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Statistical Compilation of the Opinions of the Supreme Court of North Carolina Terms 1989-90 through 1992-93

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STATISTICAL COMPILATION OF THE OPINIONS OF THE SUPREME COURT OF NORTH CAROLINA TERMS 1989-90 THROUGH 1992-93

HARRY C. MARTIN* **

This statistical review provides a numerical analysis of the work of the North Carolina Supreme Court. Lurking in any such review is the possibility of confusion regarding the meaning of the statistics. In addition, because the tables were compiled by hand-turning and counting the opinions contained in the official reporter, some slight margin of error may remain despite diligent checking and rechecking. Also of note, Tables III-VIII classify opinions by subject matter, a format which entails the exercise of discretion in determining within which classification an opinion should be counted. For instance, a domestic relations case may have been decided upon a rule of civil procedure, and the opinion arguably could be counted within either category.

It should also be noted that the author, Justice Harry C. Martin, retired January 31, 1992, and that Justice J. Beverly Lake only served eleven months, from February 5, 1992, through January 10, 1993. Justice Lake was succeeded by Justice Sarah Parker, who served the remainder of the 1992-93 term. Furthermore, because of the impending retirement of Justice Martin, the court did not hear arguments in December 1991.

The work of the court comes from many sources. This survey is limited, however, to the court's output—the work produced for use by the public, including lawyers, judges, academicians, and others who work in the legal vineyard. This review does not reflect the sources of the cases decided by the court, whether by right of appeal, petition for discretionary review, certiorari, or otherwise. It also does not include many petitions and motions reviewed by the court. The reader should also recognize that this review is not evaluative, since numbers alone are of little value in determining the difficulty and quality of the work produced.

The entire work product of the respective justices should be borne in mind in analyzing this statistical review. For example, Justice Louis Meyer

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** Editor's Note: The Board of Editors cannot take credit for either conducting or verifying the research contained in this study.

authored nine opinions of the court during the 1992-93 term; however, seven were capital cases, which generally require more time to prepare because of the nature of the cases and multiplicity of the issues to be resolved. In addition, Justice Meyer wrote seven dissents and three concurrences, for a total of nineteen authored opinions. The reader also should note that, although all of the justices had additional demands upon their time, Chief Justice James Exum devoted many hours each day to administering the entire judicial branch of North Carolina's government.

A better perspective of the work of the court is gained when the statistics of all four years are reviewed together. Thus, the statistics illustrate the following about the total numbers of majority opinions authored by each justice during the four-year period:

| | | | |
|----------|----|----------|----|
| Exum | 66 | Frye | 63 |
| Meyer | 71 | Webb | 69 |
| Mitchell | 68 | Whichard | 69 |
| Martin* | 43 | Lake* | 13 |
| | | Parker* | 1 |

* Of the four years surveyed, Justice Martin served two years and seven months, Justice Lake served eleven months, and Justice Parker served six months.

The total number of authored opinions of the court for the four years is 463, an average of 115.75 per year and 16.5 opinions per justice per year. In conclusion, as noted above, the raw data in this study were obtained by hand-turning and counting. If the reader finds any errors, please advise the author.

1 JULY 1992 - 30 JUNE 1993

TABLE I

NUMBER OF OPINIONS AUTHORED BY EACH JUSTICE

| <u>JUSTICE</u> | <u>NUMBER OF OPINIONS AUTHORED</u> | <u>PERCENTAGE OF TOTAL</u> |
|----------------------|--|--------------------------------|
| EXUM | 13 | 12.9 |
| MEYER | 9 | 8.9 |
| MITCHELL | 17 | 16.9 |
| FRYE | 17 | 16.9 |
| WEBB | 21 | 20.9 |
| WHICHARD | 13 | 12.9 |
| LAKE | 10 | 9.9 |
| PARKER | 1 | .9 |
| TOTAL | 101 | 100% |
| Per Curiam Decisions | 37 | |

TABLE II

ACTIONS OF INDIVIDUAL JUSTICES

| | <u>Opinions Written</u> | | | | <u>Opinions Joined</u> | | |
|--------------|----------------------------------|----------------------------|------------------|--------------|--------------------------------------|----------------------------|--------------|
| | <u>Opinions of the Court</u> | <u>Concur- rences*</u> | <u>Dissents*</u> | <u>Total</u> | <u>Concur- rences Joined</u> | <u>Dissents Joined</u> | <u>Total</u> |
| EXUM | 13 | 0 | 0 | 13 | 2 | 3 | 5 |
| MEYER | 9 | 3 | 7 | 19 | 0 | 0 | 0 |
| MITCHELL | 17 | 2 | 2 | 21 | 1 | 0 | 1 |
| FRYE | 17 | 7 | 5 | 29 | 0 | 2 | 2 |
| WEBB | 21 | 1 | 3 | 25 | 1 | 1 | 2 |
| WHICHARD | 13 | 0 | 0 | 13 | 1 | 0 | 1 |
| LAKE | 10 | 0 | 0 | 10 | 1 | 3 | 4 |
| PARKER | 1 | 0 | 0 | 1 | 0 | 0 | 0 |
| TOTAL | 101 | 13 | 17 | 131 | 6 | 9 | 15 |

* Dissents and concurrences include dissents and concurrences as to sentence and in part.

TABLE III

*NUMBER OF OPINIONS FILED BY THE JUSTICES ACCORDING TO
SIX CATEGORIES*

| | <u>Criminal</u> | <u>Criminal (Capital)</u> | <u>Criminal (Minor)*</u> | <u>Worker's Comp.</u> | <u>Domestic Relations</u> | <u>Civil**</u> | <u>Total</u> |
|--------------|-----------------|-------------------------------|------------------------------|---------------------------|-------------------------------|----------------|--------------|
| EXUM | 1 | 5 | 0 | 1 | 0 | 6 | 13 |
| MEYER | 0 | 7 | 0 | 0 | 0 | 2 | 9 |
| MITCHELL | 2 | 10 | 0 | 2 | 0 | 3 | 17 |
| FRYE | 1 | 7 | 0 | 0 | 0 | 9 | 17 |
| WEBB | 1 | 9 | 0 | 1 | 0 | 10 | 21 |
| WHICHARD | 1 | 8 | 0 | 0 | 0 | 4 | 13 |
| LAKE | 1 | 3 | 0 | 0 | 0 | 6 | 10 |
| PARKER | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| TOTAL | 7 | 49 | 0 | 4 | 0 | 41 | 101 |

* "Criminal (Minor)" includes all cases where the victim was a minor, i.e., sexual abuse and rape cases.

** Includes all civil cases except worker's compensation and domestic relations.

TABLE IV

VOTING ALIGNMENTS

| | <u>EXUM</u> | <u>MEYER</u> | <u>MITCHELL</u> | <u>FRYE</u> | <u>WEBB</u> | <u>WHICHARD</u> | <u>LAKE</u> | <u>PARKER</u> |
|---------------|-------------|--------------|-----------------|-------------|-------------|-----------------|-------------|---------------|
| EXUM (13) | | | | | | | | |
| majority | - | 11 | 13 | 11 | 13 | 13 | - | 1 |
| concur* | - | 1 | - | 1 | - | - | - | - |
| dissent* | - | - | - | 1 | - | - | - | - |
| MEYER (9) | | | | | | | | |
| majority | 7 | - | 7 | 6 | 7 | 9 | 5 | 3 |
| concur* | 1 | - | 1 | 1 | 1 | - | - | - |
| dissent* | 1 | - | 1 | 2 | 1 | - | - | - |
| MITCHELL (17) | | | | | | | | |
| majority | 17 | 13 | - | 15 | 14 | 16 | 11 | 4 |
| concur* | - | 2 | - | 2 | 1 | 1 | - | - |
| dissent* | - | 2 | - | - | - | - | 1 | - |
| FRYE (17) | | | | | | | | |
| majority | 17 | 12 | 16 | - | 15 | 17 | 8 | 2 |
| concur* | - | - | 1 | - | - | - | - | - |
| dissent* | - | 4 | - | - | 1 | - | 2 | - |
| WEBB (21) | | | | | | | | |
| majority | 21 | 21 | 19 | 19 | - | 21 | 11 | 4 |
| concur* | - | - | 1 | 2 | - | - | 1 | - |
| dissent* | - | - | 1 | 2 | - | - | - | - |
| WHICHARD (13) | | | | | | | | |
| majority | 12 | 12 | 13 | 12 | 11 | - | 7 | 2 |
| concur* | 1 | - | - | 1 | - | - | - | - |
| dissent* | 1 | 1 | - | 1 | 1 | - | - | - |
| LAKE (10) | | | | | | | | |
| majority | 9 | 10 | 10 | 9 | 9 | 10 | - | - |
| concur* | - | - | - | - | - | - | - | - |
| dissent* | 1 | - | - | 1 | - | - | - | - |
| PARKER (1) | | | | | | | | |
| majority | 1 | 1 | 1 | 1 | 1 | 1 | - | - |
| concur* | - | - | - | - | - | - | - | - |
| dissent* | - | - | - | - | - | - | - | - |

* All dissents include dissents as to sentence and dissents in part. They also include dissents written by the individual justices and dissents in which the justices joined each other. Concurrences are tabulated in the same way. Thus, the stated number of dissents and concurrences accurately state the number of justices who dissented or concurred, but not necessarily the number of such opinions filed. Where the numbers under majority, concur, and dissent add up to a smaller number than the total number of opinions a particular justice filed, one or more of the other justices did not participate in that opinion.

TABLE V

NUMBER OF AUTHORED DISSENTS
BY EACH JUSTICE AND TYPE OF CASE*

| | <u>Criminal</u> | <u>Criminal (Capital)</u> | <u>Juvenile</u> | <u>Worker's Comp.</u> | <u>Domestic Relations</u> | <u>Civil**</u> | <u>Total</u> |
|----------|-----------------|-------------------------------|-----------------|---------------------------|-------------------------------|----------------|--------------|
| EXUM | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MEYER | 0 | 1 | 0 | 1 | 0 | 5 | 7 |
| MITCHELL | 0 | 1 | 0 | 0 | 0 | 1 | 2 |
| FRYE | 0 | 5 | 0 | 0 | 0 | 0 | 5 |
| WEBB | 0 | 1 | 0 | 0 | 0 | 2 | 3 |
| WHICHARD | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| LAKE | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PARKER | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 8 | 0 | 1 | 0 | 8 | 17 |

* Dissents include dissents as to sentence and dissents in part.

** Includes all civil cases except worker's compensation and domestic relations.

TABLE VI

NUMBER OF DISSENTS JOINED BY EACH JUSTICE AND
TYPE OF CASE*

| | <u>Criminal</u> | <u>Criminal (Capital)</u> | <u>Juvenile</u> | <u>Worker's Comp.</u> | <u>Domestic Relations</u> | <u>Civil**</u> | <u>Total</u> |
|----------|-----------------|-------------------------------|-----------------|---------------------------|-------------------------------|----------------|--------------|
| EXUM | 0 | 3 | 0 | 0 | 0 | 0 | 3 |
| MEYER | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MITCHELL | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FRYE | 0 | 1 | 0 | 0 | 0 | 1 | 2 |
| WEBB | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| WHICHARD | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| LAKE | 0 | 1 | 0 | 0 | 0 | 4 | 5 |
| PARKER | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 5 | 0 | 0 | 0 | 6 | 11 |

* Dissents include dissents as to sentence and dissents in part.

** Includes all civil cases except worker's compensation and domestic relations.

TABLE VII

NUMBER OF AUTHORED CONCURRENCES BY EACH JUSTICE
AND TYPE OF CASE*

| | <u>Criminal</u> | <u>Criminal (Capital)</u> | <u>Juvenile</u> | <u>Worker's Comp.</u> | <u>Domestic Relations</u> | <u>Civil**</u> | <u>Total</u> |
|--------------|-----------------|-------------------------------|-----------------|---------------------------|-------------------------------|----------------|--------------|
| EXUM | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MEYER | 0 | 1 | 0 | 0 | 0 | 2 | 3 |
| MITCHELL | 0 | 1 | 0 | 0 | 0 | 1 | 2 |
| FRYE | 2 | 5 | 0 | 0 | 0 | 0 | 7 |
| WEBB | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| WHICHARD | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| LAKE | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| PARKER | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 2 | 8 | 0 | 0 | 0 | 3 | 13 |

* Concurrences include concurrences as to sentence and concurrences in part.

** Includes all civil cases except worker's compensation and domestic relations.

TABLE VIII

NUMBER OF CONCURRENCES JOINED BY EACH JUSTICE AND
TYPE OF CASE*

| | <u>Criminal</u> | <u>Criminal (Capital)</u> | <u>Juvenile</u> | <u>Worker's Comp.</u> | <u>Domestic Relations</u> | <u>Civil**</u> | <u>Total</u> |
|--------------|-----------------|-------------------------------|-----------------|---------------------------|-------------------------------|----------------|--------------|
| EXUM | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| MEYER | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MITCHELL | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| FRYE | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| WEBB | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| WHICHARD | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| LAKE | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| PARKER | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 2 | 3 | 0 | 0 | 0 | 1 | 6 |

* Concurrences include concurrences as to sentence and concurrences in part.

** Includes all civil cases except worker's compensation and domestic relations.

TABLE IX

4-3 DECISIONS

JUSTICES CONSTITUTING
THE MAJORITY*

*Frye, Exum, Mitchell, Whichard
Lake, Meyer, Mitchell, Whichard
Meyer, Exum, Whichard, Lake*

TITLE OF CASE

*Harris v. Nationwide Mutual Ins. Co.
State v. Walker
Perkins v. CCH Computax, Inc.*

* Author italicized unless otherwise noted.

1 JULY 1991 - 30 JUNE 1992

TABLE I

NUMBER OF OPINIONS AUTHORED BY EACH JUSTICE

| <u>JUSTICE</u> | <u>NUMBER OF OPINIONS AUTHORED</u> | <u>PERCENTAGE OF TOTAL</u> |
|----------------------|--|--------------------------------|
| EXUM | 32 | 21.5 |
| MEYER | 25 | 17 |
| MITCHELL | 16 | 11 |
| MARTIN | 8 | 5.5 |
| FRYE | 18 | 12 |
| WEBB | 28 | 19 |
| WHICHARD | 18 | 12 |
| LAKE | 3 | 2 |
| TOTAL | 148 | 100% |
| Per Curiam Decisions | 30 | |

TABLE II

ACTIONS OF INDIVIDUAL JUSTICES

| | <u>Opinions Written</u> | | | | <u>Concur- rences Joined</u> | <u>Dissents Joined</u> | <u>Total</u> |
|--------------|----------------------------------|----------------------------|------------------|--------------|--------------------------------------|----------------------------|--------------|
| | <u>Opinions of the Court</u> | <u>Concur- rences*</u> | <u>Dissents*</u> | <u>Total</u> | | | |
| EXUM | 32 | 0 | 2 | 34 | 2 | 9 | 11 |
| MEYER | 25 | 5 | 15 | 45 | 2 | 7 | 9 |
| MITCHELL | 16 | 6 | 11 | 33 | 2 | 11 | 13 |
| MARTIN | 8 | 4 | 4 | 16 | 0 | 2 | 2 |
| FRYE | 18 | 2 | 3 | 23 | 0 | 3 | 3 |
| WEBB | 28 | 4 | 4 | 36 | 0 | 4 | 4 |
| WHICHARD | 18 | 0 | 3 | 21 | 1 | 3 | 4 |
| LAKE | 3 | 0 | 0 | 3 | 0 | 3 | 3 |
| TOTAL | 148 | 21 | 42 | 211 | 7 | 41 | 48 |

* Dissents and concurrences include dissents and concurrences as to sentence and in part.

TABLE III

*NUMBER OF OPINIONS FILED BY THE JUSTICES ACCORDING TO
SIX CATEGORIES*

| | <u>Criminal</u> | <u>Criminal (Death)</u> | <u>Criminal (Minor)*</u> | <u>Worker's Comp.</u> | <u>Domestic Relations</u> | <u>Civil*</u> | <u>Total</u> |
|--------------|-----------------|-----------------------------|------------------------------|---------------------------|-------------------------------|---------------|--------------|
| EXUM | 4 | 9 | 1 | 1 | 1 | 16 | 32 |
| MEYER | 4 | 13 | 1 | 0 | 0 | 7 | 25 |
| MITCHELL | 2 | 12 | 0 | 0 | 0 | 2 | 16 |
| MARTIN | 1 | 1 | 0 | 1 | 0 | 5 | 8 |
| FRYE | 3 | 6 | 0 | 0 | 0 | 9 | 18 |
| WEBB | 5 | 9 | 0 | 0 | 1 | 13 | 28 |
| WHICHARD | 4 | 10 | 0 | 0 | 0 | 4 | 18 |
| LAKE | 0 | 1 | 0 | 0 | 1 | 1 | 3 |
| TOTAL | 23 | 61 | 2 | 2 | 3 | 57 | 148 |

* "Criminal (Minor)" includes all cases where the victim was a minor, i.e., sexual abuse and rape cases.

** Includes all civil cases except worker's compensation and domestic relations.

TABLE IV

VOTING ALIGNMENTS

| | <u>EXUM</u> | <u>MEYER</u> | <u>MITCHELL</u> | <u>MARTIN</u> | <u>FRYE</u> | <u>WEBB</u> | <u>WHICHARD</u> | <u>LAKE</u> |
|---------------|-------------|--------------|-----------------|---------------|-------------|-------------|-----------------|-------------|
| EXUM (32) | | | | | | | | |
| majority | - | 18 | 28 | 30 | 32 | 31 | 31 | - |
| concur* | - | 2 | 3 | 1 | - | - | - | - |
| dissent* | - | 3 | 4 | - | - | 1 | 1 | - |
| MEYER (25) | | | | | | | | |
| majority | 23 | - | 21 | 24 | 23 | 20 | 24 | 10 |
| concur* | - | - | 2 | - | - | 3 | - | - |
| dissent* | 2 | - | 2 | 1 | 2 | 1 | - | 1 |
| MITCHELL (16) | | | | | | | | |
| majority | 15 | 12 | - | 16 | 15 | 16 | 14 | 2 |
| concur* | 1 | 1 | - | - | 1 | - | 1 | - |
| dissent* | - | 4 | - | - | - | - | 1 | 1 |
| MARTIN (8) | | | | | | | | |
| majority | 7 | 4 | 6 | - | 7 | 6 | 8 | - |
| concur* | - | 2 | 1 | - | - | 1 | - | - |
| dissent* | 1 | 3 | 2 | - | 1 | 1 | - | - |
| FRYE (18) | | | | | | | | |
| majority | 16 | 13 | 14 | 15 | - | 14 | 16 | - |
| concur* | - | 2 | 1 | - | - | - | - | - |
| dissent* | 1 | 3 | 3 | - | - | 3 | 1 | - |
| WEBB (28) | | | | | | | | |
| majority | 23 | 20 | 20 | 23 | 23 | - | 24 | 1 |
| concur* | - | 2 | 1 | 2 | - | - | - | - |
| dissent* | 5 | 5 | 6 | 2 | 4 | - | 3 | - |
| WHICHARD (18) | | | | | | | | |
| majority | 18 | 15 | 14 | 17 | 18 | 17 | - | 6 |
| concur* | - | - | - | - | - | - | - | - |
| dissent* | - | 3 | 4 | 1 | - | 1 | - | 2 |
| LAKE (3) | | | | | | | | |
| majority | 2 | 3 | 3 | - | 2 | 2 | 3 | - |
| concur* | 1 | - | - | - | 1 | - | - | - |
| dissent* | - | - | - | - | - | 1 | - | - |

* All dissents include dissents as to sentence and dissents in part. They also include dissents written by the individual justices and dissents in which the justices joined each other. Concurrences are tabulated in the same way. Thus, the stated number of dissents and concurrences accurately states the number of justices who dissented or concurred, but not necessarily the number of such opinions filed.

TABLE V

NUMBER OF AUTHORED DISSENTS BY EACH JUSTICE AND
TYPE OF CASE*

| | <u>Criminal</u> | <u>Criminal (Death)</u> | <u>Juvenile</u> | <u>Worker's Comp.</u> | <u>Domestic Relations</u> | <u>Civil**</u> | <u>Total</u> |
|----------|-----------------|-----------------------------|-----------------|---------------------------|-------------------------------|----------------|--------------|
| EXUM | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| MEYER | 3 | 6 | 0 | 1 | 0 | 5 | 15 |
| MITCHELL | 1 | 2 | 1 | 1 | 1 | 5 | 11 |
| MARTIN | 0 | 1 | 0 | 0 | 0 | 3 | 4 |
| FRYE | 1 | 0 | 0 | 0 | 0 | 2 | 3 |
| WEBB | 0 | 1 | 0 | 0 | 1 | 2 | 4 |
| WHICHARD | 2 | 1 | 0 | 0 | 0 | 0 | 3 |
| LAKE | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 7 | 11 | 1 | 2 | 2 | 19 | 42 |

* Dissents include dissents as to sentence and dissents in part.

** Includes all civil cases except worker's compensation and domestic relations.

TABLE VI

NUMBER OF DISSENTS JOINED BY EACH JUSTICE AND
TYPE OF CASE*

| | <u>Criminal</u> | <u>Criminal (Death)</u> | <u>Juvenile</u> | <u>Worker's Comp.</u> | <u>Domestic Relations</u> | <u>Civil**</u> | <u>Total</u> |
|----------|-----------------|-----------------------------|-----------------|---------------------------|-------------------------------|----------------|--------------|
| EXUM | 1 | 0 | 0 | 0 | 0 | 8 | 9 |
| MEYER | 0 | 4 | 0 | 1 | 1 | 1 | 7 |
| MITCHELL | 3 | 5 | 0 | 0 | 0 | 3 | 11 |
| MARTIN | 0 | 0 | 0 | 0 | 1 | 1 | 2 |
| FRYE | 0 | 0 | 0 | 0 | 0 | 3 | 3 |
| WEBB | 3 | 0 | 1 | 0 | 0 | 0 | 4 |
| WHICHARD | 0 | 2 | 0 | 0 | 0 | 1 | 3 |
| LAKE | 0 | 1 | 0 | 0 | 0 | 2 | 3 |
| TOTAL | 7 | 12 | 1 | 1 | 2 | 19 | 42 |

* Dissents include dissents as to sentence and dissents in part.

** Includes all civil cases except worker's compensation and domestic relations.

TABLE VII

NUMBER OF AUTHORED CONCURRENCES BY EACH JUSTICE
AND TYPE OF CASE*

| | <u>Criminal</u> | <u>Criminal (Death)</u> | <u>Juvenile</u> | <u>Worker's Comp.</u> | <u>Domestic Relations</u> | <u>Civil**</u> | <u>Total</u> |
|----------|-----------------|-----------------------------|-----------------|---------------------------|-------------------------------|----------------|--------------|
| EXUM | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MEYER | 0 | 3 | 0 | 0 | 0 | 2 | 5 |
| MITCHELL | 0 | 3 | 0 | 1 | 0 | 2 | 6 |
| MARTIN | 1 | 2 | 0 | 0 | 0 | 1 | 4 |
| FRYE | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| WEBB | 0 | 2 | 0 | 0 | 0 | 2 | 4 |
| WHICHARD | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| LAKE | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 1 | 12 | 0 | 1 | 0 | 7 | 21 |

* Concurrences include concurrences as to sentence and concurrences in part.

** Includes all civil cases except worker's compensation and domestic relations.

TABLE VIII

NUMBER OF CONCURRENCES JOINED BY EACH JUSTICE AND
TYPE OF CASE*

| | <u>Criminal</u> | <u>Criminal (Death)</u> | <u>Juvenile</u> | <u>Worker's Comp.</u> | <u>Domestic Relations</u> | <u>Civil**</u> | <u>Total</u> |
|----------|-----------------|-----------------------------|-----------------|---------------------------|-------------------------------|----------------|--------------|
| EXUM | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| MEYER | 0 | 1 | 0 | 1 | 0 | 1 | 3 |
| MITCHELL | 0 | 1 | 0 | 0 | 0 | 1 | 2 |
| MARTIN | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FRYE | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| WEBB | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| WHICHARD | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| LAKE | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 5 | 0 | 1 | 0 | 2 | 8 |

* Concurrences include concurrences as to sentence and concurrences in part.

** Includes all civil cases except worker's compensation and domestic relations.

TABLE IX
4-3 DECISIONS

JUSTICES CONSTITUTING
THE MAJORITY

Meyer, Martin, *Webb*, Whichard
Exum, Martin, Frye, *Webb*
Exum, Mitchell, *Martin*, Whichard
Exum, Martin, Frye, *Whichard*
Martin, Frye, *Webb*, Whichard
Meyer, Frye, *Webb*, Whichard
Meyer, Mitchell, *Webb*, Whichard
Meyer, Martin, *Webb*, Whichard
Exum, Martin, Frye, *Webb*
Exum, Frye, *Webb*, Whichard
Mitchell, Martin, *Frye*, *Webb*
Exum, Meyer, Martin, Frye
Exum, Martin, *Frye*, Whichard
Exum, Frye, *Webb*, *Whichard*

TITLE OF CASE

Swanson v. State of North Carolina
State v. McLaughlin
Tomlinson v. Camel City Motors
State v. Lyons
Davis v. Dennis Lilly Co.
Baker v. Martin
In Re Estate of Norton
Swanson v. State of North Carolina
State v. Canady
Sikes v. Sikes
Yates v. New South Pizza, Ltd.
State v. Hall
State v. Holmes
State v. Phipps

* Author is italicized.

1 JULY 1990 - 30 JUNE 1991

TABLE I

NUMBER OF OPINIONS AUTHORED BY EACH JUSTICE

| <u>JUSTICE</u> | <u>NUMBER OF OPINIONS AUTHORED</u> | <u>PERCENTAGE OF TOTAL</u> |
|----------------------|--|--------------------------------|
| EXUM | 12 | 10.2 |
| MEYER | 17 | 14.4 |
| MITCHELL | 24 | 20.3 |
| MARTIN | 17 | 14.4 |
| FRYE | 15 | 12.7 |
| WEBB | 10 | 8.5 |
| WHICHARD | 23 | 19.5 |
| TOTAL | 118 | 100.0 |
| Per Curiam Decisions | 43 | |

TABLE II

ACTIONS OF INDIVIDUAL JUSTICES

| | <u>Opinions Written</u> | | | <u>Dissenting Votes</u> | | | |
|--------------|--------------------------------------|---------------------------|-----------------|-------------------------|-----------------|---------------|--------------|
| | <u>Opinions of the Court</u> | <u>Concur- rences</u> | <u>Dissents</u> | <u>Total</u> | <u>Authored</u> | <u>Joined</u> | <u>Total</u> |
| EXUM | 12 | 0 | 0 | 12 | 0 | 2 | 2 |
| MEYER | 17 | 1 | 11 | 29 | 11 | 1 | 12 |
| MITCHELL | 24 | 0 | 2 | 26 | 2 | 5 | 7 |
| MARTIN | 17 | 2 | 8 | 27 | 8 | 4 | 12 |
| FRYE | 15 | 1 | 2 | 18 | 2 | 3 | 5 |
| WEBB | 10 | 1 | 4 | 15 | 4 | 3 | 7 |
| WHICHARD | 23 | 1 | 3 | 27 | 3 | 1 | 4 |
| PER CURIAM | 43 | 0 | 0 | 43 | 0 | 0 | 0 |
| TOTAL | 161 | 6 | 30 | 197 | 30 | 19 | 49 |

TABLE III

*NUMBER OF OPINIONS FILED BY THE JUSTICES ACCORDING TO
SIX CATEGORIES*

| | <u>Criminal</u> | <u>Criminal (Death)</u> | <u>Criminal* (Minor)</u> | <u>Workers' Comp.</u> | <u>Domestic Relations</u> | <u>Civil**</u> | <u>Total</u> |
|----------|-----------------|-----------------------------|------------------------------|---------------------------|-------------------------------|----------------|--------------|
| EXUM | 1 | 7 | 0 | 0 | 0 | 4 | 12 |
| MEYER | 5 | 2 | 0 | 1 | 0 | 9 | 17 |
| MITCHELL | 17 | 3 | 0 | 1 | 0 | 3 | 24 |
| MARTIN | 6 | 0 | 1 | 0 | 2 | 8 | 17 |
| FRYE | 6 | 1 | 0 | 0 | 1 | 7 | 15 |
| WEBB | 5 | 1 | 0 | 0 | 0 | 4 | 10 |
| WHICHARD | 8 | 6 | 0 | 0 | 1 | 8 | 23 |
| TOTAL | 48 | 20 | 1 | 2 | 4 | 43 | 118 |

* "Criminal (Minor)" includes all cases where the victim was a minor, i.e., sexual abuse and rape cases.

** Includes all civil cases except worker's compensation and domestic relations.

TABLE IV

VOTING ALIGNMENTS

| | <u>EXUM</u> | <u>MEYER</u> | <u>MITCHELL</u> | <u>MARTIN</u> | <u>FRYE</u> | <u>WEBB</u> | <u>WHICHARD</u> |
|----------------------|-------------|--------------|-----------------|---------------|-------------|-------------|-----------------|
| EXUM (12) | | | | | | | |
| majority | - | 12 | 12 | 10 | 10 | 12 | 11 |
| concur* | - | 0 | 0 | 1 | 2 | 0 | |
| dissent* | - | 0 | 0 | 1 | 0 | 0 | 0 |
| MEYER (17) | | | | | | | |
| majority | 17 | - | 16 | 15 | 17 | 15 | 16 |
| concur* | 0 | - | 0 | 0 | 0 | 0 | |
| dissent* | 0 | - | 1 | 2 | 0 | 2 | |
| MITCHELL (24) | | | | | | | |
| majority | 24 | 21 | - | 22 | 22 | 22 | 23 |
| concur* | 0 | 0 | - | 0 | 0 | 1 | 0 |
| dissent* | 0 | 3 | - | 2 | 2 | | |
| MARTIN (17) | | | | | | | |
| majority | 16 | 13 | 15 | - | 16 | 15 | 16 |
| concur* | 0 | 1 | 1 | - | 0 | 0 | 0 |
| dissent* | 1 | 3 | 1 | - | 1 | 2 | |
| FRYE (15) | | | | | | | |
| majority | 14 | 13 | 14 | 14 | - | 13 | 14 |
| concur* | 0 | 0 | 0 | 0 | - | 0 | 0 |
| dissent* | 1 | 2 | 1 | 1 | - | 2 | |
| WEBB (10) | | | | | | | |
| majority | 10 | 10 | 9 | 8 | 10 | - | 10 |
| concur* | 0 | 0 | 0 | 1 | 0 | - | 0 |
| dissent* | 0 | 0 | 1 | 1 | 0 | - | 0 |
| WHICHARD (23) | | | | | | | |
| majority | 23 | 19 | 20 | 18 | 21 | 23 | - |
| concur* | 0 | 0 | 0 | 0 | 0 | 0 | - |
| dissent* | 0 | 4 | 3 | 5 | 2 | 0 | - |

* Dissents include dissents as to sentence and dissents in part. In this table, authored dissents and joined dissents are counted as dissenting votes. Concurrences were tabulated in the same way. Justice Frye concurred in part and dissented in part in *State v. Moore*. In *State v. Quick*, Justice Meyer dissented in part and concurred in part, with Justices Mitchell and Martin joining. These votes have been treated as dissents for the purposes of this study.

TABLE V

NUMBER OF AUTHORED DISSENTS BY EACH JUSTICE AND
TYPE OF CASE*

| | <u>Criminal</u> | <u>Criminal (Death)</u> | <u>Criminal (Minor)</u> | <u>Worker's Comp.</u> | <u>Domestic</u> | <u>Civil**</u> | <u>Total</u> |
|----------|-----------------|-----------------------------|-----------------------------|---------------------------|-----------------|----------------|--------------|
| EXUM | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MEYER | 4 | 2 | 0 | 0 | 0 | 5 | 11 |
| MITCHELL | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| MARTIN | 1 | 0 | 0 | 0 | 0 | 7 | 8 |
| FREYE | 1 | 0 | 0 | 0 | 0 | 1 | 2 |
| WEBB | 1 | 0 | 0 | 0 | 1 | 2 | 4 |
| WHICHARD | 0 | 0 | 0 | 0 | 1 | 2 | 3 |
| TOTAL | 7 | 2 | 0 | 0 | 2 | 19 | 30 |

* Opinions dissenting in part and dissenting as to sentences are counted as dissents for purposes of constructing this table. Justice Frye concurred in part and dissented in part in one case, *State v. Moore*. In *State v. Quick*, Justice Meyer concurred in part and dissented in part and was joined by Justices Mitchell and Martin. These were counted as dissents (or joined dissents).

** Includes all civil cases except worker's compensation and domestic relations.

TABLE VI

*NUMBER OF DISSENTS JOINED BY EACH JUSTICE AND TYPE OF
CASE*

| | <u>Criminal</u> | <u>Criminal (Death)</u> | <u>Criminal (Minor)</u> | <u>Worker's Comp.</u> | <u>Domestic</u> | <u>Civil*</u> | <u>Total</u> |
|----------|-----------------|-----------------------------|-----------------------------|---------------------------|-----------------|---------------|--------------|
| EXUM | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| MEYER | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| MITCHELL | 2 | 1 | 0 | 0 | 1 | 1 | 5 |
| MARTIN | 2 | 0 | 0 | 0 | 0 | 2 | 4 |
| FREYE | 0 | 0 | 0 | 0 | 0 | 3 | 3 |
| WEBB | 0 | 0 | 0 | 0 | 1 | 2 | 3 |
| WHICHARD | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| TOTAL | 4 | 1 | 0 | 0 | 2 | 12 | 19 |

* Includes all civil cases except worker's compensation and domestic relations.

TABLE VII

NUMBER OF AUTHORED CONCURRENCES BY EACH JUSTICE
AND TYPE OF CASE*

| | <u>Criminal</u> | <u>Criminal (Death)</u> | <u>Criminal (Minor)</u> | <u>Worker's Comp.</u> | <u>Domestic</u> | <u>Civil**</u> | <u>Total</u> |
|----------|-----------------|-----------------------------|-----------------------------|---------------------------|-----------------|----------------|--------------|
| EXUM | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MEYER | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| MITCHELL | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MARTIN | 1 | 1 | 0 | 0 | 0 | 0 | 2 |
| FRYE | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| WEBB | 1 | 0 | 0 | 0 | 0 | 0 | 1 |
| WHICHARD | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| TOTAL | 2 | 2 | 0 | 0 | 0 | 2 | 6 |

* Concurrences include concurrences as to sentence and concurrences in part.

** Includes all civil cases except worker's compensation and domestic relations.

TABLE VIII

NUMBER OF CONCURRENCES JOINED BY EACH JUSTICE AND
TYPE OF CASE*

| | <u>Criminal</u> | <u>Criminal (Death)</u> | <u>Criminal (Minor)</u> | <u>Worker's Comp.</u> | <u>Domestic</u> | <u>Civil**</u> | <u>Total</u> |
|----------|-----------------|-----------------------------|-----------------------------|---------------------------|-----------------|----------------|--------------|
| EXUM | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MEYER | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MITCHELL | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| MARTIN | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FRYE | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| WEBB | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| WHICHARD | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 0 | 0 | 0 | 0 | 0 | 2 | 2 |

* Concurrences include concurrences as to sentence and concurrences in part.

** Includes all civil cases except worker's compensation and domestic relations.

TABLE IX

4-3 DECISIONS

JUSTICES CONSTITUTING
THE MAJORITY*

TITLE OF CASE

Exum, Meyer, Martin, Frye

In re Adoption of Clark

Exum, Meyer, Martin, Frye

Concerned Citizens v. Holden Beach Enterprises

Exum, Mitchell, Webb, Whichard

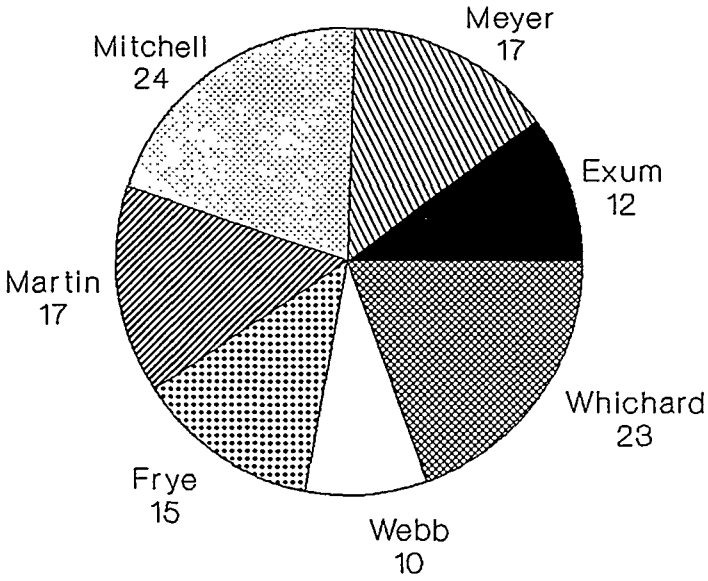
State v. Moore

Exum, Frye, Webb, Whichard

VanCamp v. Brugner and State v. Quick

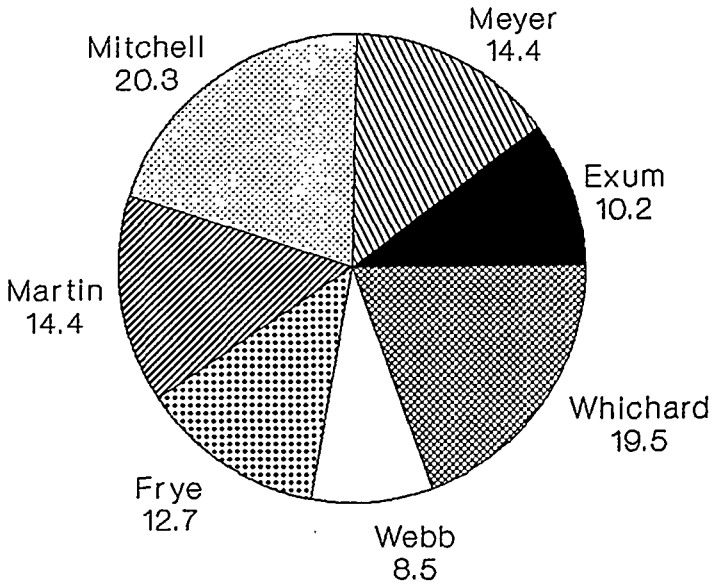
* Author italicized unless otherwise noted.

SUPREME COURT OF NORTH CAROLINA
NUMBER OF OPINIONS AUTHORED



1 July 1990-30 June 1991

SUPREME COURT OF NORTH CAROLINA
PERCENTAGE OF OPINIONS AUTHORED



1 July 1990-30 June 1991

1 JULY 1989 - 30 JUNE 1990

TABLE I

NUMBER OF OPINIONS AUTHORED BY EACH JUSTICE

| <u>JUSTICE</u> | <u>NUMBER OF OPINIONS AUTHORED</u> | <u>PERCENTAGE OF TOTAL</u> |
|----------------|--|--------------------------------|
| EXUM | 9 | 9.4% |
| MEYER | 20 | 20.8% |
| MITCHELL | 11 | 11.5% |
| MARTIN | 18 | 18.8% |
| FRYE | 13 | 13.5% |
| WEBB | 10 | 10.4% |
| WHICHARD | 15 | 15.6% |
| TOTAL | 96 | 100.0% |

TABLE II

ACTIONS OF INDIVIDUAL JUSTICES

| | <u>Opinions Written</u> | | | | <u>Dissenting Votes In Disposition By</u> | | |
|------------|----------------------------------|---------------------------|-----------------|--------------|---|----------------|--------------|
| | <u>Opinions of the Court</u> | <u>Concur- rences</u> | <u>Dissents</u> | <u>Total</u> | <u>Opinion</u> | <u>Joining</u> | <u>Total</u> |
| EXUM | 9 | 3 | 2 | 14 | 2 | 0 | 2 |
| MEYER | 20 | 0 | 6 | 26 | 6 | 2 | 8 |
| MITCHELL | 11 | 2 | 5 | 18 | 5 | 3 | 8 |
| MARTIN | 18 | 1 | 7 | 26 | 7 | 0 | 7 |
| FRYE | 13 | 4* | 5 | 22 | 5 | 2 | 7** |
| WEBB | 10 | 4 | 5 | 19 | 5 | 4 | 9 |
| WHICHARD | 15 | 0 | 2 | 17 | 2 | 2 | 4 |
| PER CURIAM | 37 | 0 | 0 | 37 | 0 | 0 | 0 |
| TOTAL | 133 | 14 | 32 | 179 | 32 | 13 | 45 |

* This includes a concurrence as to result, written by Justice Whichard, in *State v. Ricky Lee Price*.

** Two of these dissents are as to the sentence—*State v. Quesinberry* (written by Justice Whichard), and *State v. Huff* (written by Justice Meyer).

TABLE III

*NUMBER OF OPINIONS FILED BY THE JUSTICES ACCORDING TO
SIX CATEGORIES*

| | <u>Criminal</u> | <u>Criminal (Death)</u> | <u>Criminal (Minor)*</u> | <u>Worker's Comp.</u> | <u>Domestic Relations</u> | <u>Civil**</u> | <u>Total</u> |
|----------|-----------------|-----------------------------|------------------------------|---------------------------|-------------------------------|----------------|--------------|
| EXUM | 4 | 0 | 0 | 0 | 0 | 5 | 9 |
| MEYER | 9 | 3 | 2 | 0 | 0 | 6 | 20 |
| MITCHELL | 2 | 3 | 1 | 0 | 0 | 5 | 11 |
| MARTIN | 7 | 3 | 0 | 0 | 1 | 7 | 18 |
| FRYE | 6 | 0 | 0 | 0 | 0 | 7 | 13 |
| WEBB | 6 | 0 | 1 | 0 | 1 | 2 | 10 |
| WHICHARD | 5 | 4 | 0 | 0 | 0 | 6 | 15 |
| TOTAL | 39 | 13 | 4 | 0 | 2 | 38 | 96 |

* "Criminal (Minor)" includes all cases in which the victim was a minor, i.e., sexual abuse and rape cases.

** Includes all civil cases except worker's compensation and domestic relations.

TABLE IV
VOTING ALIGNMENTS

| | <u>EXUM</u> | <u>MEYER</u> | <u>MITCHELL</u> | <u>MARTIN</u> | <u>FRYE</u> | <u>WEBB</u> | <u>WHICHARD</u> |
|---------------|-------------|--------------|-----------------|---------------|-------------|-------------|-----------------|
| EXUM (9) | | | | | | | |
| majority | - | 8 | 8 | 9 | 9 | 7 | 8 |
| concur* | - | 0 | 0 | 0 | 0 | 0 | 0 |
| dissent* | - | 1 | 1 | 0 | 0 | 2 | 1 |
| MEYER (20) | | | | | | | |
| majority | 17 | - | 18 | 19 | 17 | 13 | 20 |
| concur* | 2 | - | 1 | 1 | 0 | 3 | 0 |
| dissent* | 1 | - | 1 | 0 | 3 | 4 | 0 |
| MITCHELL (11) | | | | | | | |
| majority | 11 | 8 | - | 9 | 10 | 11 | 9 |
| concur* | 0 | 0 | - | 0 | 1 | 0 | 0 |
| dissent* | 0 | 3 | - | 2 | 0 | 0 | 2 |
| MARTIN (18) | | | | | | | |
| majority | 17 | 16 | 18 | - | 17 | 16 | 18 |
| concur* | 0 | 0 | 0 | - | 0 | 0 | 0 |
| dissent* | 1 | 2 | 0 | - | 1 | 2 | 0 |
| FRYE (13) | | | | | | | |
| majority | 13 | 13 | 9 | 11 | - | 11 | 12 |
| concur* | 0 | 0 | 1 | 0 | - | 1 | 0 |
| dissent* | 0 | 0 | 3 | 2 | - | 1 | 1 |
| WEBB (10) | | | | | | | |
| majority | 10 | 9 | 10 | 10 | 8 | - | 10 |
| concur* | 0 | 0 | 0 | 0 | 2 | - | 0 |
| dissent** | 0 | 1 | 0 | 0 | 0 | - | 0 |
| WHICHARD (15) | | | | | | | |
| majority | 14 | 14 | 12 | 11 | 11 | 15 | - |
| concur* | 1 | 0 | 0 | 1 | 1 | 0 | - |
| dissent** | 0 | 1 | 3 | 3 | 3 | 0 | - |

* Dissents include dissents as to sentence and dissents in part. They also include dissents written by the individual justices and dissents in which the justices joined one another. Concurrences were tabulated in the same way.

TABLE V
 NUMBER OF AUTHORED DISSENTS* BY EACH JUSTICE AND
 TYPE OF CASE

| | <u>Criminal</u> | <u>Criminal (Death)</u> | <u>Criminal (Minor)</u> | <u>Worker's Comp.</u> | <u>Domestic Relations</u> | <u>Civil**</u> | <u>Total</u> |
|----------|-----------------|-----------------------------|-----------------------------|---------------------------|-------------------------------|----------------|--------------|
| EXUM | 0 | 1 | 0 | 0 | 0 | 1 | 2 |
| MEYER | 1 | 0 | 0 | 0 | 0 | 5 | 6 |
| MITCHELL | 4 | 0 | 0 | 0 | 0 | 1 | 5 |
| MARTIN | 0 | 1 | 0 | 0 | 0 | 6 | 7 |
| FRYE | 0 | 3 | 0 | 0 | 0 | 2 | 5 |
| WEBB | 2 | 1 | 0 | 0 | 1 | 1 | 5 |
| WHICHARD | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| TOTAL | 7 | 6 | 0 | 0 | 1 | 18 | 32 |

* Dissents include dissents as to sentence and dissents in part.

** Includes all civil cases except worker's compensation and domestic relations.

TABLE VI
 NUMBER OF DISSENTS* JOINED BY EACH JUSTICE AND
 TYPE OF CASE

| | <u>Criminal</u> | <u>Criminal (Death)</u> | <u>Criminal (Minor)</u> | <u>Worker's Comp.</u> | <u>Domestic Relations</u> | <u>Civil**</u> | <u>Total</u> |
|----------|-----------------|-----------------------------|-----------------------------|---------------------------|-------------------------------|----------------|--------------|
| EXUM | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MEYER | 0 | 1 | 0 | 0 | 0 | 1 | 2 |
| MITCHELL | 0 | 1 | 0 | 0 | 0 | 2 | 3 |
| MARTIN | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FRYE | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| WEBB | 2 | 0 | 0 | 0 | 0 | 2 | 4 |
| WHICHARD | 1 | 0 | 0 | 0 | 0 | 1 | 2 |
| TOTAL | 3 | 2 | 0 | 0 | 0 | 8 | 13 |

* Dissents include dissents as to sentence and dissents in part.

** Includes all civil cases except worker's compensation and domestic relations.

TABLE VII

NUMBER OF AUTHORED CONCURRENCES BY EACH JUSTICE
AND TYPE OF CASE*

| | <u>Criminal</u> | <u>Criminal (Death)</u> | <u>Criminal (Minor)</u> | <u>Worker's Comp.</u> | <u>Domestic Relations</u> | <u>Civil**</u> | <u>Total</u> |
|----------|-----------------|-----------------------------|-----------------------------|---------------------------|-------------------------------|----------------|--------------|
| EXUM | 2 | 1 | 0 | 0 | 0 | 0 | 3 |
| MEYER | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MITCHELL | 2 | 0 | 0 | 0 | 0 | 0 | 2 |
| MARTIN | 0 | 0 | 0 | 0 | 0 | 1 | 1 |
| FRYE | 2 | 2 | 0 | 0 | 0 | 0 | 4 |
| WEBB | 1 | 1 | 0 | 0 | 0 | 0 | 2 |
| WHICHARD | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 7 | 4 | 0 | 0 | 0 | 1 | 12 |

* Concurrences include concurrences as to sentence and concurrences in part.

** Includes all civil cases except workers compensation and domestic relations.

TABLE VIII

NUMBER OF CONCURRENCES JOINED BY EACH JUSTICE AND
TYPE OF CASE*

| | <u>Criminal</u> | <u>Criminal (Death)</u> | <u>Criminal (Minor)</u> | <u>Worker's Comp.</u> | <u>Domestic Relations</u> | <u>Civil**</u> | <u>Total</u> |
|----------|-----------------|-----------------------------|-----------------------------|---------------------------|-------------------------------|----------------|--------------|
| EXUM | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MEYER | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MITCHELL | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| MARTIN | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| FRYE | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| WEBB | 2 | 0 | 0 | 0 | 0 | 0 | 2 |
| WHICHARD | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| TOTAL | 2 | 0 | 0 | 0 | 0 | 0 | 2 |

* Concurrences include concurrences as to sentence and concurrences in part.

** Includes all civil cases except worker's compensation and domestic relations.

TABLE IX

4-3 DECISIONS

JUSTICES CONSTITUTING
THE MAJORITY

Exum, Meyer, Martin, Frye
Meyer, Mitchell, Martin, Whichard
Exum, Frye, Webb, Whichard
Exum, Mitchell, Martin, Frye
Exum, Mitchell, Frye, Webb

TITLE OF CASE

State v. Whiteside
Finch v. City of Durham
State v. Davis
Browne v. Casualty Co.
Crump v. Board of Education

* Author italicized unless otherwise indicated.

