

SUPREME COURT OF IDAHO

Mumford v. Miller, 143 Idaho 99

137 P.3d 1021 (2006) · No. No. 32061 · Decided May 25, 2006

SUMMARY

The Idaho Supreme Court affirmed the district court's refusal to vacate or modify an arbitration award denying attorney fees to Mark Mumford. The court held that the arbitrator did not exceed his powers because the parties submitted the attorney-fee issue for determination, and review of the arbitrator's factual and legal conclusions was limited under Idaho's Uniform Arbitration Act. The court awarded respondents attorney fees incurred on appeal under Idaho Code section 12-121.

CASE DETAILS

COURT	Supreme Court of Idaho
WRITING FOR THE COURT	Jones, Justice; Schroeder, Chief Justice; Trout, Justice; Eismann, Justice; Burdick, Justice
JURISDICTION	Idaho
DECIDED	May 25, 2006
DOCKET	No. 32061
DISPOSITION	affirmed
PROCEDURAL POSTURE	Mumford appealed from a district court order denying his motion to vacate an arbitration award and declining to award him attorney fees.
STANDARD OF REVIEW	Review of an arbitration award is limited to the statutory grounds for relief under Idaho's Uniform Arbitration Act. An arbitrator's legal and factual rulings are binding, even if erroneous, unless an enumerated statutory ground exists.
PRECEDENTIAL VALUE	precedential
PARTIES	Mark Mumford v. Cynthia L. Miller, Janice L. Smith-Hill, Miller, Smith-Hill & Associates

TOPICS

- arbitration
- appellate procedure
- attorney fees
- contracts
- standard of review

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the arbitrator exceeded his powers under Idaho Code section 7-912(a)(3) by declining to award Mumford attorney fees under the contract.
2. Whether sanctions or attorney fees should be awarded to the respondents on appeal.

HOLDINGS

1. The arbitrator did not exceed his powers because the parties submitted the attorney-fee issue for arbitration and the arbitrator resolved it by exercising factual and legal judgment.
2. The respondents were not entitled to appellate sanctions because they provided no supporting argument or authority establishing that the appeal was premature, procedurally defective, or frivolous.
3. The respondents were entitled to attorney fees under Idaho Code section 12-121 for appellate work performed by Owen, James, Vernon & Weeks, P.A.

KEY QUOTATIONS

“An arbitrator’s rulings on questions of law and fact are binding, even where erroneous, unless one of the enumerated statutory grounds is present.” (143 Idaho at 102)

“Where the parties clearly submitted the issue of attorney fees for decision and where the arbitrator determined the issue, he did not exceed his powers.” (143 Idaho at 102-03)

FACTUAL BACKGROUND

Mumford contracted with the Miller, Smith-Hill law firm to provide legal services as an independent contractor in exchange for sixty percent of fees attributable to his services. The firm terminated the agreement immediately in May 2003, although the contract required ninety days' written notice. An arbitrator found that the firm breached the termination provision and owed Mumford additional compensation, resulting in a net award of approximately \$5,800, but denied Mumford attorney fees.

PROCEDURAL HISTORY

Mumford sued his former law firm and its principals for breach of an independent-contractor agreement. The parties arbitrated their contractual disputes, and the arbitrator awarded Mumford damages but denied his request for attorney fees. Mumford moved in district court to confirm, modify, and vacate portions of the award; the district court denied the motion to vacate and allowed the parties to seek submission of modification or correction motions to the arbitrator. Mumford appealed, and the Idaho Supreme Court affirmed.

DISPOSITION

affirmed

CASES CITED

- Moore v. Omnicare, Inc., 141 Idaho 809, 814-17, 118 P.3d 141, 147-49 (2005)
- Bingham County Comm'n v. Interstate Elec. Co., 105 Idaho 36, 42, 665 P.2d 1046, 1052 (1983)
- Eighteen Mile Ranch LLC v. Nord Excavating, 141 Idaho 716, 718-19, 117 P.3d 130, 132-33 (2005)
- Burns v. Baldwin, 138 Idaho 480, 487, 65 P.3d 502, 509 (2003)

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