Interlocutory Appeals	113
Orders Granting Successive Petitions for Post-Conviction Relief	6
Orders Denying Successive Petitions for Post-Conviction Relief	172
Orders Granting Consolidations of Appeals	117
Orders Denying Consolidations of Appeals	18
Orders Granting Petitions to Amend Brief	37
Orders Denying Petitions to Amend Brief	1
Orders Granting Withdrawals of Record	376
Orders Denying Withdrawals of Record	50
Miscellaneous Orders	2477
Time Grants	
Petitions for Time to File Record Granted	269
Petitions for Time to File Record Denied	10
Petitions for Time to File Appellant's Brief Granted	1034
Petitions for Time to File Appellant's Brief Denied	34
Petitions for Time to File Appellee's Brief Granted	296
Petitions for Time to File Appellee's Brief Denied	4
Petitions for Time to File Appellant's Reply Brief Granted	99
Petitions for Time to File Appellant's Reply Brief Denied	3
Oral Argument Action	
Orders Setting Oral Arguments	91
Orders Denying Petitions for Oral Arguments	64
Dismissals	
Orders Granting Appellant's Motions to Dismiss	281
Orders Denying Appellant's Motions to Dismiss	28
Orders Granting Appellee's Motions to Dismiss	211
Orders Denying Appellee's Motions to Dismiss	88
Court-Directed Orders of Dismissal	787
Rehearings	
Petitions for Rehearing Granted without Opinion	0
Petitions for Rehearing Denied without Opinion	239
Petitions for Rehearing Granted with Opinion	30
Petitions for Rehearing Denied with Opinion	0
TOTAL	7048