Bond Case Briefs

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Sanders v. Board of Trustees of Mountain Home School Dist. No. 193

Supreme Court of Idaho, Boise, February 2014 Term - April 7, 2014 - P.3d - 2014 WL 1349418

Employee brought action against board of trustees of school district alleging that board breached its contract with employee by hiring a candidate less qualified than her for a teaching position. The District Court entered judgment on jury verdict in favor of board, but denied board's request for award of attorney fees. Board appealed.

The Supreme Court of Idaho held that:

- Statute governing attorney fee award in action concerning state agency or political subdivision was not exclusive, and
- On issue of first impression, board was not entitled to award of statutory discretionary arbitration costs.

Statute governing award of attorney fees in certain instances in actions involving state agency or political subdivision was not the exclusive source of attorney fees when a prevailing party also requested fees pursuant to statute governing award of attorney fees in action to recover on contract. Phrase in statute governing fees in action involving agency or political subdivision "unless otherwise provided by statute" meant that if another statute expressly provided for the awarding of attorney fees against a state agency or a political subdivision, attorney fees could be awarded under that statute also, and statute governing award in contract actions expressly applied to state agencies and political subdivisions.

Arbitration was non-binding, prior to civil suit, and costs of arbitration were limited to pre-litigation under the contract at issue, and therefore board of trustees of school district was not entitled to statutory discretionary award of arbitration costs in breach of contract action by employee related to employment contract. Statute governing award of costs gave courts authority to award costs "in a civil trial or procedure."