



**IT IS ORDERED as set forth below:**

**Date: October 06, 2008**

*James E. Massey*

James E. Massey  
U.S. Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

\_\_\_\_\_  
IN RE:

CASE NO. 08-74928

Audrey Small,

CHAPTER 13

Debtor.  
\_\_\_\_\_

JUDGE MASSEY

ORDER DENYING MOTION TO WITHDRAW

Debtor's counsel moves to withdraw from representing the Debtor on the ground of irreconcilable differences. The motion shows that counsel sent Debtor a letter about withdrawal, but the letter was inaccurate and did not comply with Bankruptcy Local Rule 9010-5. It was inaccurate in that it advised Debtor that "you have the obligation to hire other counsel." Debtor has no such obligation and may represent herself.

The failure to comply with the many requirements of BLR 9010-5 may be illustrated with two examples. First, the letter referred to a right to object but failed to tell Debtor how to go about doing so; the notice in the letter failed to tell Debtor that she had ten days from the date the

letter was sent within which “to contact the attorney and state any objections to the attorney’s withdrawal.” BLR 9010-5(b)(1)(F). Nothing in the motion or the letter suggests that Debtor has consented to the withdrawal.

For another example, the motion failed to comply with BLR 9010-5(b)(2), which states in part: “[t]he motion shall be accompanied by a notice to the client that any objection to the motion must be filed within ten days after its service and the address of the Bankruptcy Clerk’s office where the objection may be filed.” The letter is attached to the motion but no other notice is attached. The letter does not provide the address of the Clerk. Further, if the letter is meant to double as the notice to be attached to the motion, it inaccurately fixes the beginning date of the 10-day period within which to respond to the motion as “the date of this letter.” But that 10-day period had expired by the time the motion was served and filed.

This is not rocket science. Counsel should read the Rule and comply with it or be prepared to continue to represent Debtor in this case. The motion to withdraw is DENIED.

\*\*\*END OF ORDER\*\*\*