

SUMMARY STATEMENT

Riverton Citizens Group v. Bingham Cnty. Comm’r

Docket No. 48743

In this appeal, the Idaho Supreme Court provided clarifications of the procedure governing petitions for judicial review under Idaho Rule of Civil Procedure 84. In the proceedings below, a group of *pro se* aggrieved property owners, who dubbed themselves “Riverton Citizens Group,” timely filed a petition for judicial review challenging the Bingham County Commissioners’ (“the County”) decision to grant a zone change request. The caption of the petition named “Riverton Citizens Group” as the *pro se* petitioner, but the body of the petition then named the aggrieved property owners individually as the parties petitioning the County’s decision, while also providing that they were proceeding *pro se* under the title of “Riverton Citizens Group.” The petition was not signed by any of the aggrieved property owners. Instead, it was signed by a non-petitioner who purported to be the “agent” for the “Riverton Citizens Group.” The purported “agent” was not licensed to practice law in Idaho.

The district court entered a notice of intent to dismiss the petition because a licensed attorney did not represent the “Riverton Citizens Group.” The aggrieved property owners attempted to correct the petition through five subsequent filings, each signed by only one of the aggrieved property owners (who was also not a licensed attorney). The district court issued a written decision, concluding the petition was so defective that it was not a “petition” that could invoke the district court’s subject matter jurisdiction for judicial review. Because the time for filing a new “petition” had passed, and there was no “petition” to amend and relate back to, the district court dismissed the case with prejudice. A licensed attorney appeared on behalf of the aggrieved property owners once they timely appealed to the Court.

On appeal, the Court vacated the district court’s judgment, reversed its decision striking the timely petition as fatally defective, and remanded the case with instructions to determine an appropriate sanction for the petition, and subsequent filings, signed in violation of the signature requirements in Idaho Appellate Rule 11.2(a). The Court explained that the Idaho Appellate Rules are the primary gap-filler for procedures of judicial review under I.R.C.P. 84, and that I.A.R. 11.2(a) requires sanctions for signatures by non-attorneys purporting to represent another. Nevertheless, the defects in the petition’s caption, the improper signature, and the omitted signatures from the individual property owners did not render the petition a nullity and leave the district court without subject matter jurisdiction. Instead, these defects could be corrected on remand through a timely filing or amended petition on remand that relates back to the date of the timely but defective petition under Idaho Appellate Rule 17(m).

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