

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re: :
 :
 SHMUEL KLEIN, : M-368
 :
 A Suspended Attorney. :
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ORDER DIRECTING NOTICE TO CLIENTS

WHEREAS, Shmuel Klein was suspended from the practice of law in the State of New York on July 30, 1997, and has never been reinstated; and

WHEREAS, by order dated November 7, 2008, United States Court of Appeals for the Second Circuit suspended Klein from the practice of law in the Court of Appeals in light of his failure to obtain reinstatement to the practice of law in the State of New York; and

WHEREAS, by order dated January 20, 2009, the United States District Court for the Southern District of New York suspended Klein from practice in the District Court until such time as he is reinstated to practice in the United States Court of Appeals for the Second Circuit; and

WHEREAS, pursuant to Rule 2090-1(a) of the local rules of the United States Bankruptcy Court for the Southern District of New York, an attorney who may practice in the District Court pursuant to Civil Rule 1.3(a) and (b) of the Local District Rules may practice in Bankruptcy Court, and conversely, an attorney whose right to practice has been suspended by the District Court is also suspended from practicing in this Court;

WHEREAS, Klein is currently the attorney of record, *inter alia*, to debtors in over 70 cases pending in the Bankruptcy Court, and the failure by Klein to notify his clients of his suspension and the need to retain substitute counsel may interfere with the Bankruptcy Court's administration of these cases and prejudice the debtors and the creditors of their estates; and

WHEREAS, the state court rules governing the conduct of attorneys requires a suspended attorney, *inter alia*, to provide notice of his suspension to his clients and advise of the prompt substitution of another attorney or attorneys in his place (e.g., 22 NYCRR § 691.10(d));

NOW, THEREFORE, by resolution of the Board of Judges of the United States Bankruptcy Court for the Southern District of New York, and pursuant to 11 U.S.C. § 105(a), it is hereby

ORDERED, that in addition to any other obligations imposed upon Klein by any court order, statute, rule or regulation relating to his suspension, Klein shall promptly give

the notice required by 22 NYCRR § 691.10(d)(1) and (3), and in the manner set forth therein, to any client for whom he has appeared in a case or adversary proceeding currently pending in the Bankruptcy Court, to any chapter 7 or chapter 13 trustee in that case, and to the United States Trustee, and shall promptly file a copy of each such notice on the electronic docket of the case or adversary proceeding to which it pertains.

Dated: New York, New York
January 27, 2009

/s/ *Stuart M. Bernstein*
STUART M. BERNSTEIN
Chief United States Bankruptcy judge

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

In re:

Shmuel Klein,

M-368

A Suspended Attorney,

-----X

CERTIFICATE OF SERVICE

I, Deirdra Cantrell, hereby certify that I am an employee of the United States Bankruptcy Court, Southern District of New York and a disinterested party to this matter.

I further certify that on **January 27, 2009**, a true and correct copy of the Order Directing Notice to Clients was served upon

Shmuel Klein
268 Route 59 West
Spring Valley, NY 10977

at the above-listed address designated for that purpose by enclosing a true copy of same in a first-class post-paid properly addressed envelope and depositing same into an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

Dated: January 27, 2009
New York, New York

/s/ Deirdra Cantrell
Deputy Clerk