

United States Bankruptcy Court
District of New Jersey
Mitchell H. Cohen U.S. Courthouse
P.O. Box 2067
Camden, New Jersey 08101

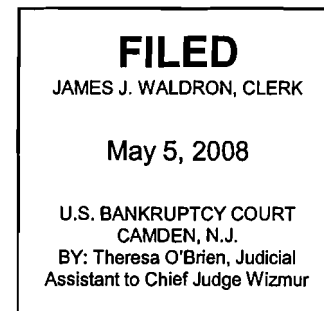
JUDITH H. WIZMUR
Chief, U.S. Bankruptcy Judge

(856) 757-5126

May 5, 2008

Karen S. Allen
Recovery and Escheatment Manager
Citibank
3800 Citigroup Center, Loc G3-13
Tampa, Florida 33610

Re: Marilyn Caraballo
Case No. 02-37664
LETTER OPINION



Dear Ms. Allen:

I am in receipt of your motion papers returnable March 17, 2008, seeking to withdraw moneys from the bankruptcy court registry on behalf of Citibank. For the reasons expressed below, I must deny your request.

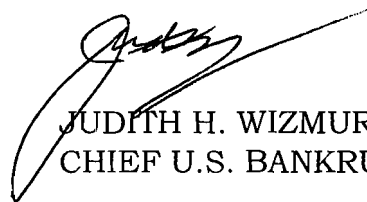
You have submitted the motion to withdraw funds from the court registry without an attorney of record. A corporation may not practice law in the state of New Jersey. Under New Jersey law, a corporation is prohibited from practicing law and is not permitted to appear before a court to pursue its own motion. See Elizabeth Teachers Union, AFT Local 733 v. Elizabeth Bd. of Educ., Civ. A. No. 90-3343, 1990 WL 174654, *5 (D.N.J. Nov. 8, 1990) (“Corporations may not practice law in New Jersey.”). A corporation can only appear before the court on a motion where it is represented by appropriately licensed legal counsel. Id. The Advisory Committee notes confirm that Rule 9010 does not “change prior holdings prohibiting a corporation from appearing pro se.” Adv. Comm. Note (1983). See In re Dunklin, No. 04-41631, 2006 WL

2806234 (Bankr. D.N.J. Sept. 27, 2006) (Rule 9010 draws a distinction between administrative and legal functions).

In Dunklin, Judge Steckroth concluded that the filing of a proof of claim for a creditor was an administrative function that did not constitute the unauthorized practice of law. 2006 WL 2806234 at *5. Here, we have a formal motion before the court, in reliance upon a federal statute, seeking to withdraw moneys from the court registry. This action involves more than the mere administrative filing of a claim; it constitutes the practice of law. See Unalachtigo Band of Nanticoke-Lenni Lenape Nation v. New Jersey, No. 05-5710, 2007 WL 4547501, *3-4 (D.N.J. Dec. 17, 2007) (filing motion papers constitutes the practice of law). As a result, a corporation cannot proceed on its own motion without appropriate licensed legal counsel.

For this reason, an order denying your motion to withdraw funds from the court registry will be entered without prejudice to a renewal of the motion by a New Jersey attorney.

Very truly yours,

A handwritten signature in black ink, appearing to read "Judith H. Wizmur", written over a horizontal line.

JUDITH H. WIZMUR
CHIEF U.S. BANKRUPTCY JUDGE