

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: ) CHAPTER 11  
 )  
MAMADOU SYLLA, ) CASE NO. 11-85181 - MHM  
 )  
Debtor. )

**ORDER REGARDING SUSPENSION**

By order entered October 1, 2010, in Case No. 09-87487-MHM, Counsel for Debtor, Joel Wadsworth, was suspended indefinitely from practice in the U.S. Bankruptcy Court for the Northern District of Georgia (Doc. No. 117) (the "Suspension Order"). In the Suspension Order, Attorney Wadsworth was directed to complete 30 hours of continuing legal education ("CLE") in Chapter 11 bankruptcy law, upon completion of which he could seek to lift the suspension as to Chapter 11 cases; and to complete 20-25 hours of CLE in consumer bankruptcy law, upon completion of which he could seek to lift the suspension as to Chapter 7 and 13 cases. By order entered December 29, 2010, in Case No. 09-87487-MHM, the motion of Attorney Wadsworth to lift the suspension, apparently as to Chapter 7 and 13 cases only, was denied, because it was determined that the evidence of CLE submitted by attorney Wadsworth was inadequate (Doc. No. 123). No further request to lift the suspension was filed by attorney Wadsworth.

On December 6, 2011, attorney Wadsworth filed the instant Chapter 11 bankruptcy case.<sup>1</sup> On April 24, 2012, a show cause order was entered regarding attorney

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<sup>1</sup> The case was initially assigned to the Honorable Joyce Bihary, but has been reassigned to the undersigned.

Wadsworth's eligibility to serve as Debtor's attorney in light of the continuing suspension (Doc. No. 62). Hearing was held May 2, 2012, at which time attorney Wadsworth stated he thought he had "taken care" of the suspension. Following the hearing, attorney Wadsworth filed *Submission of Evidence of Substantial Compliance with Court Order* (Doc. No. 71) (the "Evidence Submission").<sup>2</sup> The Evidence Submission does not pray for any specific relief but states attorney Wadsworth "has avoided taking new matters involving the practice of Bankruptcy law" since entry of the Suspension Order. The Evidence Submission also presents a summary of CLE completed by attorney Wadsworth since entry of the Suspension Order (the "Summary")

The Summary, however, includes CLE that appears to have nothing to do with bankruptcy law, and the courses listed on the Summary do not correlate directly with the certificates of completion attached to the Evidence Submission. The CLE courses addressing evidence and legal research, although valuable, do not address the CLE requirements described in the Suspension Order.

An attendance certificate shows that attorney Wadsworth completed an online program,<sup>3</sup> "Fundamentals of Bankruptcy Law," but that certificate does not correlate clearly with anything listed on the Summary. A certificate of completion shows that

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<sup>2</sup> That pleading contained an incomplete case number in the caption and incorrectly still carried the suffix designating Judge Bihary as the judge assigned to the case.

<sup>3</sup> Virtually all the CLE submitted by attorney Wadsworth in an attempt to comply with the CLE requirements of the Suspension Order was represented by online courses. The undersigned recognizes the value and convenience of online CLE in fulfilling a state bar's CLE requirements, but in connection with obtaining the education intended by the Suspension Order to bring attorney Wadsworth up to a modicum of competency in bankruptcy law, the undersigned is unable, without more information about the specific courses, to evaluate the quality and quantity of material presented by such online courses.

attorney Wadsworth completed an online program, "Chapter 13 Plan Confirmation and Modification," presented by the Missouri Bar. The efficacy of a Missouri Chapter 13 CLE program to a Georgia consumer bankruptcy practice is questionable: The Northern District of Georgia is one of the nation's busiest consumer bankruptcy districts and has one of the nation's highest percentages of Chapter 13 filings, and this has been true since the promulgation and institution of the Bankruptcy Code in 1978. As a result, the Chapter 13 program in this district is highly refined and does not correlate well with the Chapter 13 programs in other less busy districts. Similarly, an online seminar about Current Case Developments and Chapter 11 Issues presented by the Missouri bar is of questionable usefulness to a Georgia bankruptcy practice. The 2010 online program provided by the Indiana CLE Forum likewise appears to be of questionable usefulness to a Georgia bankruptcy practice.

Attorney Wadsworth presents an attendance certificate for 19.5 hours of CLE in a program entitled "Commercial Real Estate Defaults, Workouts, and Reorganizations." Without a more complete description of the actual topics presented in that program, however, it is unclear how much of it was bankruptcy-specific, or even Chapter 11 specific. The 16.8 hours of CLE shown on the attendance certificate for "Chapter 11 Business Reorganizations" appears to be relevant and partially fulfills the requirement in the Suspension Order regarding CLE in Chapter 11 bankruptcy law. The 7.5 hours of CLE shown on the attendance certificates for "Fundamentals of Bankruptcy Law" appears to be relevant and partially fulfills the requirement in the Suspension Order regarding CLE in consumer bankruptcy law.

Based upon attorney Wadsworth's Evidence Submission, it appears that he has only partially complied with the requirements of the Suspension Order. That failure to comply with the suspension order, together with his flouting of the Suspension Order by filing this and other cases without obtaining reinstatement, supports a conclusion that lifting of the Suspension Order at this time is inappropriate. Accordingly, it is hereby

**ORDERED** that the October 1, 2010 suspension of Joel Wadsworth continues.

The Clerk is directed to serve a copy of this order upon Debtor's attorney and the U.S. Trustee.

IT IS SO ORDERED, this the 24<sup>th</sup> day of May, 2012.

  
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MARGARETH H. MURPHY  
UNITED STATES BANKRUPTCY JUDGE