



FILED

Jul. 10, 2019

THE BOARD OF DISCIPLINARY APPEALS
Appointed by the Supreme Court of Texas

BEFORE THE BOARD OF DISCIPLINARY APPEALS
APPOINTED BY
THE SUPREME COURT OF TEXAS

IN THE MATTER OF §
GERALD G. EAGLEBURGER, § CAUSE NO. 62035
STATE BAR CARD NO. 06333000 §

AGREED JUDGMENT

On this day, the above-styled and numbered reciprocal disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney and Respondent appeared in person as indicated by their respective signatures below and announced that they agree to the findings of fact, conclusions of law and orders set forth below solely for the purposes of this proceeding which has not been fully adjudicated. The Board of Disciplinary Appeals, having reviewed the file and in consideration of the agreement of the parties, is of the opinion that Petitioner is entitled to entry of the following findings and orders:

Findings of Fact. The Board of Disciplinary Appeals finds that:

- (1) Respondent, Gerald G. Eagleburger, Bar Card No. is 06333000, is an attorney who is licensed but not currently authorized to practice law in the State of Texas.
- (2) On or about November 16, 2018, an Agreement for Discipline by Consent was entered Before the Presiding Disciplinary Judge in a case styled: *In the Matter of a Member of the State Bar of Arizona, G. Gregory Eagleburger, Bar No. 002695*, Respondent, in Case No. PDJ-2018-9108, [State Bar File No. 16-1288].
- (3) On or about November 19, 2018, the State Bar's Notice of Errata Re: Agreement for Discipline by Consent was entered Before the Presiding Disciplinary Judge in a case styled: *In the Matter of a Member of the State Bar of Arizona, G. Gregory Eagleburger, Bar No. 002695*, Respondent, in Case No. PDJ-2018-9108, [State Bar No. 16-1288].

(4) On or about December 7, 2018, the Decision Accepting Discipline by Consent was entered Before the Presiding Disciplinary Judge in a case styled: *In the Matter of a Member of the State Bar of Arizona, G. Gregory Eagleburger, Bar No. 002695*, Respondent, in Case No. PDJ-2018-9108, [State Bar No. 16-1288].

(5) On or about December 7, 2018, a Final Judgment and Order was entered Before the Presiding Disciplinary Judge in a case styled: *In the Matter of a Member of the State Bar of Arizona, G. Gregory Eagleburger, Bar No. 002695*, Respondent, in Case No. PDJ-2018-9108, [State Bar No. 16-1288], that states in pertinent part as follows:

... IT IS ORDERED Respondent, G. Gregory Eagleburger, Bar No. 002695, is reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents effective the date of this order.

IT IS FURTHER ORDERED placing Mr. Eagleburger on probation for a period of one (1) year, with the terms set forth below ...

(6) The Decision Accepting Discipline by Consent summarizes the Agreement for Discipline by Consent as follows: Mr. Eagleburger admits to violating Rule 42, specifically ERs 1.3 (diligence), 1.7(a) (conflict of interest/current clients), 1.8(c) (conflict of interest/current clients/special rules), 5.3(b) and 8.4(d) (conduct prejudicial to the administration of justice). The parties stipulate to a sanction of reprimand and one year of probation. The sole term of probation requires the completion of 6 hours of continuing legal education (CLE) in the area of conflict of interest and supervision of non-lawyer assistants. These hours are in addition to the annual mandatory CLE required. Mr. Eagleburger also agrees to pay costs in the amount of \$1,200.00 within 30 days from the date of this order. For purposes of the Agreement, the parties stipulate Mr. Eagleburger was retained in 2008 to draft a will for his client that included the distribution of property. Mr. Eagleburger then negligently failed to ensure the will was properly prepared. Mr. Eagleburger was named as the personal representative and also identified as a residual beneficiary. He also improperly filed for informal probate. The parties agree Mr. Eagleburger negligently violated his duties to his client and his misconduct caused potential and actual harm to the client, his client's children, and the legal system.

(7) Respondent, Gerald G. Eagleburger, is the same person as the G. Gregory Eagleburger, who is the subject of the Final Judgment and Order filed with the Supreme Court of Arizona; and

- (8) The Final Judgment and Order filed with the Supreme Court of Arizona is final.

Conclusions of Law. Based upon the foregoing findings of facts the Board of Disciplinary Appeals makes the following conclusions of law:

- (1) This Board has jurisdiction to hear and determine this matter. Tex. R. Disciplinary P. 7.08(H) ("TRDP");
- (2) Reciprocal discipline identical, to the extent practicable, to that imposed by the Supreme Court of Arizona is warranted in this case. TRDP 9.03.
- (3) Respondent should be suspended from the practice of law for a period of one (1) year with the suspension being fully probated.
- (4) This Board retains jurisdiction during the full term of probation imposed by this judgment to hear a motion to revoke probation.

It is, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent, Gerald G. Eagleburger, State Bar Card No. 06333000, is hereby suspended from the practice of law for a period of one (1) year with the suspension being fully probated beginning August 1, 2019, and ending July 31, 2020, under the following terms and conditions:

- (1) Respondent shall not violate any of the provisions of the Texas Disciplinary Rules of Professional Conduct or any provision of the State Bar Rules.
- (2) Respondent shall not be found guilty of, or plead no contest to, any felony involving moral turpitude or any misdemeanor involving theft, embezzlement, or fraudulent misappropriation of money or other property.
- (3) Respondent must notify both the Office of Chief Disciplinary Counsel and the Membership Department of the State Bar of Texas of any change in Respondent's address within thirty (30) days of the change of address.
- (4) Respondent shall not violate any of the terms or conditions of probation imposed by the Supreme Court of Arizona on December 7, 2018, in the matter styled: *In the Matter of a Member of the State Bar of Arizona, G. Gregory Eagleburger, Bar No. 002695, Respondent, in Case No. PJD-2018-9108, [State Bar No. 16-1288]*.

- (5) Respondent shall timely comply with all requirements of the Final Judgment and Order entered by the Supreme Court of Arizona on December 7, 2018, in a matter styled: *In the Matter of a Member of the State Bar of Arizona, G. Gregory Eagleburger, Bar No. 002695, Respondent, in Case No. PDJ-2018-9108, [State Bar No. 16-1288].*

Probation Revocation

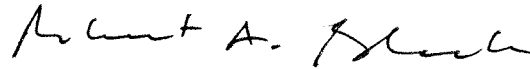
Upon determination that Respondent has violated any term or condition of this judgment or of the disciplinary order or judgment entered in Arizona, the Chief Disciplinary Counsel may, in addition to all other remedies available, file a motion to revoke probation pursuant to TRDP 2.23 with this Board and serve a copy of the motion on Respondent pursuant to Tex.R.Civ.P. 21a.

This Board will conduct an evidentiary hearing to determine by a preponderance of the evidence whether Respondent has materially violated any term, or condition, or requirement of any applicable disciplinary judgment. If this Board finds grounds for revocation, it will enter an order revoking probation and placing Respondent on active suspension from the date of such revocation order without credit for any term of probation served prior to revocation.

It is further **ORDERED** that any conduct on the part of Respondent, which serves as the basis for a motion to revoke probation, may also be brought as independent grounds for discipline as allowed under the Texas Disciplinary Rules of Professional Conduct and the Texas Rules of Disciplinary Procedure.

It is, **FURTHER ORDERED, ADJUDGED, AND DECREED** that Respondent, Gerald G. Eagleburger, State Bar Card No. 06333000, is hereby **PUBLICLY REPRIMANDED** as an attorney at law in the State of Texas.

Signed this 11th day of May 2019.



Chair Presiding
Board of Disciplinary Appeals

APPROVED AS TO FORM AND CONTENT:



Jenny Kim
Assistant Disciplinary Counsel
State Bar Card No. 24091883
Attorney for Petitioner



Gerald G. Eagleburger
State Bar Card No. 06333000
Attorney for Respondent