

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MARYLAND**

In re:

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Calvin C. Jones and
Cynthia M. Jones,

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Case No. 04-34214-JS

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Debtors

Chapter 7

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Deutsche Financial Services,

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Movant,

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v.

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Calvin C. Jones and
Cynthia M. Jones,

*

*

Respondents

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ORDER ADJUDGING ROBERT L. KLINE, III, TO BE IN CONTEMPT

On April 21, 2006, this Court issued the following show cause order [P. 106] to Robert L. Kline, III, Esquire:

ORDER TO SHOW CAUSE

Shawn W. Carter, Esquire, counsel to the debtors, filed a motion to vacate consent order [P. 79], based upon his allegation that counsel for the movant, Robert L. Kline, III, Esquire, submitted to this Court an order containing terms to which the debtor had not consented. The order [P. 69] was signed by the Court and entered upon the docket on August 17, 2005. The order indicated by “/s/” that it had been signed and approved by Mr. Carter as counsel for the debtors. Mr. Carter appeared in Court and stated on the record that he did not sign the purported consent order. He produced a different order bearing his signature that was substantially different from the order submitted by Mr. Kline. Although duly notified to attend the hearing, Mr. Kline failed to appear.

Local Bankruptcy Rule 9011-2(b), provides as follows:

The transmission of a petition, pleading, motion or other paper by electronic means shall constitute both a signature by the attorney or other person responsible for transmitting it that is required by Federal bankruptcy Rule 9011(a), and a certification within the meaning of Federal Bankruptcy Rule 9011(b). Such transmission shall also constitute a representation by the attorney or other person responsible for an electronic transmission to the Court that he or she is in possession of the original petition, pleading, motion or other paper, with all original signatures thereon other than those papers signed solely by the filing user and co-counsel.

WHEREFORE, the said Robert L. Kline, III, Esquire shall show cause at a hearing scheduled before this Court on Friday, May 5, 2006, at 9:30 a.m. in Courtroom 9D, as to why he should not be sanctioned for his alleged violation of Local Bankruptcy Rule 9011-2(b) and Federal Rule of Bankruptcy Procedure 9011, by his submission to this Court of a fraudulent order.

Order of April 21, 2006.

Mr. Kline failed to appear at the hearing on May 5, 2006. He was contacted by the Court and acknowledged that he has received a copy of the show cause order and a notice of the hearing. Despite his inability to present a reason to justify his absence, this Court allowed Mr. Kline to participate in the hearing by telephone.

The intentional submission to the Court of a false consent order by counsel is a serious ethical lapse, compounded by counsel's unexplained failure to take action to rescind the order when notified by counsel to the debtors, whose purported agreement to the terms of the order was never given, that the order was incorrect. Debtors' counsel was forced to file a motion to vacate the fraudulent order, to which Mr. Kline filed no response and failed to appear at the hearing thereon. During the hearing on the show cause order, at which Mr. Kline also failed to appear, he advised this Court by telephone that the debtors were not prejudiced by the order granting relief from stay, because his client took no action to enforce its rights to the collateral, namely a boat. Mr. Carter, counsel to the debtors, objected and stated that in fact, the boat had been repossessed by Mr. Kline's client. Mr. Kline expressed surprise at this statement.

WHEREFORE, having failed to satisfactorily show cause for his failure to appear, his submission of a fraudulent order purporting to be a consent order (which this Court executed and docketed), and his failure to take action to vacate said order when he was requested to do so by counsel for the debtors, the said Robert L. Kline, III, Esquire, is hereby held in contempt of court and sanctioned by the imposition of a fine in the

amount of One Thousand Dollars (\$1,000.00), payable within ten (10) days by certified or cashier's check to the Clerk of the United States Bankruptcy Court for the District of Maryland. (The Court is advised that the fine has been paid.)

cc: Robert L. Kline, III, Esquire
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Counsel to Deutsche Financial Services

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Counsel to the Debtors

Calvin and Cynthia M. Jones
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Debtors

Office of the U.S. Trustee
United States Courthouse, Suite 2526
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Baltimore, Maryland 21201

END OF ORDER