

ENTERED ON

AUG 03 2005

DOCKET

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 13
)
SMITHY E. DUNBAR) CASE NO. 03-96395-MHM
)
Debtor)

**ORDER SUSPENDING
ATTORNEY AUDREY JOHNSON**

By order entered October 25, 2004, this court conditionally appointed Audrey Johnson to serve *pro bono* as attorney for Debtor. The order resulted from a proceeding in the case of *In re Rodgers*, Case No. 03-90336-MHM, in which Ms. Johnson had failed to adequately perform certain legal services for her client. See Order in that case entered October 25, 2004. The undersigned accepted Ms. Johnson's explanation that her misconduct was inadvertent and resulted from temporary exigencies.

Following entry of the October 25, 2004 order, Ms. Johnson filed a notice of appearance in this case November 18, 2004, but since that date has filed no pleading on Debtor's behalf or otherwise appeared for Debtor. By order entered May 5, 2005, Ms. Johnson was ordered to file a written report on or before May 16, 2005, regarding efforts she has made to undertake representation of this Debtor or regarding why she has failed to undertake such efforts. Additionally, a hearing regarding Ms. Johnson's representation was scheduled for June 10, 2005. Ms. Johnson failed to file said report, failed to appear at the hearing, failed to communicate with her client or the court regarding her appearance, and failed to obtain a continuance or to be excused from appearing for cause.

The show cause hearing for Ms. Johnson was, nevertheless, rescheduled to July 26, 2005. On July 22, 2005, Ms. Johnson attempted to submit a letter *ex parte* explaining her conduct. Ms.

Johnson has not filed any document that would constitute the report required by the order entered May 5, 2005. Additionally, the address and telephone number of record for Ms. Johnson is incorrect. When the staff of the undersigned, after investigation, ascertained Ms. Johnson's correct address and telephone number and attempted to contact Ms. Johnson by telephone, the voicemail announcement indicated her mailbox was full.

Ms. Johnson did appear at the July 26, 2005 hearing. She sought to withdraw as debtor's attorney in this case and represented that she would not be accepting any bankruptcy cases or practicing in the bankruptcy case for an indefinite period. She also represented that she had referred all her other pending bankruptcy cases to other bankruptcy counsel.

In two cases before the undersigned, Ms. Johnson has failed to provide her clients with competent legal representation without adequate excuse. By separate order entered in this case, Ms. Johnson has been allowed to withdraw from representation of Debtor. Ms. Johnson's conduct in both the cases described above has been unprofessional and may constitute abandonment. Accordingly, it is hereby

ORDERED that **Audrey Johnson** is suspended from practice before the Bankruptcy Court in the Northern District of Georgia indefinitely. If and when she is fully readmitted to practice by the State Bar of Georgia, she may apply to vacate her suspension in this court.

The Clerk is directed to serve a copy of this order upon Debtor, the Chapter 13 Trustee and upon Debtor's attorney, Audrey Johnson at the following address: 804 Commerce Boulevard, Riverdale, Georgia 30296.

IT IS SO ORDERED, this the 3^d day of August, 2005.



MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE

Also, send courtesy copy to:

State Bar of Georgia
Office of General Counsel
Disciplinary Counsel
104 Marietta St., NW
Atlanta, GA 30303