

SUMMARY STATEMENT

Walsh v. Swapp Law

Docket # 46885

The Idaho Supreme Court affirmed the district court's award of summary judgment in a legal-malpractice action filed by Sharon Walsh against Swapp Law, PLLC, d/b/a Craig Swapp & Associates, and Stephen Redd, an employee of the firm (collectively, "CS&A"). Walsh retained CS&A after she was involved in two car accidents in 2013. Walsh followed Redd's advice and settled the negligence case arising out of the first accident. Walsh's then changed representation and, with her new counsel, settled the second case. On March 2, 2017, Walsh filed this action in Ada County district court alleging that CS&A was negligent in advising her to settle the first case while the second case was still pending. The district court granted CS&A's subsequent motion for summary judgment, concluding that Walsh's claim was time-barred under Idaho Code section 5-219(4)'s two-year statute of limitations because her claim accrued on the date she settled the first case.

The Idaho Supreme Court affirmed, holding that Walsh's cause of action accrued when she released her claim in the first case. The Court reasoned that because her malpractice claim focused on alleged damages suffered from settling the first case, signing the release of claims in that case caused her "some damage" because she lost the ability to recover any damages in that case. Further, the Court held that, even if section 5-219(4)'s fraudulent-concealment exception applied, Walsh's action was still untimely because she was put on inquiry notice of the alleged malpractice more than one year before she filed her malpractice action. Lastly, the Court held that section 5-219(4) was not unconstitutionally vague.