

SUMMARY STATEMENT

Dodd v. Jones, Docket No. 50748

In this legal malpractice case, Julene and William Dodd sued their attorney, Rory Jones, after he missed the statute of limitations deadline for filing their medical malpractice lawsuit. “Plaintiffs in legal malpractice cases shoulder a heavy burden. They must try two cases: The legal malpractice case before the court and the underlying case in which the lawyer allegedly committed malpractice.” *Rich v. Hepworth Holzer, LLP*, 172 Idaho 696, 704, 535 P.3d 1069, 1077 (2023). To win their claim of legal malpractice, the Dodds needed to prove that their original medical malpractice case had merit and that they would have won if Jones had filed on time. But proving that medical malpractice occurred is a high bar, and their case faced significant hurdles. The district court struck the testimony of the Dodds’ experts, which was key to establishing the viability of their medical malpractice claim. Several disclosures were untimely—made after the deadlines set by the district court based on the agreement of the parties’ attorneys. One expert, Dr. Simon, failed to properly establish knowledge of the local standard of care, which is a foundational requirement of Idaho law. The district court also excluded another expert, Rebecca Czarnik’s testimony on timeliness grounds, further weakening the Dodds’ case. Despite the Dodds’ attempts to amend their complaint and extend the expert disclosure deadlines, the district court did not allow such efforts, and ruled that without the necessary expert testimony, the Dodds could not prove their underlying medical malpractice case. As a result, their legal malpractice claim was dismissed, and the court granted summary judgment in favor of Jones. On appeal to the Idaho Supreme Court, the Dodds argued that the district court erred by: (1) ruling that Jones was not judicially estopped from arguing that no medical malpractice occurred after Jones filed a complaint for medical malpractice on the Dodds’ behalf; and (2) excluding the Dodds’ expert testimony.

The Idaho Supreme Court affirmed the district court’s decision. In doing so, the Court held that Jones was not judicially estopped from claiming that no medical malpractice occurred as a defense to the legal malpractice claim. The Court also concluded that the Dodds failed to preserve their argument that the district court erred in dismissing their breach of contract claim. Next, the Idaho Supreme Court held that the district court did not abuse its discretion in excluding the Dodds’ expert testimony. Finally, the Court explained that the record did not support the Dodds’ claim of judicial bias. Jones was awarded attorney fees under Idaho Appellate Rule 11.2, with the Court concluding that the Dodds’ counsel bears responsibility for the frivolous nature of this appeal.

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