

**United States Bankruptcy Court
For the District of Massachusetts
Western Division**

In re
Thomas R. Hale

Debtor

Case No. **08-44016**
Chapter **13**

NOTICE OF LIMITED APPEARANCE

PLEASE TAKE NOTICE that the undersigned enters his appearance for the debtor, limited solely for requesting a short rescheduling of the three April 23, 2009 hearings for TD Bank's objection to confirmation, motion for relief from stay, and motion to extend its deadline for objecting to debtor's exemptions. In support thereof, the undersigned states:

1. The hearing Notices were issued by the Court on April 3rd and served by TD Bank on April 6th. The debtor called his counsel upon receipt of the Notices and suddenly was told that counsel could not continue with the representation because counsel was too sick.
2. The debtor then consulted with the undersigned on April 15th and learned of the April 7th order requiring current counsel to cease all bankruptcy representation after May 7th.
3. The undersigned extensively consulted with the debtor during the April 15th conference about the background and status of the debtor's business proprietorship

Chapter 13 case filed on December 10, 2008, the future expectations of the business, and his alternatives.

4. The undersigned is out of state for the week of April 20th to visit his 95 year old father and is unable to attend the April 23rd hearing.
5. Moreover, the debtor requires time to consider consulting with other attorneys, decide on his future course of action with the bankruptcy case, and/or retain the undersigned and comply with the retainer requirements.
6. Counsel for TD Bank has declined the undersigned's invitation to move for a brief rescheduling of the hearings in light of these circumstances, most notably being debtor's current counsel's circumstances.
7. Limited appearances are an acceptable practice:

MLBR 9010-3(d) is an implementation of RPC Rule 1.2(c) which, as presently in force in Massachusetts, provides that "[a] lawyer may limit the objectives of the representation if the client consents after consultation." The comment to that provision as relevant here provides:

[5] An agreement concerning the scope of representation must accord with the Rules of Professional Conduct and other law. Thus, the client may not be asked to agree to representation so limited in scope as to violate Rule 1.1...

Rule 1.1 directs the lawyer to "provide competent representation to a client." It continues "[c]ompetent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation."

Danvers Sav. Bank v. Cuddy (In re Cuddy), 322 B.R. 12, 15 (Bankr. D. Mass. 2004) (Hillman, J.).

Debtor, by counsel

/s/ L. Jed Berliner, Esquire

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Certificate of Service

The undersigned certifies that this document was filed with the Court in a manner appropriate for automated service of true electronic images to all ECF Registrants in this Case or Proceeding, including the Case Trustee and the U.S. Trustee, and counsel for TD Bank, at their registered addresses.

Date: April 17, 2009

/s/ Jed Berliner

L. Jed Berliner

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