

BOISE, WEDNESDAY, JANUARY 7, 2026, AT 10:00 A.M.

IN THE SUPREME COURT OF THE STATE OF IDAHO

ELIZABETH MILLER,)	
)	
Petitioner-Respondent,)	
)	
v.)	
)	Docket No. 52616
MARK MILLER,)	
)	
Respondent-Appellant,)	
_____)	

Appeal from the District Court of the Fourth Judicial District of the State of Idaho, Ada County. Gerald F. Schroeder, Senior District Judge. Matthew Haynes, Magistrate Judge.

Stoel Rives LLP, Boise, and Law Office of Jeffrey T. Sheehan, PLLC, Boise, for Appellant.

Cosho Humphrey LLP, Boise, for Respondent.

Doctor Mark Miller is appealing the validity of an arbitration award related to his divorce. Elizabeth Miller filed for divorce in June 2021. During the divorce proceedings, Mark agreed to submit the matter to arbitration if Elizabeth would waive her spousal support claims. She did, and the matter went to arbitration. After conducting the arbitration, the arbitrator elected to divide the community assets unequally, awarding 60% of the marital assets to Elizabeth and 40% to Mark. This unequal distribution was motivated, in part, by the fact that Elizabeth would not be receiving spousal support. The arbitrator also determined that Mark owed Elizabeth retroactive child support. Mark then tried to challenge the validity of this arbitration award in the magistrate court, appealing to the district court when he lost. However, the district court also ruled against Mark, and the district court awarded attorney fees to Elizabeth for Mark's appeal.

Mark now appeals the district court's ruling. Specifically, Mark contends that divorce matters cannot be submitted to arbitration because the magistrate and district courts have "[e]xclusive original jurisdiction" of those matters under Idaho Code section 32-715. He also argues that the arbitrator decided issues not submitted to arbitration when she decided to award Elizabeth (1) retroactive child support, and (2) unequal distribution of assets in lieu of spousal support. Mark further contends that Elizabeth should not have been awarded attorney fees for his appeal to the district court. Both Mark and Elizabeth seek attorney fees on appeal.