

SUMMARY STATEMENT

Wiseman v. Rencher

Docket No. 50667-2023

This case concerns whether a district court can review an advisory decision of an Idaho Board of Medicine prelitigation screening panel. Jessica Wiseman and her children sued Dr. Nathan Rencher and others, asserting claims for the wrongful death of Eric Wiseman due to medical malpractice and gross negligence. After filing suit, the Wisemans filed a medical malpractice prelitigation hearing application and claim pursuant to Idaho Code sections 6-1001 to 6-1011. The Idaho State Board of Medicine appointed a prelitigation hearing panel, which held a hearing and issued an advisory decision.

Rencher filed a motion for summary judgment under seal, seeking to dismiss the claims of the Wisemans on the basis that they failed to comply with the mandatory prelitigation screening requirements of Idaho law. In support of his motion, Rencher filed, under seal, a copy of the prelitigation screening panel's advisory decision. The Wisemans moved to strike the advisory opinion and to disqualify the district judge for cause. The district court granted in part and denied in part the Wisemans' motion to strike, addressing only the Wisemans' arguments that the advisory decision contained hearsay and was conclusory. The district court denied the motion to disqualify. In a separate decision, the district court granted Rencher's motion for summary judgment after concluding that the Wisemans failed to comply with the prelitigation screening panel requirements. The district court's summary judgment decision was based on information contained in the screening panel's advisory decision.

The Wisemans appealed the district court's decision dismissing their claims to the Idaho Supreme Court, arguing that the district court erred by considering the advisory decision. The Wisemans also argued that the prelitigation screening statutes are unconstitutional and that the district judge should be disqualified on remand because the district judge reviewed the advisory opinion.

The Court reversed the district court's grant of summary judgment in favor of Rencher because the prelitigation screening statutes precluded the district court from considering the advisory decision for any purpose. The Court declined to address the Wisemans' constitutional arguments and declined to disqualify the district judge on remand.

This summary constitutes no part of the opinion of the Court, but has been prepared by court staff for the convenience of the public.