


ORDERED.

Dated: February 25, 2019



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 Karen S. Jennemann  
 United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT  
 MIDDLE DISTRICT OF FLORIDA  
 ORLANDO DIVISION  
[www.flmb.uscourts.gov](http://www.flmb.uscourts.gov)

In re	)	
	)	
JULIE B. ZALLOUM,	)	Case No. 6:17-bk-02329-KSJ
	)	Chapter 13
Debtor.	)	
_____	)	
	)	
JULIE B. ZALLOUM,	)	
	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Adversary No. 6:17-ap-00068-KSJ
	)	
RIVER OAKS COMMUNITY SERVICES	)	
ASSOCIATION, INC. et al.,	)	
	)	
Defendants.	)	
_____	)	

**ORDER DENYING MOTION TO DISQUALIFY**

This adversary proceeding came before the Court to consider the Debtor’s Motion for Disqualification of Attorney Helena Malchow and related response.<sup>1</sup>

<sup>1</sup> Doc. Nos. 156, 164.

Debtor seeks to disqualify Helena Malchow from representing River Oaks Community Services Association, Inc. (“ROCSA”) and related parties in this proceeding. Debtor argues that Ms. Malchow may not serve as a witness where she is representing other parties and may also be a witness. One of the Defendants, Wean & Malchow, P.A., is Ms. Malchow’s law firm, who is both a defendant and counsel for ROCSA. Debtor argues a conflict of interest exists.

“[T]he Florida Rules of Professional Conduct provide the standard for determining whether counsel should be disqualified in a given case.”<sup>2</sup> However, “[t]he fact that counsel will be a material witness does not preclude him from participating in proceedings before and after trial.”<sup>3</sup> Counsel is not disqualified from representing her clients before and after trial. No current conflict of interest exists.

Nor will any possible future conflict of interest exist because the Court simultaneously has issued a Memorandum Opinion that decides all pending issues between the Debtor and the ROCSA related Defendants, including Ms. Malchow’s law firm. Although appeals are possible, no trial is anticipated. Ms. Malchow will never testify and there is no basis for disqualification of her during this likely appellate phase of the parties’ dispute.

Accordingly, it is

**ORDERED** the Motion to Disqualify (Doc. No. 156) is **DENIED**.

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The Clerk is directed to serve a copy of this order on all interested parties.

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<sup>2</sup> *Young v. Achenbauch*, 136 So. 3d 575, 580 (Fla. 2014).

<sup>3</sup> *KMS Rest. Corp. v. Searcy, Denney, Scarola, Barnhart & Shipley P.A.*, 107 So. 3d 552 (Fla. Dist. Ct. App. 2013).