SUMMARY STATEMENT

Taylor v. Davis
No. 52831

Kris Taylor appealed a jury verdict finding that statements Patrick Davis made about him did not constitute defamation per se. Davis, an attorney, made the statements in a media interview about a business dispute involving Taylor and one of Davis' clients. Taylor requested that the district court give a jury instruction on the "business-unfitness" category of defamation per se, but the court declined to do so.

The Idaho Supreme Court held that the district court erred by not giving the instruction. The Court explained that statements imputing conduct, characteristics, or a condition unfit for one's business or profession, or the "business-unfitness" category, constituted one of four traditional defamation per se categories and remained good law in Idaho. "Business-unfitness" had not, as Davis argued, been abrogated by previous cases. The Court then explained the category's limited application. Not every statement negatively impacting a professional reputation is business-unfitness defamation. Rather, business-unfitness requires a connection between the statement and specific aspects of the plaintiff's profession. Davis also argued that the appeal was moot because the truth of the statements had been established in another proceeding. The Court held that it was not moot because Davis failed to provide authority or meaningful argument for why the Court should take judicial notice of the results of the other proceeding.

The Court vacated the jury verdict and remanded the case for a new trial.

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