

SUMMARY STATEMENT

Luck v. Rohel

Docket No. 47506-2019

The Idaho Supreme Court vacated the district court's judgment dismissing the case with prejudice and remanded for further proceedings.

In March 2017, Ethel Luck ("Ethel") and Sarah Rohel ("Rohel") were involved in an automobile accident. Ethel's daughter Amy Clemmons ("Clemmons"), as the purported guardian for Ethel, filed a complaint against Rohel on the last day of the statute of limitations. At the time she filed the complaint, Clemmons was neither Ethel's legal guardian, nor an Idaho licensed attorney. Rohel filed a motion to dismiss the complaint because Clemmons was not Ethel's legal guardian and Clemmons was practicing law without a license. An Idaho attorney then appeared in the case and opposed the motion to dismiss, arguing that Clemmons could file the lawsuit as Luck's general guardian. The district court determined that Idaho law did not give Clemmons authority to appear, pro se, on behalf of another and therefore Clemmons engaged in the unauthorized practice of law when she signed the Complaint. The district court deemed the complaint a nullity and dismissed the complaint with prejudice because the statute of limitations had passed.

Counsel for Clemmons then filed a motion for reconsideration and a second amended complaint, arguing that the statute of limitations should have been tolled because Luck was incompetent. Rohel opposed the motion for reconsideration and moved to strike the second amended complaint on the basis that Clemmons failed to establish that Luck was incompetent at the time of the accident. The district court granted both of Rohel's motions.

Clemmons timely appealed. After the notice of appeal was filed, Ethel's son Christopher Luck ("Christopher") was appointed Ethel's legal guardian and was permitted to intervene on Ethel's behalf.

The Supreme Court affirmed the district court's finding that a non-attorney guardian cannot draft, sign, and file pleadings in a pro se capacity under Idaho Rule of Civil Procedure ("I.R.C.P.") 17. Next, the Supreme Court held that Idaho has not adopted the rule of nullity, therefore, the district court erred in applying the rule of nullity to strike Clemmons's complaint. Instead, the Supreme Court explained that amendment and relation back is allowed where the requirements of I.R.C.P. 15(c) are met. As such, the Supreme Court remanded the matter to allow the district court to exercise its discretion and determine whether to allow Clemmons to cure the improper signature. Finally, the Supreme Court affirmed the district court's findings that Ethel's incapacity did not toll the statute of limitations because there was no evidence in the record to support the claim that Ethel was incompetent at the time of the accident.

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