

SUMMARY STATEMENT

Smith v. Glenns Ferry Highway District
Docket No. 46180

This case arises out of a claim for wrongful termination in violation of Idaho's Whistleblower Act, Idaho Code sections 6-2101 to 6-2109. Joanie Smith was employed by the Glenns Ferry Highway District (the District) when she observed the District's office manager making overpayments to herself on several occasions. Shortly after Smith reported the wrongdoing by the office manager, the District terminated Smith's employment. Smith filed suit, alleging adverse employment action in the form of discharge. During trial, the trial court ruled it would use the jury in an advisory capacity concerning any front pay damages. At trial, the jury returned a special verdict for Smith, awarding her both back pay and front pay. However, the trial court rejected the jury's verdict awarding front pay, and entered a reduced award. The trial court also reduced Smith's requested attorney fees to an amount less than she had contracted to pay. Smith unsuccessfully moved for post-judgment relief, and appealed. The District cross-appealed, asserting that the back pay award should have been reduced as well.

The Supreme Court vacated the trial court's award of front pay and attorney fees, and remanded for reinstatement of the jury's front pay award and reconsideration of the attorney fees award. The Court first held that there is a right to a jury trial on the issue of front and back pay under the Whistleblower Act, and that the trial court erred as a matter of law by denying post-judgment interest on the award of back pay. The Court also found that while the trial court erred with respect to several jury instructions given, these errors did not prejudice Smith. The Court declined Smith's request for entry of judgment *nunc pro tunc*. Finally, the Court held that the trial court abused its discretion in substantially reducing Smith's requested attorney fees, vacated the award of attorney fees, and remanded with instructions to provide reasoning as to why the attorney fees requested were not reasonable in Smith's case.