

## **SUMMARY STATEMENT**

*Clark v. Jones Gledhill Fuhrman Gourley, P.A.*  
Case No. 44477

In March 2016, Eric R. Clark and Clark and Associates, PLLC (collectively, Clark) sued the law firm of Jones Gledhill Fuhrman Gourley, P.A., and two individuals associated with that firm—William Fuhrman and Christopher Graham (collectively, Jones Gledhill). Clark alleged that Jones Gledhill, as Clark’s former opposing counsel, was liable for failing to protect his attorney lien under Idaho Code section 3-205. Jones Gledhill moved to dismiss Clark’s complaint under Idaho Rule of Civil Procedure 12(b)(6), and the district court granted the motion. In addition to dismissing Clark’s complaint, the district court sealed several documents containing correspondence with and information about Clark’s former clients and awarded attorney fees under Idaho Code section 12-121 to Jones Gledhill.

When Clark appealed, the Idaho Supreme Court affirmed the decision of the district court and, in doing so, clarified the legal bases for and the procedure needed to foreclose an attorney lien. The Court held that the district court properly dismissed Clark’s complaint because it failed to state a claim for relief. The Court further concluded Clark did not properly raise the issues of whether certain documents were subject to seal and his motion to amend was properly denied. Therefore, the Court declined to address those issues and left in place the rulings of the district court on those issues. Finally, the Court affirmed the district court’s award of attorney fees to Jones Gledhill under section 12-121, concluding the district court did not abuse its discretion by concluding Clark had pursued his case frivolously, unreasonably, and without foundation.