

ENTERED ON
~~OCT 25~~ 2004
DOCKET

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IN RE:) CHAPTER 7
)
JOHN RODGERS) CASE NO. 03-90336
)
Debtor)

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

SOUTH CAROLINA STATE CREDIT)
UNION)
Movant) **CONTESTED MATTER**
)
v.)
)
SMITHY E. DUNBAR)
Respondent) **ORDER**

ORDER REGARDING *PRO BONO* REPRESENTATION

Hearing was held August 31, 2004, for Debtor's attorney, Audrey Johnson, to show cause why she should not be sanctioned for her failure to present a proposed order on her client's motion to reopen and her failure to appear at two previous show cause hearings. In a written pleading filed July 22, 2004 and at the August 31, 2004 hearing, Ms. Johnson attempted to explain that her prior failure to appear was a result of a misfiling of the show cause order by her administrative employee; however, Ms. Johnson had no explanation for her failure to present a

proposed order reopening the case for more than five months.¹ At the hearing, the court noted that Ms. Johnson's explanations for her conduct, although inadequate, did not appear to merit monetary sanctions or the more serious sanction of suspension. An appropriate sanction appeared to be assignment to Ms. Johnson of a bankruptcy case which she would agree to handle *pro bono*. At the conclusion of the hearing, Ms. Johnson was allowed ten (10) days within which to file an objection to the assignment to her of a *pro bono* case. No objection has been filed. Accordingly, it is hereby

ORDERED that, within 20 days of the date of entry of this order, Debtor Smithy Dunbar may contact attorney Audrey Johnson and, if Mr. Dunbar agrees to the representation, Ms. Johnson will represent Mr. Dunbar in connection with his Chapter 13 bankruptcy case *pro bono*, i.e. without charging a fee for such representation. Mr. Dunbar may contact Ms. Johnson by telephone at (678) 610-0262.

Within 5 days after Mr. Dunbar contacts Ms. Johnson, if Ms. Johnson and Mr. Dunbar reach an agreement regarding representation, Ms. Johnson must file a notice of appearance in Mr. Dunbar's case. Within the same time period, if Ms. Johnson and Mr. Dunbar are unable to reach an agreement regarding representation, Ms. Johnson shall file in the Rodgers case notice that she and Mr. Dunbar were unable to reach an agreement, so that the court may choose another prospective client for Ms. Johnson.

If Mr. Dunbar fails to contact Ms. Johnson within the 20 day period allowed above, Ms. Johnson shall file in the Rodgers case notice that Mr. Dunbar has failed to contact her, so that the court may choose another prospective client for Ms. Johnson.

¹ An order reopening this case, *prepared in the chambers of the undersigned*, was entered May 7, 2004.

The Clerk, U.S. Bankruptcy Court, is directed to serve a copy of this order upon both of the above Debtors, Audrey Johnson, the attorney for South Carolina State Credit Union (in the Dunbar case), the Chapter 13 Trustee and the U.S. Trustee.

IT IS SO ORDERED, this the 22nd day of October, 2004.



MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE