

## SUMMARY STATEMENT

*Hoffer v. Shappard*, Docket No. 42087

In an appeal from Ada County, the Idaho Supreme Court affirmed an \$847,974.46 judgment against Scott Shappard, D.O., Genesis Medical Center, P.A., and St. Alphonsus Regional Medical Center (collectively “Providers”). The judgment was entered after a jury trial in a case filed by Randy and Galyena Hoffer on behalf of their minor child, J.H. The jury found that Dr. Shappard negligently and recklessly failed to diagnose J.H. with developmental dysplasia of the hip. After trial, Providers alleged the jury made a mistake in filling out the special verdict form. Dr. Shappard brought post-trial motions to correct the verdict, grant a new trial, and grant a motion for judgment notwithstanding the verdict. The district court denied these motions. The Supreme Court affirmed the denial of these motions and the district court’s ruling on other trial-related issues.

The Supreme Court also awarded the Hoffers attorney fees. In doing so, the Supreme Court announced a significant new rule of law that will become effective March 1, 2017. The Supreme Court held that the plain language of Idaho Code section 12-121 and a 1987 statement of legislative intent grant courts broad authority to award attorney fees to prevailing parties in civil actions “when justice so requires.” The Supreme Court analyzed the Hoffers’ request for attorney fees under the current standard governing requests for attorney fees under Idaho Code section 12-121, found that Providers’ appeal was frivolous, and awarded attorney fees and costs to the Hoffers.