

SUMMARY STATEMENT

Acorn v. Elsaesser, Docket No. 52007

This appeal addressed the assignability of a legal malpractice claim. Acorn Investments, LLC (Acorn) appealed from the district court's judgment dismissing its legal malpractice lawsuit against Ford Elsaesser and Elsaesser Anderson, Chtd. (Elsaesser). Elsaesser represented Lewis Patrick, Michele Sivertson, AHR, LLC, and Fetchingly Good, LLC (the Original Plaintiffs) in earlier litigation brought against them by Acorn. Stemming from that representation, the Original Plaintiffs filed a legal malpractice claim against Elsaesser, which was later assigned to Acorn. The district court granted summary judgment against Acorn, concluding that the Original Plaintiffs' malpractice claim was not assignable to Acorn. Acorn challenged the district court's ruling, arguing that, under *St. Luke's Magic Valley Regional Medical Center v. Luciani*, 154 Idaho 37, 293 P.3d 661 (2013), and public policy considerations, the legal malpractice claim was assignable because it was transferred to Acorn in a commercial transaction, along with other business assets. The Idaho Supreme Court affirmed, holding that the underlying legal malpractice claim between Original Plaintiffs and Elsaesser did not fall under the exception outlined in *Luciani* because there was no assignment of business assets and liabilities in exchange for the legal malpractice claim.

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