

ORDER OF THE SUPREME COURT OF TEXAS

MISC. DOCKET No. 04- 9273

IN THE MATTER OF MR. JAMES A. GIESEKE

The Court has reviewed the *Motion for Acceptance of Resignation as Attorney and Counselor at Law of Mr. James A. Gieseke* and the *Response of the Chief Disciplinary Counsel for the Commission for Lawyer Discipline*. The Court concludes each meets the requirements of Part X of the TEXAS RULES OF DISCIPLINARY PROCEDURE. In the absence of a request by Mr. James A. Gieseke to withdraw his *Motion for Acceptance of Resignation as Attorney and Counselor at Law*, the Court deems the professional misconduct detailed in the *Response of the Chief Disciplinary Counsel for the Commission for Lawyer Discipline* conclusively established for all purposes. The Court further concludes that acceptance of Mr. James A. Gieseke's resignation is in the best interest of the public and the profession.

Therefore, the law license of Mr. James A. Gieseke of Pearland, Brazoria County, Texas, State Bar Number 07892500, is canceled.

Mr. James A. Gieseke is prohibited from practicing law in the State of Texas. This includes holding himself out as attorney at law, performing legal services for others, giving legal advice to others, accepting any fee directly or indirectly for legal services, appearing as counsel or in any representative capacity in any proceeding in any Texas court or before any Texas administrative body (whether state, county, municipal, or other), or holding himself out to others or using his name in any manner in conjunction with the "Attorney at Law," "Counselor at Law," or "Lawyer."

Mr. James A. Gieseke must immediately notify in writing each of his current clients of this resignation. Mr. James A. Gieseke shall also return any files, papers, unearned monies, and other

property in his possession and belonging to any client, to the respective client or to another attorney at the client's request. Mr. James A. Gieseke shall file with the **STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487**, within thirty (30) days of the date of this *Order* an affidavit stating that all current clients have been notified of his resignation and that all files, papers, monies, and other property belonging to all clients have been returned.

Additionally, Mr. James A. Gieseke shall, within thirty (30) days of this *Order*, notify in writing each justice of the peace, judge, magistrate, and chief justice of each court in which he has any matter pending of the terms of this *Order*; the style and cause number of the pending matter(s); and the name, address and telephone number of the client(s) he is representing in that court. Mr. James A. Gieseke shall file with the **STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487**, within thirty (30) days of the date of this *Order*, an affidavit stating that he has notified in writing each justice of the peace, judge, magistrate, and chief justice of each court in which he has any matter pending of the terms of this *Order*; the style and cause number of the pending matter(s); and the name, address and telephone number of the client(s) he is representing in that court.

RESTITUTION

As an absolute condition precedent for the reinstatement for Mr. James A. Gieseke, restitution must be made as follows:

HELENA GLENN (File # H0020410231): JAMES A. GIESEKE shall pay restitution to **HELENA GLENN** in the amount of Seven Hundred Fifty Dollars (\$750.00). All payments are to be made by certified or cashier's check and delivered to the **STATE BAR OF TEXAS, Office of the Chief**

Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487.

YVONNE MELCHER (File # H0120316941): JAMES A. GIESEKE shall pay restitution to YVONNE MELCHER in the amount of One Thousand Five Hundred Dollars (\$1500.00). All payments are to be made by certified or cashier's check and delivered to the **STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487.**

AJAZ KAHN (File # H0100316649): JAMES A. GIESEKE shall pay restitution to AJAZ KAHN in the amount of Three Thousand Five Hundred Dollars (\$3500.00). All payments are to be made by certified or cashier's check and delivered to the **STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487.**

DENNIS LERY (File # H0110316865): JAMES A. GIESEKE shall pay restitution to DENNIS LERY in the amount of Two Hundred Fifty Dollars (\$250.00). All payments are to be made by certified or cashier's check and delivered to the **STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487.**

MICHAEL ARVANETAKIS (File # H0090418554): JAMES A. GIESEKE shall pay restitution to MICHAEL ARVANETAKIS in the amount of Four Thousand Four Hundred Forty-Eight Dollars and Eighteen Cents (\$4448.18). All payments are to be made by certified or cashier's check and delivered to the **STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487.**

ATTORNEY'S FEES

As an absolute condition precedent for the reinstatement for Mr. James A. Gieseke, he is to tender payment of attorney's fees in the amount of One Thousand Dollars (\$1000.00). All payments

should be made by certified or cashier's check and delivered to the **STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487.**


TAXABLE COSTS


As an absolute condition precedent for the reinstatement for Mr. James A. Gieseke, he is to tender payment of taxable costs in the amount of Four Hundred Sixty-Eight Dollars (\$468.00). All payments should be made by certified or cashier's check and delivered to the **STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487.**

POST-JUDGMENT INTEREST

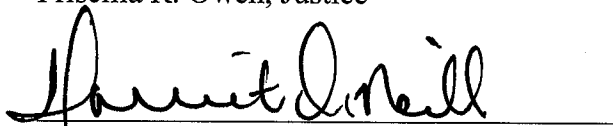
As an absolute condition precedent for the reinstatement of Mr. James A. Gieseke, all post-judgment interest (assessed at 5% per annum) incurred from the restitution, attorneys' fees and taxable costs from November 10, 2004 to date of final payment are required. As of the date of entry of this Order, the total of restitution, fees and costs assessed against Mr. James A. Gieseke is ELEVEN THOUSAND NINEHUNDRED SIXTEEN DOLLARS and EIGHTEEN CENTS (\$11,916.18). All payments of incurred post-judgment interest should be made by certified or cashier's check and delivered to the **STATE BAR OF TEXAS, Office of the Chief Disciplinary Counsel, P.O. Box 12487, Austin, Texas 78711-2487.**


IT IS ORDERED the 30th day of November, 2004.

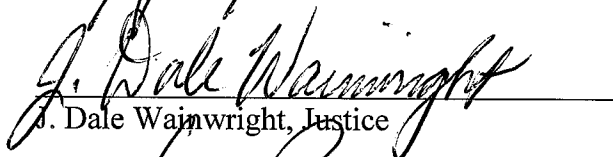

Wallace B. Jefferson, Chief Justice



Nathan L. Hecht, Justice

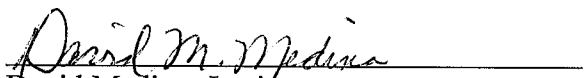

Priscilla R. Owen, Justice


Harriet O'Neill, Justice


Steven W. Smith, Justice


J. Dale Wainwright, Justice


Scott A. Brister, Justice


David Medina, Justice