

This case will define the law as to the extent of an attorney's duty to a third-party who has never communicated with the attorney nor indicated to the attorney any belief of representation.

PRELIMINARY STATEMENT

The Clerk's Record will be referred to as "CR". For ease of reading, evidence contained in the record will be referred to by setting forth the source.

JURISDICTIONAL STATEMENT

Glover requests this Court affirm the October 25, 2001 Order Granting Defendant Glover's Motion For Summary Judgment and Judgment entered by the Honorable James W. Anderson, from which Appellants appealed on November 20, 2001. (CR 653-59, 683-91).

STATEMENT OF LEGAL ISSUE

1. To sustain an action for legal malpractice, there must be an attorney-client relationship that proximately caused the plaintiff's injuries. The trial court dismissed the malpractice claim. Should the dismissal be affirmed because there was no attorney-client relationship between Appellants and Glover, and Glover caused no injury?
2. To sustain an action for breach of fiduciary duty, the defendant must be under a fiduciary obligation and his breach must be the proximate cause of the plaintiff's injuries. The trial court dismissed the fiduciary breach claim. Should the dismissal be affirmed because Glover did not have a fiduciary obligation to Appellants and caused no injury?

3. To sustain an action for fraud, the plaintiff must plead fraud with particularity and prove the defendant made a false statement or had an obligation to not suppress information. The trial court dismissed Appellants' fraud claim. Should the dismissal be affirmed because Appellants failed to properly plead fraud and failed to prove Glover made a false statement or failed to disclose any required information?
4. Conversion occurs where one exercises control over property owned by another so as to repudiate the owner's right in the property. The trial court dismissed the conversion claim. Should the dismissal be affirmed because Appellants did not establish ownership in the property alleged to have been converted?

STATEMENT OF THE CASE

On October 11, 2000, Appellant commenced this action asserting Glover was liable to pay them more than \$1,000,000 in damages they seek. (CR 2-9). Glover timely answered, denying liability. (CR 38-40). Subsequently, Appellants dismissed all other defendants except for Glover and Byron Dahl. (CR 656-57). After completion of discovery, Glover filed a motion for summary judgment. (CR 74). Appellants then filed a motion for partial summary judgment on the issue of whether Glover breached a duty of care to Appellants. (CR 315-16).

The Honorable James W. Anderson granted Glover's motion dismissing all of Appellants' claims asserted against him, and denied Appellants' motion for partial summary judgment. Judge Anderson's order reflecting these