

## **SUMMARY STATEMENT**

*Smith by and through Smith v. Treasure Valley Seed Co.*, Docket No. 45543

This case is an appeal brought by Vernon K. Smith regarding an award of attorney fees as sanctions against him. The Idaho Supreme Court affirmed the district court's award of sanctions. In an earlier appeal, the Supreme Court held that attorney fees could not be awarded against Smith under Idaho Code section 12-121 because Smith was counsel on the case, rather than a party to the case. The Court remanded the dispute for further proceedings to determine whether attorney fees should be awarded against Mr. Smith personally.

On remand, the district court considered all options available to it and awarded attorney fees as a sanction under Idaho Rule of Civil Procedure 11, stating that the "conduct to be sanctioned was the fostering of litigation without legal grounds, by someone trained in the law." Smith appealed and the Idaho Supreme Court affirmed, holding that the district court did not abuse its discretion in awarding Rule 11 sanctions against Smith.