



UNC
SCHOOL OF LAW

NORTH CAROLINA LAW REVIEW

Volume 72 | Number 6

Article 3

9-1-1994

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

Harry C. Martin

Follow this and additional works at: <http://scholarship.law.unc.edu/nclr>



Part of the [Law Commons](#)

Recommended Citation

Harry C. Martin, *Statistical Compilation of the Opinions of the Supreme Court of North Carolina Terms 1989-90 through 1992-93*, 72 N.C. L. REV. 1453 (1994).

Available at: <http://scholarship.law.unc.edu/nclr/vol72/iss6/3>

This Article is brought to you for free and open access by Carolina Law Scholarship Repository. It has been accepted for inclusion in North Carolina Law Review by an authorized administrator of Carolina Law Scholarship Repository. For more information, please contact law_repository@unc.edu.

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

* Dan K. Moore Distinguished Visiting Professor of Law at the University of North Carolina School of Law, formerly Associate Justice of the Supreme Court of North Carolina 1982-92. The author wishes to thank K. Corinne Harrah for her valuable research assistance.

** 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>				Concur- rences Joined	Dissents Joined	Total
	<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

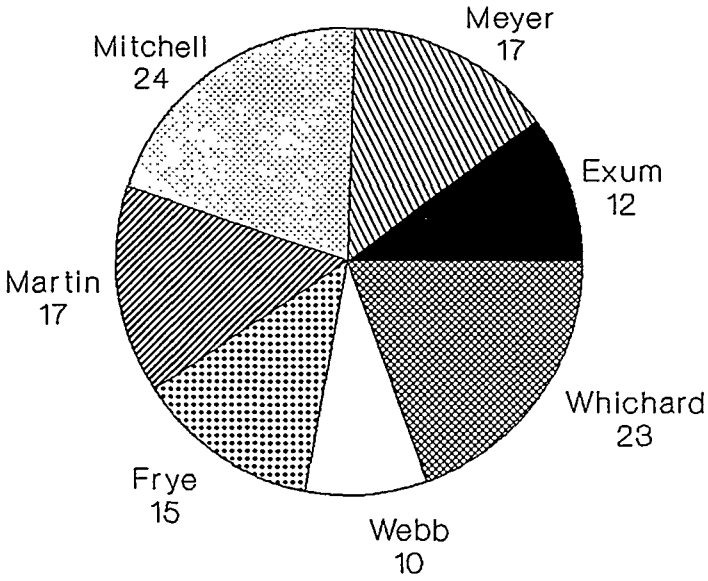
State v. Moore

Exum, Frye, Webb, Whichard

VanCamp v. Brugner and State v. Quick

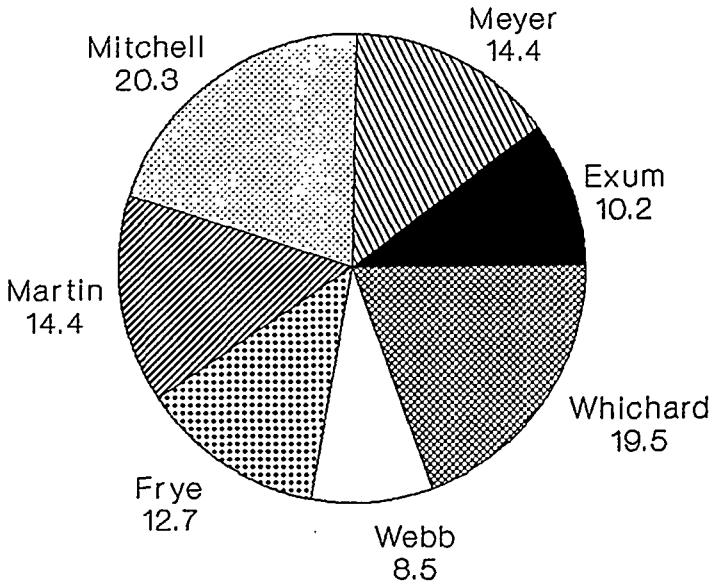
* Author italicized unless otherwise noted.

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.

