

SUMMARY STATEMENT

Sanders v. Board of Trustees of the Mountain Home School District, Docket No. 40013

The Idaho Supreme Court reversed the Elmore County district court's denial of attorney fees to the Board of Trustees of the Mountain Home School District No. 193 ("Board"). After the Board prevailed on School District employee Terri Sanders's breach of contract claim, the district court denied the Board's attorney fees request pursuant to I.C. § 12-117 and I.C. § 12-120(3). The district court first held that I.C. § 12-117 was the exclusive source of attorney fees for a school district; the court then held Sanders argued a legitimate issue in the case.

While this case was pending on appeal, the Idaho Supreme Court decided *Syringa Networks, LLC v. Idaho Dep't of Admin.*, 155 Idaho 55, 305 P.3d 499 (2013). That case held I.C. § 12-117 was not the exclusive statute to recover attorney fees against a state agency or political subdivision when another attorney fees statute expressly applies to a state agency or political subdivision. The district court did not have *Syringa* as precedent when it denied the Board's attorney fees request. Thus, the Court reversed, holding that the Board could recover fees as a prevailing party under I.C. § 12-120(3). On cross-appeal, the Court vacated the district court's award of arbitration costs to the Board, holding those costs could not be awarded as discretionary costs because they were incurred before litigation in a non-binding proceeding required by a contract.