

SUMMARY STATEMENT

Shubert v. Ada County, Docket No. 46403

This case involved a permissive appeal brought by Michael Lojek, former Ada County Chief Public Defender Alan Trimming, and Ada County (the Ada County Defendants). Natalie Shubert brought a negligence action against the Ada County Defendants, alleging that a series of errors unlawfully kept her on probation, resulting in her incarceration. In denying the Ada County Defendants' motion for summary judgment, the district court held that public defenders are not entitled to common law quasi-judicial immunity from civil malpractice liability, and two provisions of the Idaho Tort Claims Act (ITCA) do not exempt public defenders from civil malpractice liability. The Idaho Supreme Court granted the Ada County Defendants' permissive appeal.

The Idaho Supreme Court affirmed the district court's order and remanded the case to the district court for further proceedings. First, the Court held that public defenders are not entitled to quasi-judicial immunity from civil malpractice liability. Second, the Court held that two provisions of the ITCA do not immunize the Ada County Defendants from civil liability. The Court held that Idaho Code section 6-904(1), the discretionary function exception, does not apply to the challenged conduct in this case. Further, the Court held that Idaho Code section 6-904A(2) does not immunize the Ada County Defendants from civil liability because Shubert was not lawfully "on probation" for the purposes of the statute. Third, the Court held that represented criminal defendants are not presumed to recognize legal errors in their court documents.