# CIVIL

**Pre-Trial Decision**

12. **Arbitration**

We review a district court's order regarding a motion to compel arbitration de novo. ***Gordon v. Kuzara***, 2010 MT 275, ¶ 5, 358 Mont. 432, 245 P.3d 37 (citations omitted). When a district court compels arbitration, or refuses to compel arbitration, the threshold inquiry remains whether the parties agreed to arbitrate. ***Zigrang v. U.S. Bancorp Piper Jaffray, Inc.***, 2005 MT 282, ¶ 8, 329 Mont. 239, 123 P.3d 237 (citation omitted).

We review a district court's conclusions of law, including whether an arbitration award is valid, de novo. ***Wells Fargo Bank v. Talmage***, 2007 MT 45, ¶ 12, 336 Mont. 125, 152 P.3d 1275.

Section 27-5-312, MCA, sets forth when the district court shall vacate an arbitration award. When a matter has been submitted to binding arbitration, courts are not permitted to review the merits of the controversy, but may only confirm, vacate, modify, or correct an arbitration award pursuant to §§ 27-5-311, -312, and -313, MCA. We review a trial court's decision to confirm an arbitration award to determine if the court abused its discretion. We can only review whether the District Court abused its discretion in confirming the arbitration award; we cannot review the merits of the controversy. **Roberts v. Lame Deer Pub. Sch. Dist. #6,** 2013 MT 358, ¶ 7, 373 Mont. 49, 314 P.3d 647. See also **Colstrip Energy L.P. v. N.W. Corp**., 2011 MT 99, ¶ 17, 360 Mont. 298, 253 P.3d 870.