

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

MOUNTAIN HOME LAND COMPANY, LLC

PLAINTIFF

v.

Civil No. 08-3037

CLIFFORD MICHAEL HIGGINS and
AMY HIGGINS

DEFENDANTS

O R D E R

Now on this 31st day of October, 2008, comes on for consideration the **Motion To Withdraw** (document #21) filed herein by attorney Lucien Gillham, in which he asks that "Harrill & Sutter, PLLC, be allowed to withdraw as counsel in this matter, and that Tim Dudley be substituted as counsel.

There are several problems with this motion. First, "Harrill & Sutter, PLLC" does not represent any party to this case, and in fact could not represent any party. Attorneys represent clients, law firms do not.

Second, Tim Dudley has not entered an appearance or shown any interest in becoming involved in this case. The Court will not draw him into the matter merely at the request of Mr. Gillham, who signed the Motion To Withdraw, although Mr. Dudley may certainly enter his appearance if he chooses.

Third, the Court is not persuaded that the reason given justifies withdrawal of counsel. It is urged that "it may be necessary for members of the undersigned law firm to testify at

the hearing" and that "[a] lawyer may not act as an advocate and a witness in the same proceeding." The flaw in this argument is that plaintiff's claims in this case have been dismissed. Mr. Sutter will not be acting as an advocate -- he is called before the Court to answer for his own conduct.

IT IS THEREFORE ORDERED that the **Motion To Withdraw** (document #21) is **denied**.

IT IS SO ORDERED.

 /s/ Jimm Larry Hendren
JIMM LARRY HENDREN
UNITED STATES DISTRICT JUDGE