

SUMMARY STATEMENT

Miller v. Miller No. 52616

Doctor Mark Miller appealed a district court's decision to affirm a magistrate court's confirmation of an arbitration award related to Mark's divorce. 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 the arbitrator decided to award his ex-wife, Elizabeth Miller, (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.

The Idaho Supreme Court affirmed the district court's decision. The Court held that the Idaho Uniform Arbitration Act grants the courts the authority to refer divorce actions to binding arbitration. And the Court reiterated that courts do not lose their continuing jurisdiction over divorce actions when referring those actions to arbitration. The Court also determined that the arbitrator had not exceeded its authority under the arbitration agreement by awarding unequal distribution of community property and retroactive child support. The Court then determined that the district court did not abuse its discretion by awarding attorney fees to Elizabeth for Mark's appeal. However, the Court declined to award attorney fees on appeal and remanded the case to the district court for consideration of attorney fees related to the appeal.

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