

NOT FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MAINE

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In re: :
CATHERINE DUFFY PETIT : BK No. 93-20821
Debtor : Chapter 7

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ORDER APPOINTING COUNSEL TO INVESTIGATE ATTORNEY MISCONDUCT

This action by the Court is precipitated as the result of a confrontation initiated by Joseph S.U. Bodoff, Esq., against the former Trustee, Peter Fessenden, Esq. Without a doubt, that encounter, which took place on December 6, 1995, after a hearing before the First Circuit Court of Appeals, caused Fessenden's immediate resignation as Trustee, and caused severe, intentional damage to the case. See Doc. #762 Memorandum and Order Setting Compensation, March 12, 2003, at 3-5. Because no professional in this case has shown any interest in or willingness to inquire into whether there have been bankruptcy crimes, professional responsibility violations, or other transgressions¹ where redress

¹ The Maine U.S. Attorney determined, without ever interviewing Bodoff, Fessenden, or Mrs. Fessenden, who witnessed the incident, that no bankruptcy crime was committed. See 18 U.S.C. §§ 151 et seq.

would be appropriate, this Court is pressing the matter *sua sponte*, as follows:

1. Christopher Lefebvre, Esq., is appointed as special counsel to represent: (1) the estate; (2) the interest of the Court specifically; (3) the integrity of the bankruptcy system generally; and (4) to investigate the Bodoff/Fessenden incident, relative to whether the Maine Code of Professional Responsibility Rules 2.3(f)(1-4); and Rule 3.4, or any other rules, statutes or standards were violated, whether said conduct is sanctionable, to inquire into Attorney Bodoff's suitability to practice before this Court, and to investigate any other aspect of this matter not time barred which he deems appropriate.

2. Lefebvre shall have until August 30, 2003, or any reasonable extension thereof, to file a report of his investigation and recommendations.

Dated at Providence, Rhode Island, this 5th day of
May, 2003.



Arthur N. Votolato
U.S. Bankruptcy Judge*

BK No. 93-20821

*Of the District of Rhode Island, sitting by designation.