

COURT OF APPEALS OF VIRGINIA

Present: Judges Baker, Elder and Fitzpatrick

CYNTHIA D. KRAMER

v. Record No. 1984-96-1

WILLIAM COURTNEY RYAN, JR.

MEMORANDUM OPINION*
PER CURIAM
MARCH 18, 1997

FROM THE CIRCUIT COURT OF THE CITY OF NORFOLK
Jerome James, Judge

(Paul M. Lipkin; Goldblatt, Lipkin & Cohen,
on brief), for appellant.

(Cheshire I'Anson Eveleigh; Wolcott, Rivers,
Wheary, Basnight & Kelly, on brief), for
appellee.

Cynthia D. Kramer appeals the decision of the circuit court denying her petition for appellate attorney's fees. Upon reviewing the record and briefs of the parties, we conclude that this appeal is without merit. Accordingly, we summarily affirm the decision of the trial court. Rule 5A:27.

In a previous appeal, William Courtney Ryan, Jr., appealed the child support decision of the circuit court. We affirmed the trial court's decision and denied Ryan's petition for rehearing en banc. Ryan then filed a petition for appeal with the Supreme Court of Virginia. That Court refused the petition. Kramer then filed a petition in the circuit court seeking appellate attorney's fees.

*Pursuant to Code § 17-116.010 this opinion is not designated for publication.

In O'Loughlin v. O'Loughlin, 23 Va. App. 690, 691, 479 S.E.2d 98, 98 (1996), we held that, in the absence of a specific remand for attorney's fees, the trial court lacks jurisdiction to award appellate fees.

The rationale for the appellate court being the proper forum to determine the propriety of an award of attorney's fees for efforts expended on appeal is clear. The appellate court has the opportunity to view the record in its entirety and determine whether the appeal is frivolous or whether other reasons exist for requiring additional payment.

Id. at 695, 479 S.E.2d at 100. Neither this Court nor the Supreme Court awarded Kramer appellate attorney's fees or remanded the matter to the trial court with instructions to make such an award.

Accordingly, the decision of the circuit court is summarily affirmed.

Affirmed.