

MAR 11 2005

UNITED STATES BANKRUPTCY COURT
 NORTHERN DISTRICT OF GEORGIA
 ATLANTA DIVISION

IN RE:)	CHAPTER 13
)	
ROBERT LOUIS BOYD, JR.)	
PATRICIA GRESHAM BOYD)	CASE NO. 04-70168-MHM
)	
Debtors)	

ORDER REGARDING APPLICATION TO EMPLOY SPECIAL COUNSEL


Debtors filed an application (the "Application") for employment of Stephen F. Mackie as Special Counsel to represent Debtors in a personal injury claim arising from an automobile collision. The employment agreement (the "Employment Agreement") attached to the Application is between Debtors and Robert N. Levinson, but no agreement between Debtors and Mr. Mackie was attached. In response to an order and notice regarding deficient filing, Debtors filed an amended application (the "Amended Application") that sets forth that Mr. Mackie was associated as counsel for Debtors by Mr. Levinson pursuant to the Employment Agreement, which authorizes Mr. Levinson to employ associate counsel. The Amended Application does not attach any agreement between Debtors and Mr. Mackie and does not seek approval of the employment of Mr. Levinson or seek to explain why Mr. Mackie's association is reasonable and necessary. The Amended Application also does not set forth how the association of Mr. Mackie will affect the financial arrangements between Mr. Levinson and Debtors -- specifically, how any attorneys fee will be distributed between Mr. Levinson and Mr. Mackie. If Debtors seek to bypass the requirement that Mr. Levinson's employment be approved by the bankruptcy court, Debtors must present a properly executed agreement between Debtors and Mr. Mackie.

Accordingly, it is hereby

ORDERED that, within 20 days of the date of entry of this order, Debtors may further amend the Application to address the court's concerns set forth above. If no such amendment is filed within the time allowed, the Application, as amended, shall stand denied.

The Clerk, U.S. Bankruptcy Court, is directed to serve a copy of this order upon Debtors, Debtors' attorney, Debtors' Special Counsel, the Chapter 13 Trustee and the U.S. Trustee.

IT IS SO ORDERED this 11th day of March, 2005.



MARGARET H. MURPHY
UNITED STATES BANKRUPTCY JUDGE