

BOISE, MONDAY, FEBRUARY 13, 2026, AT 8:45 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

**THE ESTATE OF LAUREL ANN
KALINSKI through the Personal
Representative CRYSTAL MARIE
KALINSKI,**

Plaintiff-Appellant,

v.

**MURPHY LAW OFFICE, PLLC, an Idaho
professional limited liability company;
MICHAELINA BRADY MURPHY, a real
person,**

Defendants-Respondents,

and

DOES 1 through 10,

Defendants.

Docket No. 52242

Appeal from the District Court of the Fourth Judicial District, State of Idaho, Ada County. Cynthia Yee-Wallace, District Judge.

Smith Horras, P.A., Boise, for Appellants.

Duke Evett, PLLC, Boise, for Respondents.

The Estate of Laurel Ann Kalinski, represented by its personal representative Crystal Kalinski (collectively referred to as “the Estate”), filed a lawsuit against Murphy Law Office and attorney Michaelina B. Murphy (collectively referred to as “Murphy”), claiming legal malpractice during Murphy’s representation of the Estate in a property division dispute between Crystal and her brother, Nicholas Kalinski. The Estate asserted four causes of action: negligence, breach of contract, violation of the Idaho Consumer Protection Act (ICPA), and unjust enrichment.

The district court granted summary judgment on the Estate’s negligence claim, as the Estate failed to provide admissible expert testimony to establish that Murphy breached the standard of care or the element of causation. The court also granted summary judgment on the Estate’s claims for breach of contract and unjust enrichment, determining that these claims were not independent of the negligence claim, but instead based on the same factual allegations. Additionally, the court

granted summary judgment on the Estate's ICPA claim, stating that it was also "subsumed" by the negligence claim.

On appeal, the Estate argues that the district court erred in granting summary judgment on its unjust enrichment and ICPA claims. The Estate does not contest the dismissal of its negligence or breach of contract claims. It contends that it pleaded unjust enrichment as an alternative claim, but the district court failed to recognize it as a separate equitable claim. The Estate asserts that the court's order must be reversed because the unjust enrichment and ICPA claims each provide an independent basis for relief.

In response, Murphy argues that the Estate waived its right to appeal the unjust enrichment claim by failing to provide arguments or cite legal authority to support its position, thereby conceding that the unjust enrichment claim lacks an independent basis separate from the negligence claim. Murphy further contends that the Estate has not identified any facts in the record that establish the elements of unjust enrichment or demonstrate a violation of the ICPA sufficient to support an independent basis for relief.