

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

GARRETT BISHOP,)
)
)
Plaintiff,)
)
)
v.)
)
AMERISAFE SERVICES, INC., and)
CHRISTOPHER COLEMAN,)
)
)
Defendants.)

Case No. 17-cv-1191-JTM-TJJ

ORDER

This matter is before the Court on Plaintiff's Motion to Strike Answer of Defendant Amerisafe Services, Inc. (ECF No. 6). Plaintiff moves the Court to strike Defendants' Answer insofar as it is filed on behalf of Defendant Amerisafe Services Inc. ("Amerisafe"). He argues that a corporation may only be represented in court by an attorney at law, and because co-defendant Christopher Coleman is not an attorney, he cannot answer on behalf of the corporate defendant. No party has filed any opposition to the motion.

On August 22, 2017, Defendant Coleman, proceeding *pro se*, filed his Answer (ECF No. 5) in response to Plaintiff's Complaint purportedly on behalf of himself and on behalf of corporate Defendant Amerisafe. In the Complaint, Plaintiff alleges that Defendant Coleman is the Chief Operating Officer of Defendant Amerisafe.

Appearances by parties in federal courts are governed by 28 U.S.C.A. § 1654, which provides that "the parties may plead and conduct their own cases *personally* or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein."¹

¹28 U.S.C. § 1654 (emphasis added).

Under District of Kansas Local Rule 83.5.1(c), only attorneys admitted to practice before this court or duly admitted pro hac vice may appear or practice in this court. It further provides: “Nothing in these rules prohibits any *individual* from appearing personally on his or her *own behalf*.²

With respect to corporate parties, the Supreme Court, in *Rowland v. California Men's Colony*,³ has noted that “save in a few aberrant cases, the lower courts have uniformly held that 28 U.S.C. § 1654, providing that ‘parties may plead and conduct their own cases personally or by counsel,’ does not allow corporations, partnerships, or associations to appear in federal court otherwise than through a licensed attorney.” The Court thus reaffirmed that “a corporation may appear in the federal courts only through licensed counsel.”⁴ Furthermore, any person who is not a licensed attorney and attempts to represent another person or entity in court is engaging in the unauthorized practice of law.⁵ Thus, the law is clear that corporate Defendant Amerisafe must be represented by licensed counsel to appear before this Court.

Because Defendant Coleman is not an attorney licensed to practice before this Court, he cannot represent corporate Defendant Amerisafe by filing an answer on its behalf in this case. Defendant Amerisafe may appear in the federal courts only through licensed counsel, who has entered an appearance on its behalf.

IT IS THEREFORE ORDERED BY THE COURT that Plaintiff’s Motion to Strike

²D. Kan. Rule 83.5.1(c) (emphasis added).

³*Rowland v. California Men's Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 202 (1993).

⁴*Id.*

⁵*See State ex rel. Stephan v. Williams*, 246 Kan. 681, 691–92, 793 P.2d 234, 241–42 (1990).

Answer of Defendant Amerisafe Services, Inc. (ECF No. 6) is granted. The record shall reflect that the Answer (ECF No. 5) filed by Defendant Coleman *pro se* is stricken, but only to the extent it is filed *on behalf of* Defendant Amerisafe.

IT IS FURTHER ORDERED that Defendant Amerisafe is hereby granted an extension of time, up to and including **September 29, 2017**, to file its answer or otherwise respond to Plaintiff's Complaint. Any such answer or responsive pleading must be filed by an attorney who is licensed to practice before this Court and who has entered an appearance on behalf of Defendant Amerisafe in this case. Failure to answer may result in entry of default judgment against Defendant Amerisafe.

A copy of this Order shall be mailed to Defendant Amerisafe at the address listed in the Complaint.

IT IS SO ORDERED.

Dated in Kansas City, Kansas on this 8th day of September, 2017.



Teresa J. James
U. S. Magistrate Judge