

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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UNITED STATES OF AMERICA,

Plaintiff,

ORDER

v.

07-CR-109-C-01

MARK A. STEFFEN,

Defendant.

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This is the case that can't keep its attorneys. First Attorney Bierma moved to withdraw from representing defendant Teresa Fonseca because Bierma also represented a potential witness in this case; now attorney Richard Coad has moved to withdraw from representing defendant Mark A. Steffen because Bierma will be joining Coad at the federal's defender's office in October.

I am not convinced that this situation presents any actual conflict, and any concerns over a perceived conflict could be allayed by building the proverbial intra-office wall. This is particularly true in light of Attorney Coad's report at the August 21, 2007, telephonic pretrial motion hearing that Steffen anticipated resolving his case short of trial. Not only is it unnecessary, it is highly inefficient for all concerned to replace Attorney Coad prior to an imminent change of plea. Therefore, I am denying the motion to withdraw, at least for now.

In the event that Steffen changes his mind and decides that he would like to go to trial on November 26, and in the event that either side expresses a genuine intent (and has the ability) to call as a witness either Fonseca or the informant whom Attorney Bierma represented, then Attorney Coad may renew his motion to withdraw. Similarly, in the event that Steffen

pleads guilty, if either side expresses a genuine intent to call as a witness at the sentencing hearing either Fonseca or the informant, then Attorney Coad may move to be replaced for sentencing. For now, however, there are no good reasons to replace Attorney Coad and several good reasons to keep him on board.

It is ORDERED that Attorney Richard Coad's motion for leave to withdraw is DENIED WITHOUT PREJUDICE.

Entered this 14<sup>th</sup> day of September, 2007.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge