

Summary of SC92672, *Kenneth D. Goins v. Lori D. Goins*

Appeal from the St. Louis circuit court, Judge Bryan L. Hettenbach
Argued and submitted April 3, 2013; opinion issued July 16, 2013

Attorneys: Kenneth Goins, a solo practitioner in St. Louis, (314) 443-9915, represented himself. Lori Goins did not submit an argument.

This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: A man appeals a judgment ordering him to pay for a portion of his ex-wife's attorney fees incurred during the pendency of an appeal regarding his obligations to pay child support and maintenance. In a unanimous decision written by Judge Richard B. Teitelman, the Supreme Court of Missouri affirms the judgment. The statute permitting an award of attorney fees on appeal is constitutional, and the man has not shown any abuse of discretion in the award.

Facts: A circuit court dissolved a couple's marriage in 2003, ordering the man to pay child support and maintenance. Subsequently, the court reduced the man's child support obligations but made no change to the maintenance obligations, and the court of appeals affirmed these judgments. In February 2012, while the second appeal was pending, the woman moved for attorney fees on appeal. Following a hearing, the court ordered the man to pay \$7,500 of the woman's attorney fees on appeal. The man appeals.

AFFIRMED.

Court en banc holds: The statute permitting the award of attorney fees on appeal does not result in an unconstitutional grant of appellate jurisdiction to a circuit court. Missouri law long has recognized that only a circuit court may consider and grant attorney fees on appeal. The statute permitting the award of attorney fees on appeal also is not unconstitutionally vague. It provides sufficient guidance so as to allow a person of ordinary intelligence to understand all the relevant factors a circuit court should apply in making such an award. Further, the man has not demonstrated any abuse of discretion in the circuit court's award of attorney fees.