

SUMMARY STATEMENT

Smith v. Hippler

Docket No. 51412-2023

This case arises from Fourth District Administrative District Judge Steven J. Hippler's ("ADJ") decision declaring Vernon K. Smith, Jr., a vexatious litigant and prohibiting him from filing any pro se litigation with first receiving approval from the court. The underlying controversy that gave rise to the vexatious litigant determination involved the probate administration of Smith's mother's estate.

The personal representative of the estate moved to declare Smith a vexatious litigant under Idaho Court Administrative Rule 59(d)(3). The personal representative based its motion on six pro se filings that Smith submitted in the probate administration case. The court referred the claim to the ADJ after determining the personal representative presented sufficient evidence to support the claim that Smith was acting as a vexatious litigant. The ADJ found that, "while acting in a pro se capacity, Smith repeatedly filed unmeritorious motions, pleadings, or other papers, conducted unnecessary discovery, or engaged in other tactics in the Action that were frivolous or solely intended to cause unnecessary delay." The ADJ declared Smith a vexatious litigant, the effect of which was that Smith was prohibited from filing new litigation in Idaho courts "without first obtaining leave of a judge of the court where the litigation is proposed to be filed."

Smith appealed and argued that the order violated his statutory and constitutional due process rights to preserve and protect his property, and that the criteria to declare someone a vexatious litigant under Rule 59 were not met in this case.

The Idaho Supreme Court held that Smith's constitutional due process argument was not preserved because it was raised for the first time on appeal. It further held that the ADJ did not err by declaring Smith a vexatious litigant. As such, the Court affirmed the ADJ's order.

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