

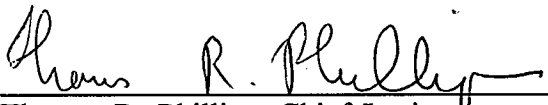
Misc. Docket No. 96 - 9094

ORDER
OF THE SUPREME COURT OF TEXAS
IN THE MATTER OF
ROBERT W. GEISLER


On this day came on for consideration the Motion for Acceptance of Resignation as Attorney and Counselor at Law of Robert W. Geissler, together with the Response filed by Chief Disciplinary Counsel of the State Bar of Texas acting through the Commission for Lawyer Discipline. The Court has reviewed said Motion and the Response and finds each to be legally sufficient. The Court, being advised that such resignation is tendered in lieu of disciplinary action, and being of the opinion that such resignation is in the best interest of the public and of the profession and will meet the ends of justice, hereby concludes that the following order is appropriate.

It is ORDERED that the law license of Robert W. Geissler heretofore issued by this Court, be, and the same is hereby cancelled and revoked and his name be, and is hereby, removed and deleted from the list of persons licensed to practice law in the State of Texas. The license and permanent State Bar card of Robert W. Geissler issued by this Court has been previously surrendered.

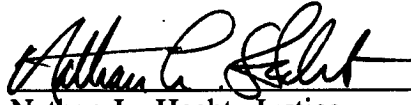
By the Court, en banc, in chambers, this the 22nd day of April, 1996.



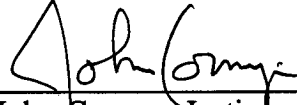
Thomas R. Phillips, Chief Justice



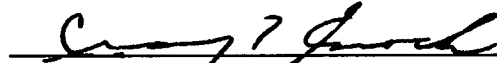
Raul A. Gonzalez, Justice



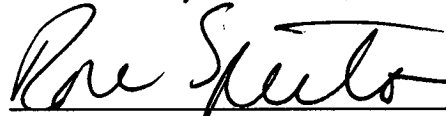
Nathan L. Hecht, Justice



John Cornyn, Justice



Craig Enoch, Justice



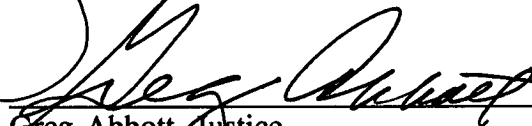
Rose Spector, Justice



Priscilla R. Owen, Justice



James A. Baker, Justice



Greg Abbott, Justice

07794500

Attorney's Bar Card Number

Misc. Docket No. 96- 9094

STATE BAR OF TEXAS



Office of the General Counsel

March 29, 1996

INTERAGENCY MAIL

John Adams, Clerk
Supreme Court of Texas
Supreme Court Building
P.O. Box 12248
Austin, Texas 78711

Re: Resignation of Robert W. Geissler, Bar Card No. 07794500

Dear Mr. Adams:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, please find enclosed herewith the following:

- (1) Motion for Acceptance of Resignation as Attorney and Counselor at Law of Robert W. Geissler, received in our office March 28, 1996;
- (2) Response of Chief Disciplinary Counsel of Motion for Acceptance of Resignation as Attorney and Counselor at Law of Robert W. Geissler; and,
- (3) Original and one (1) copy of proposed Order for review and entry by the Court accepting the resignation of Robert W. Geissler as Attorney and Counselor at Law.

If no motion to withdraw the Motion for Acceptance has been filed by Mr. Geissler with the Court by April 12, 1996, please present the enclosed Order to the Court for review and entry.

John Adams, Clerk
March 29, 1996
Page Two - Robert W. Geissler Resignation

Upon entry of the Order by the Court, please transmit a true and correct copy of the same to the undersigned in order that this office may properly give notice to all parties of the Court's disposition of such motion.

Sincerely,

A handwritten signature in black ink, appearing to read "William E. Minkley". The signature is fluid and cursive, with a prominent "W" and "M".

William E. Minkley
Chief Trial Counsel

WEM:aa\geissler3.29
Enclosures

cc: Mr. John Gladney, KREISNER & GLADNEY, Attorneys at Law, 1200 San Antonio, Austin, Texas 78701

IN THE SUPREME COURT OF TEXAS
MOTION FOR ACCEPTANCE OF RESIGNATION AS
ATTORNEY AND COUNSELOR AT LAW

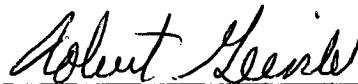
OF

ROBERT W. GEISSLER

NOW COMES your Applicant, Robert W. Geissler, and hereby resigns as an Attorney and Counselor at Law in the State of Texas; and hereby submits to the court his resignation as an Attorney and Counselor at Law and prays that the court accept said resignation.

Your Applicant has previously surrendered his license and permanent State Bar card issued by this Court to the Applicant, Robert W. Geissler, as an Attorney and Counselor at Law on May 9, 1975.

Your Applicant is voluntarily resigning and withdrawing from the practice of law; Applicant does so in lieu of discipline for professional misconduct; and Applicant prays that his name be dropped and deleted from the list of persons licensed to practice law in Texas; and that his resignation be accepted.



Robert W. Geissler
State Bar Card No. 07794500

IN THE SUPREME COURT OF TEXAS
RESPONSE OF THE CHIEF DISCIPLINARY COUNSEL
TO
THE RESIGNATION OF ROBERT W. GEISSLER

TO THE SUPREME COURT OF TEXAS:

Pursuant to Part X of the Texas Rules of Disciplinary Procedure, James M. McCormack, Chief Disciplinary Counsel, hereby files this response on behalf of the State Bar of Texas, acting by and through the Commission for Lawyer Discipline, to the Motion for Acceptance of Resignation, in lieu of discipline, filed by Robert W. Geissler and would show as follows:

I.

The acceptance by the Court of the resignation of Robert W. Geissler is in the best interest of the public and of the profession.

II.

A disciplinary suit was filed against Movant, Robert W. Geissler, on March 16, 1992, styled The State Bar of Texas v. Robert Geissler, Cause No. C-1172-92-C, in the 139th Judicial District Court of Hidalgo County, Texas. The Disciplinary Petition filed in the aforementioned case on or about March 16, 1992, essentially alleges the following professional misconduct was committed by Robert W. Geissler, Respondent:

1. From about January 1982 through January 1991, Respondent was a member of the law firm of Ewers and Toothaker, of McAllen, Texas, first as a general partner in the partnership then as a shareholder of the professional corporation. Under the terms of both of

Respondent's partnership agreement and, later, his employment contract with the professional corporation, Respondent was entitled to a specified monthly draw as salary plus a percentage of the firm's profits at the end of each year after expenses. During his tenure with the Ewers and Toothaker law firm, Respondent engaged in a pattern of conduct in which he systematically siphoned funds from the law firm's trust account which rightfully belonged to either the clients or to the law firm and not the Respondent.

2. Each of the above instances Respondent was able to mask his misappropriation of the funds through a scheme of having the law firm checks made payable to Texas State Bank, rather than to himself. Thus, a casual examination of the law firm's ledgers would not reveal an inordinate number of payments to himself. In each of the above instances, Respondent failed to account to the clients or his law firm for the funds withdrawn from the law firm account. Respondent failed to report to his law partners the withdrawal of such funds in their year-end account, thus receiving more than his fair share of the overall partnership, and later the corporation, profits. Respondent committed the acts recited above while he was managing partner of the law firm, a position creating a fiduciary duty on his part to the law firm clients and to the other members of the firm.

3. Resulting from such conduct, Respondent was indicted by the Federal Grand Jury and on or about June 4, 1993, Respondent pled guilty to one count of interstate transportation of stolen money and securities taken by fraud, a Class C felony in violation of 18 U.S.C. sec. 2314 and 18 U.S.C. sec. 2 in case number M-93-071-01 in the United States District Court for the Southern District of Texas, Brownsville Division. The Court found Respondent guilty and sentenced him to four years probation and restitution. The Board of Disciplinary Appeals

suspended his license until August 12, 1997.

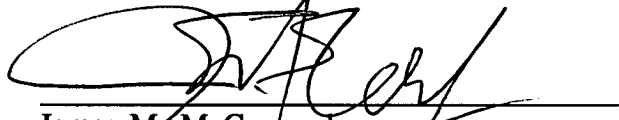
4. On October 12, 1994, the Board of Disciplinary Appeals extended the suspension of Respondent after determining that he had been convicted a second time of an intentional crime. The Board found that on March 21 Respondent pled guilty to misapplication of fiduciary funds and was sentenced to 10 year's probation and ordered to make restitution of \$108,528.43. Respondent's suspension for the second conviction was for ten years and will end March 20, 2004.

5. By his conduct as alleged in the foregoing complaint, Respondent has violated the following Disciplinary Rules of the Texas Code of Professional Responsibility: 1-102(A)(3); 1-102(A)(4); 1-102(A)(6); 9-102(A)(2); 9-102(B)(1); 9-102(B)(3) and 9-102(B)(4). The complaint which forms the basis of the preceding paragraphs was brought to the attention of the Office of General Counsel by O.C. Hamilton filing a complaint on or about February 8, 1991.

Respectfully submitted,

James M. McCormack
General Counsel

Office of the General Counsel
STATE BAR OF TEXAS
400 West 15th Street, Suite 1500
P. O. Box 12487
Austin, Texas 78711
1-800-204-2222
512/477-4607 (FAX)

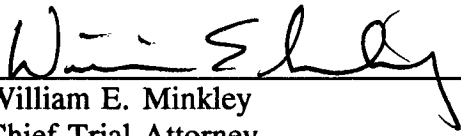


James M. McCormack
State Bar Card No. 13455500

CHIEF DISCIPLINARY COUNSEL

CERTIFICATE OF SERVICE

This is to certify that the above and foregoing Response of the Chief Disciplinary Counsel has been served on Robert Geissler, by and through his attorney of record, John R. Gladney, Kreisner & Gladney, 1200 San Antonio Street, Austin, Texas 78701, by Certified Mail, Return Receipt Requested, on this the 29th day of March, 1996.



William E. Minkley
Chief Trial Attorney