

ORDER OF THE SUPREME COURT OF TEXAS

Misc Docket No. 94-9206

Appointment of a District Judge to Preside
in a State Bar Disciplinary Action

The Supreme Court of Texas hereby appoints the Honorable Ogden Bass, Judge of the 300th District Court of Brazoria County, Texas, to preside in the Disciplinary Action styled:

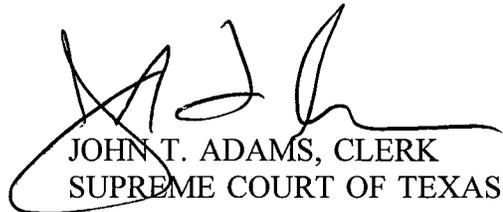
The Commission for Lawyer Discipline v. Robert Meisel

to be filed in a District Court of Travis County, Texas.

The Clerk of the Supreme Court shall promptly forward to the District Clerk of Travis County, Texas, a copy of this Order and of the Disciplinary Petition for filing and service pursuant to Rule 3.03, Texas Rules of Disciplinary Procedure.

As ordered by the Supreme Court of Texas, in chambers,

with the Seal thereof affixed at the City
of Austin, this 19th day of December, 1994.


JOHN T. ADAMS, CLERK
SUPREME COURT OF TEXAS

This assignment, made by Misc. Docket No. 94-9206, is also an assignment by the Chief Justice of the Supreme Court pursuant to Texas Government Code, §74.057.

Signed this 19 day of December, 1994.


Thomas R. Phillips
Chief Justice

TO CLERK: FILE MARK
THIS COPY AND RETURN

NO. _____

COMMISSION FOR LAWYER DISCIPLINE § IN THE DISTRICT COURT OF
V. § TRAVIS COUNTY, TEXAS
ROBERT MEISEL § _____ JUDICIAL DISTRICT

DISCIPLINARY PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Petitioner, the Commission for Lawyer Discipline, a committee of the State Bar of Texas (hereinafter called "Petitioner"), complaining of Respondent, Robert Meisel, (hereinafter called "Respondent"), showing the Court:

I.

Petitioner brings this disciplinary action pursuant to the State Bar Act, Tex. Gov't. Code Ann. §81.001, et seq. (Vernon 1988), the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure. The complaint which forms the basis of the Disciplinary Petition was filed on or after May 1, 1992.

II.

Respondent is an attorney licensed to practice law in Texas and a member of the State Bar of Texas. Respondent is a resident of and has his principal place of practice in Travis County, Texas. An officer may serve citation on Respondent at his business address located at 608 West 12th Street, Suite C, Austin, Travis County, Texas 78701.

COPY

FIRST CAUSE OF ACTION

III.

On or about January 22, 1992, Charlotte S. Jeffrey (hereinafter called "Jeffrey") hired Respondent to sue a dry cleaner that had purportedly lost some of her clothing. At the time Jeffrey hired Respondent, she paid him a \$200.00 retainer fee.

IV.

Respondent thereafter failed to take any action to prosecute Jeffrey's case against the dry cleaner. In and around April, 1993, Jeffrey contacted Respondent to remind him that the statute of limitations would expire on her claim in and around May, 1993. Jeffrey was assured by Respondent he would immediately file a lawsuit on her behalf. Jeffrey contacted Respondent again in and around June, 1993, to learn the status of the case. At that time, she was informed by Respondent's assistant that Respondent had never filed a lawsuit on her behalf since he had determined her case was not worth pursuing. Jeffrey was also informed she would be refunded the remaining balance of her retainer fee after Respondent deducted postage and copying expenses. Jeffrey did not receive any type of refund from Respondent until after she had filed a complaint against him with the State Bar of Texas.

V.

During the period of his representation from in and around January, 1992, until in and around June, 1993, Respondent frequently failed to respond to Jeffrey's requests for information regarding the status of her case. At no time prior to the expiration of the statute of limitations did Respondent inform Jeffrey that he did not intend to prosecute her case.

VI.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs III., IV. and V. hereinabove which occurred on or after January 1, 1990, constitute which violates Rules 1.01(b)(1), 1.01(b)(2), 1.03(a), 1.03(b) and/or 8.04(a)(3) of the Texas Disciplinary Rules of Professional Conduct.

VII.

The complaint which forms the basis of the First Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Charlotte S. Jeffrey filing a complaint on or about August 4, 1993.

SECOND CAUSE OF ACTION

VIII.

In and around November, 1992, Respondent contacted Melvin G. Barnett (hereinafter called "Barnett") and notified him that he was a beneficiary of the Estate of D. J. Brookreson, III., who had recently died. Respondent informed Barnett he would soon be filing Brookreson's will for probate, and would send Barnett his share of the inheritance within two or three months.

IX.

Respondent thereafter failed to file Brookreson's will for probate until in and around December, 1993. In addition, he failed to respond to Barnett's requests for information regarding the status of his inheritance. Respondent finally sent Barnett his share of the inheritance in and around December, 1993, more than one year from the date he had originally contacted Barnett regarding the matter.

X.

Such acts and/or omissions on the part of Respondent as are described in Paragraphs VIII. and IX. hereinabove which occurred on or after January 1, 1990, constitute which violates Rules 1.01(b)(1), 1.01(b)(2), and/or 1.03(a) of the Texas Disciplinary Rules of Professional Conduct.

XI.

The complaint which forms the basis of the Second Cause of Action hereinabove set forth was brought to the attention of the Office of General Counsel of the State Bar of Texas by Melvin G. Barnett filing a complaint on or about August 19, 1993.

XII.

By letter dated August 26, 1993, and received by Respondent on or about August 31, 1993, the Grievance Committee for State Bar District 9A urged Respondent to provide information in response to a complaint presented against him by Charlotte S. Jeffrey, which complaint was brought to the attention of the Office of the General Counsel of the State Bar of Texas by the filing of a complaint with the State Bar of Texas on or about August 4, 1993. Respondent thereafter knowingly failed to respond to a lawful demand for information from a disciplinary authority, to wit, the Grievance Committee for State Bar District 9A, thereby engaging in professional misconduct in violation of Rule 8.01(b) of the Texas Disciplinary Rules of Professional Conduct.

XIII.

By letter dated August 24, 1993, and received by Respondent on or about August 26, 1993, the Grievance Committee for State Bar District 9A urged Respondent to provide information in response to a complaint presented against him by Melvin G. Barnett, which complaint was brought to the attention of the Office of the General Counsel of the State Bar of Texas by the filing of a complaint with the State Bar of Texas on or about August 19, 1993. Respondent thereafter knowingly failed to timely respond to a lawful demand for information from a disciplinary authority, to wit, the Grievance Committee for State Bar District 9A, thereby engaging in professional misconduct in violation of Rule 8.01(b) of the Texas Disciplinary Rules of Professional Conduct.

PRAYER

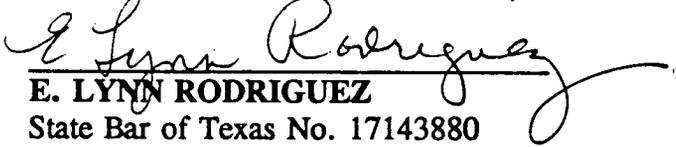
WHEREFORE, PREMISES CONSIDERED, Petitioner prays for judgment that Respondent be disciplined as the facts shall warrant; and that Petitioner have such other relief to which entitled, including costs of Court and attorney's fees.

Respectfully submitted,

James M. McCormack
General Counsel

E. Lynn Rodriguez
Assistant General Counsel

Office of the General Counsel
State Bar of Texas
P.O. Box 12487
Austin, Texas 78711
Telephone: (512) 463-1463
Telecopier: (512) 477-4607


E. LYNN RODRIGUEZ
State Bar of Texas No. 17143880

ATTORNEYS FOR PETITIONER

u:\users\catherin\lynn\meisel.dp



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

POST OFFICE BOX 12248 AUSTIN, TEXAS 78711

TEL: (512) 463-1312

FAX: (512) 463-1365

CLERK
JOHN T. ADAMS

EXECUTIVE ASS'T.
WILLIAM L. WILLIS

ADMINISTRATIVE ASS'T.
NADINE SCHNEIDER

JUSTICES
RAUL A. GONZALEZ
JACK HIGHTOWER
NATHAN L. HECHT
LLOYD DOGGETT
JOHN CORNYN
BOB GAMMAGE
CRAIG ENOCH
ROSE SPECTOR

December 20, 1994

Mr. James M. McCormack
General Counsel, State Bar of Texas
P.O. Box 12487
Austin, Texas 78711

Mr. Robert Meisel
608 West 12th Street, Suite C
Austin, Texas 78701

Dear Mr. McCormack and Mr. Meisel:

Pursuant to Rule 3.02 of the Texas Rules of Disciplinary Procedure, I hereby notify you that the Supreme Court of Texas has appointed the Honorable Ogden Bass, Judge of the 300th District Court, Angleton, Texas to preside in

Commission for Lawyer Discipline v. Robert Meisel

Sincerely,

SIGNED

John T. Adams
Clerk



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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December 20, 1994

The Honorable Amalia Rodriguez-Mendoza
District Clerk of Travis County
P.O. Box 1748
Austin, Texas 78767

Dear Ms. Rodriguez-Mendoza:

Pursuant to Rule 3.03 of the Texas Rules of Disciplinary Procedure, I am sending for filing State Bar of Texas Disciplinary Action styled: The Commission for Lawyer Discipline v. Robert Meisel and a copy of the Supreme Court's order appointing the Honorable Ogden Bass, Judge of the 300th District Court, Angleton, Texas, to preside in this Disciplinary Action.

Sincerely,

SIGNED

John T. Adams
Clerk

cc: Hon. Ogden Bass
Mr. Robert Meisel
Mr. James M. McCormack



THE SUPREME COURT OF TEXAS

CHIEF JUSTICE
THOMAS R. PHILLIPS

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ROSE SPECTOR

December 20, 1994

Honorable Ogden Bass
Judge, 300th District Court
404 Courthouse
111 E. Locust Street
Angleton, Texas 77515-4678

Dear Judge Bass:

We enclose for your information a copy of the order of assignment, a copy of the Disciplinary Action, a copy of the notification letter to Mr. Meisel and Mr. McCormack, and a copy of the letter to the District Clerk of Travis County.

It is recommended that, four or five weeks after receipt of this letter, you contact the Travis County District Court Administrative Office (512-473-9098) to reserve a courtroom, provide for a court reporter, etc. Finally, you should contact the Presiding Judge of the Administrative Judicial Region into which you have been assigned (210-379-4188) to obtain information on lodging, allowable expenses, and claims forms for your expenses incident to presiding over this disciplinary case.

Sincerely,

SIGNED

John T. Adams
Clerk