

SUMMARY STATEMENT

Lanham v. Fleenor

Docket No. 45488

Thomas Lanham (Thomas) appealed the district court's summary judgment dismissal of his legal malpractice action against his former attorney, Douglas Fleenor. Fleenor represented Thomas in a will contest regarding the will of Gordon Lanham, Thomas's father. While Representing Thomas, Fleenor claimed that any property not specifically devised in the will should be passed to Thomas and his brother Keith as intestate heirs. After the magistrate court ruled against Thomas at the summary judgment stage, Fleenor filed an untimely appeal, which formed the basis for Thomas's malpractice action.

The Supreme Court affirmed the district court's dismissal of Thomas's legal malpractice action. The Court held that even if Fleenor had filed a timely appeal, that appeal would have failed as a matter of law because Gordon's will successfully granted Judd Lanham a general power of appointment that precluded Thomas from inheriting Gordon's estate through intestacy. Fleenor's failure to timely appeal could therefore not have proximately caused Thomas any damages and dismissal of his claim by the magistrate court was proper.