

SUPREME COURT OF IDAHO

Heinze v. Bauer, 145 Idaho 232

178 P.3d 597 (2008) · No. No. 33579 · Decided January 25, 2008

SUMMARY

The Idaho Supreme Court affirmed summary judgment dismissing Timothy Heinze's legal malpractice claim against his divorce attorney, Charles Bauer. The court held that Heinze was judicially estopped from challenging the divorce settlement because he accepted it under oath and was chargeable with knowledge of the relevant errors before doing so. The court also held that statements Bauer made as an advocate in seeking to set aside the settlement were not admissions usable against him in the malpractice action.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	Horton, Justice; Eismann, Chief Justice; Burdick, Justice; J. Jones, Justice; W. Jones, Justice
JURISDICTION	Idaho
DECIDED	January 25, 2008
DOCKET	No. 33579
DISPOSITION	affirmed
PROCEDURAL POSTURE	Heinze appealed from the district court's grant of summary judgment dismissing his legal-malpractice action against Bauer and from the denial of his motion for reconsideration.
STANDARD OF REVIEW	The Idaho Supreme Court reviews a summary-judgment ruling under the same standard as the district court. Summary judgment is proper when the record shows no genuine issue of material fact and the moving party is entitled to judgment as a matter of law; disputed facts and reasonable inferences are construed in favor of the nonmoving party.
PRECEDENTIAL VALUE	Published Idaho Supreme Court opinion; binding statewide precedent.
PARTIES	Timothy S. Heinze v. Charles B. Bauer

TOPICS

torts

summary judgment

standard of review

appellate procedure

family law procedure

PRACTICE AREAS

legal malpractice

judicial estoppel

summary judgment

divorce settlement

QUESTIONS PRESENTED

1. Whether judicial estoppel barred Heinze's legal-malpractice claim after he accepted the divorce settlement under oath and later alleged that the settlement was inadequate because of errors in the property and debt settlement.
2. Whether Heinze was chargeable with full knowledge of the material facts surrounding the settlement when he adopted his position in court.
3. Whether statements Bauer made in a motion to set aside the divorce stipulation constituted admissions usable against him in the later malpractice action.
4. Whether the district court improperly resolved credibility issues on summary judgment.

HOLDINGS

1. Judicial estoppel barred Heinze's malpractice claim because he obtained advantages through sworn acceptance of the divorce settlement and later adopted an inconsistent position seeking recovery based on the inadequacy of that same settlement.
2. Judicial estoppel applies when the party maintaining the inconsistent position had, or was chargeable with, full knowledge of the attendant facts before adopting the initial position.
3. Statements made by an attorney on behalf of a client in the course of representation are not personal admissions usable against the attorney in a subsequent malpractice action, absent a representation of fact purporting to be based on the attorney's personal knowledge.

KEY QUOTATIONS

“For guidance purposes and to avoid misapplication of judicial estoppel, it should be made clear that the concept should only be applied when the party maintaining the inconsistent position either did have, or was chargeable with, full knowledge of the attendant facts prior to adopting the initial position.” (145 Idaho at 237; 178 P.3d at 601)

“Applying the rule announced in Loomis to the instant case, we conclude Heinze obtained an advantage from his ex-wife.” (145 Idaho at 244; 178 P.3d at 609)

FACTUAL BACKGROUND

Heinze retained Bauer to represent him in a divorce involving division of the community estate and child custody. During trial, Heinze accepted a proposed property and debt settlement after discussing it with Bauer, and under oath stated that he agreed to the settlement and would abide by its terms. Two days later, Heinze expressed concerns about the settlement, and Bauer unsuccessfully moved to set it aside. Heinze then sued Bauer

for legal malpractice, alleging that the settlement contained significant errors and that Bauer negligently recommended accepting it.

PROCEDURAL HISTORY

Heinze sued his former divorce attorney, alleging negligent advice regarding acceptance of a divorce settlement and seeking more than \$100,000 in damages. The district court granted Bauer summary judgment on the ground that judicial estoppel barred the malpractice claim, denied reconsideration, and entered judgment with prejudice. The Idaho Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Loomis v. Church, 76 Idaho 87, 277 P.2d 561 (1954)
- McKay v. Owens, 130 Idaho 148, 937 P.2d 1222 (1997)
- Sprinkler Irrigation Co. v. John Deere Ins. Co., Inc., 139 Idaho 691, 85 P.3d 667 (2004)
- Lockheed Martin Corp. v. Idaho State Tax Comm'n, 142 Idaho 790, 134 P.3d 641 (2006)
- Risetto v. Plumbers & Steamfitters Local 343, 94 F.3d 597 (9th Cir. 1996)
- Figueroa v. Merrick, 128 Idaho 840, 919 P.2d 1041 (1996)
- Intermountain Forest Mgmt., Inc. v. Louisiana Pac. Corp., 136 Idaho 233, 31 P.3d 921 (2001)
- New Hampshire v. Maine, 532 U.S. 742, 121 S. Ct. 1808, 149 L. Ed. 2d 968 (2001)
- A J Constr. Co., Inc. v. Wood, 141 Idaho 682, 116 P.3d 12 (2005)
- Hamilton v. State Farm Fire & Cas. Co., 270 F.3d 778 (9th Cir. 2001)
- Smith v. U.S.R.V. Properties, LC, 141 Idaho 795, 118 P.3d 127 (2005)
- Wolford v. Tankersley, 107 Idaho 1062, 695 P.2d 1201 (1984)
- Barnes v. Everett, 351 Ark. 479, 95 S.W.3d 740 (2003)
- Barcola v. Hourigan, Kluger & Quinn, P.C., 82 Pa. D. & C. 4th 394 (Pa. Com. Pl. 2006)
- Reese v. Danforth, 486 Pa. 479, 406 A.2d 735 (1979)
- In re Cendant Corp. Sec. Litig., 404 F.3d 173 (3d Cir. 2005)
- Blough v. Wellman, 132 Idaho 424, 974 P.2d 70 (1999)
- Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 80 L. Ed. 2d 674 (1984)
- Hicks v. Nunnery, 253 Wis. 2d 721, 643 N.W.2d 809 (Ct. App. 2002)
- Argyle v. Slemaker, 107 Idaho 668, 691 P.2d 1283 (1984)

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