

BOISE, WEDNESDAY, MAY 14, 2025, AT 11:10 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

In Re: Vernon K. Smith, Jr.,)	
A Vexatious Litigant, Pursuant to ICAR 59.)	
-----)	Docket No. 51412-2023
FORD ELSAESSER, Personal Representative)	
of the Estate of Victoria H. Smith, Deceased,)	
)	
Petitioner-Respondent,)	
)	
v.)	
)	
VERNON K. SMITH, JR.,)	
)	
Respondent-Appellant,)	
)	
and)	
)	
STEVEN J. HIPPLER, Administrative)	
District Judge, Fourth Judicial District,)	
)	
Real Party in Interest-Respondent.)	
_____)	

Appeal from the District Court of the Fourth Judicial District of the State of Idaho,
Ada County. Steven Hippler, District Judge.

Vernon K. Smith, Garden City, for Appellant Pro Se.

Raúl R. Labrador, Idaho Attorney General, Boise, for Respondent.

This case arises from the Administrative District Court’s decision declaring Vernon K. Smith, Jr., a vexatious litigant. The underlying controversy that gave rise to the vexatious litigant determination involved the probate administration of Smith’s mother’s estate. Proceedings involving the estate have been ongoing since 2014. Smith began representing himself *pro se* in 2022.

In July 2023, the personal representative of the estate moved to declare Smith a vexatious litigant under Idaho Court Administrative Rule 59(d)(3). The court referred the claim to the Administrative District Judge (“ADJ”) after determining that 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 appeals from the decision declaring him a vexatious litigant. He argues that the order violates 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 are not met in this case.