

SUMMARY STATEMENT

Rich v. Hepworth Holzer, Docket No. 49300

The Idaho Supreme Court affirmed a district court's grant of summary judgment against Holly Rich. This appeal arose out of a legal malpractice case by Rich against her attorneys, Hepworth Holzer, LLP and E. Craig Daue and Daue Buxbaum, PLLC ("Daue Buxbaum") (collectively, "Respondents"), regarding their legal representation of Rich in an underlying medical malpractice action against Eastern Idaho Regional Medical Center ("EIRMC"), Dr. John Lassetter (a cardiologist), and Dr. Charles Phillips (an intensivist) (collectively, "EIRMC providers"). In the medical malpractice action, Rich's claims against the EIRMC providers failed because they were filed after the statute of limitations expired. Rich then brought this action, alleging that those claims were not filed on time because of Respondents' legal malpractice. The district court found that Rich could not prevail because she had not established a prima facie case in the underlying medical malpractice case in the legal malpractice case against her lawyers. She had "not disclosed any expert [medical] testimony which complies with the requirements of Idaho law for admissibility." The district court concluded that, because Rich could not set out a prima facie case of medical malpractice in her underlying case, Rich's claim against Respondents for legal malpractice failed. Rich appealed. The Idaho Supreme Court upheld the district court's summary judgment decision. Specifically, the Court held that the standard the district court applied to examine Rich's underlying case was proper and the district court did not err in striking the bulk of Rich's expert witness testimony. The Idaho Supreme Court also determined that the district court did not err in declining to consider Rich's supplemental expert witness disclosure.

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