

748 F.2d 602, *, 1984 U.S. App. LEXIS 15990, **;
1984-2 Trade Cas. (CCH) P66,311; 40 Fed. R. Serv. 2d (Callaghan) 954

legal counsel. *Southwest Express Co., Inc. v. Interstate Commerce Commission*, 670 F.2d 53, 55 (5th Cir.1982); *K.M.A., Inc. v. General Motors Acceptance Corporation*, 652 F.2d 398, 399 (5th Cir.1981).

This rule ensures that a licensed attorney, an officer of the court, is responsible for conducting the corporation's litigation. It protects the court and the public from unscrupulous and irresponsible behavior. In this case, for example, Patterson continually made unwarranted personal attacks on the court and opposing counsel, repeatedly misled the court as to the state of the record, and raised frivolous motions and objections. An attorney would have been deterred from engaging in such behavior because of his obligations to the court and his fear of the sanctions **[**22]** that might otherwise be imposed by the court and the bar.

Patterson sought to circumvent the rule which prevents a nonlawyer from representing a corporation by dissolving SAFFCO. To this end, Patterson dissolved SAFFCO in accordance with Georgia law and moved to substitute himself, doing **[*610]** business as Screen Advertising Film Fund Company, as party plaintiff. As a sole proprietor, he could proceed *pro se* under section 1654.

The trial court denied Patterson's motion. In its dispositive order, the court observed that

this is a complicated antitrust case; that the appropriate handling of this case demands skilled attorneys, who are officers of this Court; that attempts by Mr. Patterson to act *pro se* have been and will be disruptive of the orderly processing of this litigation (observe the *ad hominem* approach adopted in the motion to substitute order and the motion for sanctions).

In a courtroom setting should Mr. Patterson be on the witness stand and at the same time attempting to act as his own attorney, the task of the trial judge in preventing the trial from degenerating would be a difficult one.

Patterson takes issue with the court's **[**23]** ruling.

[HN9] Georgia law provides that a cause of action on behalf of a corporation, which is the subject of litigation pending on the date of dissolution, may continue to be prosecuted by the corporation in its corporate name. Ga.Code Ann. 14-2-293 (1982). A dissolved corporation may maintain a federal suit when it has been given that power by state law. *Bauer v. Uniroyal Tire Co.*, 630 F.2d 1287, 1290 n. 2 (8th Cir.1980); *Froning's, Inc. v. Johnston Feed Service, Inc.*, 568 F.2d 108, 110 (8th Cir.1978). When Patterson moved to substitute himself for his dissolved corporation, the question became whether the court could insist that SAFFCO continue to prosecute the case.

Fed.R.Civ.P. 25(c) speaks to this question; it governs the substitution of parties during pending litigation due to a transfer of interest through corporate dissolution. *Froning's, Inc. v. Johnston Feed Service, Inc.*, 568 F.2d at 110; *Panther Pumps & Equipment Co. v. Hydrocraft, Inc.*, 566 F.2d 8, 23 (7th Cir.1977), *cert. denied*, 435 U.S. 1013, 98 S. Ct. 1887, 56 L. Ed. 2d 395 (1978). **[**24]** The rule states, in pertinent part,

[HN10] **(c) Transfer of Interest.** In case of any transfer of interest, the action may be continued by or against the original party, unless the court upon motion directs the person to whom the interest is transferred to be substituted in the action or joined with the original party.

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