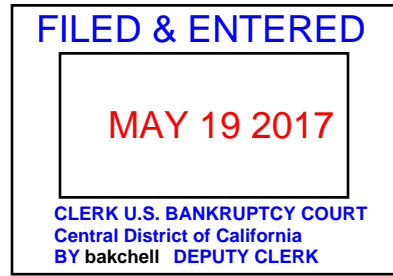


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NOT FOR PUBLICATION
UNITED STATES BANKRUPTCY COURT
CENTRAL DISTRICT OF CALIFORNIA
LOS ANGELES DIVISION

In re:
RITA GAIL FARRIS-ELLISON,
Debtor.

JAMES LEE CLARK, an individual,
Plaintiff,
vs.
RITA FARRIS-ELLISON, et al.
Defendants.

Case No. 2:11-bk-33861-RK
Chapter 7
Adv. No. 2:12-ap-01830-RK

**ORDER GRANTING MOTION OF
JUSTIN D. GRAHAM AND CULVER
LAW GROUP TO WITHDRAW AS
COUNSEL OF RECORD FOR PLAINTIFF
IN THIS ADVERSARY PROCEEDING**

Pending before the court is the motion of Justin D. Graham and Culver Law Group to Withdraw as Plaintiff's Counsel of Record ("Motion"), Electronic Filing Numbers ("ECF") 273, filed on December 29, 2016. The Motion came on for hearing before the undersigned United States Bankruptcy Judge on February 14, 2017 and April 26, 2017. Justin D. Graham, of Culver Law Group, appeared on behalf of himself and Culver Law Group ("Movants") and Plaintiff James L. Clark ("Plaintiff") appeared for himself. The court took the Motion under submission after the hearing on April 26, 2017, stating at the

1 hearing on April 26, 2017 that it wanted to think about the matter and issue a ruling on
2 the matter without setting any further hearing.

3 By the Motion, Movants seek to permissibly withdraw as Plaintiff's attorney of
4 record based on California Rule of Professional Conduct 3-700(C)(1)(d) and (f). Plaintiff
5 filed written oppositions to the Motion. ECF 280, 298, 299 and 300.

6 Having considered the moving and opposing papers and the arguments of the
7 parties, the court grants the Motion.

8 Rule 3-700(C)(1)(d) of the California Rules of Professional Conduct provides that a
9 California attorney, such as Movant Graham, may permissively withdraw if the client "by
10 other conduct renders it unreasonably difficult for the [attorney] to carry out the
11 employment effectively." See also, Vapnek, Tuft, Peck and Weiner, *California Practice*
12 *Guide: Professional Responsibility*, ¶¶ 10:45 – 10:46(online ed. August 2016 update),
13 citing, *Estate of Falco v. Decker*, 188 Cal.App.3d 1004, 1014 (1987). The court
14 determines that the evidence before it establishes that Plaintiff has made it unreasonably
15 difficult for Movants to carry out the employment effectively as indicated by various
16 hostile and disparaging statements of Plaintiff about Movants, including specifically
17 stating in open court on February 14, 2017, that Movant Graham was a liar, and in his
18 written opposition to the Motion filed on March 7, 2017 that he "is untruthful and is a liar,"
19 that he "flout[s] the statutes on attorney conduct", that "[h]is conduct is unbecoming and
20 heinous of an attorney," and that he "mishandl[ed] the file." *Digital Recording of Hearing*
21 *on February 14, 2017 at 2:42-2:43 p.m.* ; *Opposition*, ECF 298, filed on March 7, 2017, at
22 6-8. Movants also stated that Plaintiff filed papers in this adversary proceeding, namely,
23 a dispositive motion for summary judgment, during the representation without consulting
24 them, which they argue undermines their ability to effectively represent Plaintiff in this
25 adversary proceeding in that the positions asserted therein are not recommended by
26 them. These facts indicate that the attorney-client relationship between Movants and
27 Plaintiff is strained, to say the least, and it appears that Movants have adequately
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1 showed that it is unreasonably difficult for them to effectively represent Plaintiff in this
2 adversary proceeding if Plaintiff has and continues to make hostile and disparaging
3 remarks about them and their representation.

4 Movants also argue that they should be allowed to permissively withdraw on
5 grounds that Plaintiff "breached an agreement or obligation to the [attorney] as to
6 expenses or fees" pursuant to California Rule of Professional Conduct 3-700(C)(1)(f), but
7 the court does not rely on this ground for insufficient evidence because Movants did not
8 provide the court with any written fee agreements or billing statements with time entries
9 to demonstrate the time spent by Movants on the case have not been properly
10 compensated pursuant to any such agreements.

11 Accordingly, the court grants Movants to withdraw as Plaintiff's counsel of record
12 in this adversary proceeding, and Movants are excused from further representation of
13 Plaintiff in this matter.

14 IT IS SO ORDERED.

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23 Date: May 19, 2017



24 Robert Kwan
25 United States Bankruptcy Judge
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