



IT IS ORDERED as set forth below:

Date: March 8, 2012

**Paul W. Bonapfel
U.S. Bankruptcy Court Judge**

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

IN THE MATTER OF: : CASE NUMBER: 11-85682-PWB
: :
TANYA DENISE REED, : :
: : IN PROCEEDINGS UNDER
: : CHAPTER 13 OF THE
Debtor. : : BANKRUPTCY CODE
: :
_____ : :

IN THE MATTER OF: : CASE NUMBER: 11-85780-PWB
: :
EDDIE LEE GRIER, : :
: : IN PROCEEDINGS UNDER
: : CHAPTER 13 OF THE
Debtor. : : BANKRUPTCY CODE
: :
_____ : :

IN THE MATTER OF: : CASE NUMBER: 11-85880-PWB
: :
CHERYL LENORE HILL, : :
: : IN PROCEEDINGS UNDER
: : CHAPTER 13 OF THE
Debtor. : : BANKRUPTCY CODE
: :
_____ : :

**ORDER AND NOTICE FOR ROBERT J. SEMRAD & ASSOCIATES, LLC, AND
NATHANIEL O'ROURKE TO APPEAR AND SHOW CAUSE WHY ATTORNEY
FEES SHOULD NOT BE REDUCED**

Over two days the Court entered six orders denying motions to avoid liens in cases filed by the firm, Robert J. Semrad & Associates, LLC.¹ It is not unusual for a motion to have some technical defect, *i.e.*, a formatting problem or a misspelled word. These things happen, not only to lawyers, but also to judges. In the hurry to meet deadlines, one may rush and make an error and, before it can be stopped, the error-riddled document is hurtling through cyberspace to a docket near you. So the Court understands that technical ease does not eliminate human error; it merely makes it more quickly detected.

Having said that, the wonders of modern technology may never replace the keen and patient review by the human eye. In other words, if one practices in federal court, perhaps proofreading a document before filing it is good practice. The convenience of spell-check and the ease of electronic filing do not relieve an attorney of a duty to read and write well.

This brings the court to the six orders denying motions to avoid liens. The same attorney filed all of the motions on December 28 and December 29, 2011. It appears that one error-filled motion became the template for numerous error-filled motions in a quick “cut and paste” preparation of pleadings.

It is questionable whether any human being in any capacity reviewed them prior to filing. Not a single one of the motions was served in a manner required by Rule 7004 of the Federal Rules of Bankruptcy Procedure (made applicable by Rule 9014 of the Federal Rules of Bankruptcy Procedure). Some of the motions were not served *at all* upon the affected parties. Among the other many and varied errors repeated throughout the motions are the following: referring to the

¹Case 11-85682-pwb (Docs. 20, 21, 22, entered February 24, 2012); Case 11-85780-pwb (Doc. 24, entered February 27, 2012); Case 11-85880-pwb (Docs. 24, 25, entered February 27, 2012).

respondent creditor as the “debtor” in the body of the motion; referencing the wrong filing date for the bankruptcy case; misspelling the Judge’s identifying initials after the case number; and listing parties on the certificates of service that are not parties to the motions. There are other errors unique to some of the motions, but these are the ones so obvious and consistent that they show a pattern.²

When notified by a Deputy Clerk that some of the motions referred to the respondents as debtors, the Debtor’s attorney attempted to correct some, but not all of the motions. But even if amended to correct the glaring error of referring to the respondent as the debtor, none of the other errors were fixed and, all other errors aside, the fatal flaw of defective service of process in each of them doomed them all.

There are three possible explanations for the sloppy work. The first is that an attorney did not proofread the motions before filing them. The second explanation is that an attorney did proofread them, but did not care to fix the errors or did not identify errors that needed to be fixed.

Of these two explanations the court must believe that if an attorney had given even a cursory review to one of these motions, she would have said, “Stop. I will not sign this.” Surely, no attorney would think, “It’s a motion to avoid a lien. Good enough.”

The third explanation for the filing of six error-plagued motions is that an attorney was not involved in the task at all but delegated it to a person who lacked sufficient training and supervision to understand the significance of the task. Whether this is true or not, it is the attorney

²Other errors include misstating in the notice the date the motion was filed (11-85780-pwb, Doc. 15); referring to a non-party as holding a judicial lien in the body of the motion (11-85880-pwb, Doc. 12); and stating that the respondent holds a judicial lien, when the debtor’s schedules reflect the lien is a non-purchase money security interest in household goods (11-85682-pwb, Doc. 13).

who signs the document and it is the attorney who must explain to the court how and why this happened.

Had this been a single isolated incident the Court would likely have entered an order denying the motion and let the order speak for itself. But the filing of six motions with the same problems over two days calls for greater attention. The Court has noted other service-related problems in cases filed recently by this firm.³ These circumstances indicate a systemic problem for this law firm that requires immediate attention.

The Rule 2016(b) statements in these cases reflect proposed base attorney fees ranging from \$3,750 to \$5,000. For the reasons set forth above, it is appropriate for the Court to consider whether such fees are “reasonable” in light of the nature, extent, and value of services provided to the Debtors. *See* General Order No. 6-2006; 11 U.S.C. § 330; *In re Dabney*, 417 B.R. 826 (Bankr. N.D. Ga. 2009) (Bonapfel, J.). Accordingly, it is

ORDERED AND NOTICE IS HEREBY GIVEN that Robert J. Semrad & Associates, LLC, and Nathaniel O’Rourke shall appear and show cause why attorney fees in one or more of the above-referenced cases should not be reduced on **April 17, 2012, at 11:00 a.m.**, in Courtroom 1401, U.S. Courthouse, 75 Spring Street, S.W., Atlanta, Georgia. A partner with managerial and supervisory responsibility is directed to appear on behalf of the firm at this hearing.

End of Order

³For example, in the past month the Court has noted inadequate service of motions to extend stay because the Debtor’s attorney has not served the motion upon an attorney who made an appearance for a creditor in the earlier bankruptcy case. *See* 12-40231; 12-51086-pwb; 12-51982-pwb; 12-52340-pwb; 12-52796-pwb.

Distribution List

Nathaniel P. O'Rourke
Robert J. Semrad & Associates
Suite 3600
101 Marietta Street
Atlanta, GA 30303

Craig Black
Robert J. Semrad & Associates
Suite 3600
101 Marietta Street
Atlanta, GA 30303

Mary Ida Townson
Chapter 13 Trustee
Suite 2700 Equitable Bldg.
100 Peachtree Street, NW
Atlanta, GA 30303