

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

<b>IN THE MATTER OF</b>	§	
<b>MIKEL PETER EGGERT</b>	§	<b>CAUSE NO. 35970</b>
<b>STATE BAR CARD NO. 24030354</b>	§	

**INTERLOCUTORY ORDER OF SUSPENSION**

On the 4th day of November 2005, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner appeared by attorney, Stephen A. Moyik, and announced ready. Respondent, Mikel Peter Eggert, appeared pro se and announced ready. All matters of fact as well as all matters of law were submitted to the Board of Disciplinary Appeals for determination. Having considered the pleadings on file, having received evidence, and having heard the argument of counsel, the Board of Disciplinary Appeals 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, Mikel Peter Eggert, State Bar Card Number 24030354, is currently licensed to practice law in the State of Texas.
- (2) On or about March 22, 2005, Respondent, Mikel Peter Eggert, was indicted on the charge of Criminal Conspiracy; Fabricating Physical Evidence in violation of the Texas Penal Code §15.02; §37.09(a)(2) in Cause No. CR 12119, styled *The State of Texas v. Mikel Peter Eggert*, in the 266<sup>th</sup> District Court of Erath County, Texas.
- (3) On or about June 14, 2005, Respondent, Mikel Peter Eggert, was found guilty of Criminal Conspiracy; Fabricating Physical Evidence in violation of the Texas Penal Code §15.02; §37.09(a)(2), a State Jail Felony, in Cause Number CR 12119 styled, *The State of Texas v. Mikel Peter Eggert*, in the 266th District Court of Erath County, Texas. The Court entered a Judgment on Verdict of Guilty by Jury Punishment Fixed by Court – Probation Granted - committing Respondent to Two (2) years confinement in a State Jail Division of the Texas Department of Criminal Justice probated for Five (5) years,

a fine of \$5,000.00, costs in the amount of \$313.00, attorney fees in the amount of \$4,000.00, 150 hours of community service, a fee of \$25.00 to Erath County Crimestoppers, and as a condition of probation to be confined in the Erath County Jail for a term of thirty (30) days.

- (4) Respondent, Mikel Peter Eggert, is same person as the Mikel Peter Eggert, who is the subject of the Judgment described above.
- (5) Respondent has appealed the criminal conviction.

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. Rule 7.08(G), Texas Rules of Disciplinary Procedure.
- (2) The crime for which Respondent has been convicted is an intentional crime as defined by Rule 1.06(T), Texas Rules of Disciplinary Procedure.
- (3) Having been found guilty and convicted of an intentional crime and such conviction currently being appealed, Respondent, Mikel Peter Eggert, should be suspended as an attorney licensed to practice law in Texas during the appeal of his conviction. Rule 8.04, Texas Rules of Disciplinary Procedure.
- (4) In the event that the conviction of Respondent, Mikel Peter Eggert, becomes final, Respondent, Mikel Peter Eggert, should be disbarred. Rule 8.05, Texas Rules of Disciplinary Procedure.

It is, accordingly, ORDERED, ADJUDGED, and DECREED that Respondent, Mikel Peter Eggert, State Bar Card No. 24030354, is hereby SUSPENDED from the practice of law in the State of Texas effective immediately upon entry of this order and continuing hereafter until further order of this Board.

It is further ORDERED that, in the event that Respondent's criminal conviction is affirmed, he shall be disbarred.

It is further ORDERED, ADJUDGED and DECREED that Respondent, Mikel Peter Eggert, during said suspension is hereby prohibited, effective immediately, from practicing law in Texas, holding himself out as an attorney at law, performing any legal service for others, accepting any fee directly or indirectly for legal services not previously rendered, appearing as counsel in any proceeding in any Texas court or before any Texas administrative body, or holding himself out to others or using his name, in any manner, in conjunction with the words “attorney,” “counselor,” or “lawyer.”

It is further ORDERED that Respondent, Mikel Peter Eggert, not later than thirty (30) days from the date of this Order, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court in which Respondent, Mikel Peter Eggert, has any legal matter pending, if any, of his suspension, of the style and cause number of the pending matter(s), and of the name, address, and telephone number of the client(s) Respondent is representing in that court. Respondent is also ORDERED to mail copies of all such notifications to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

It is further ORDERED that Respondent, Mikel Peter Eggert, shall immediately notify each of his current clients, if any, in writing, of his suspension. In addition to such notification, Respondent is ORDERED to return all files, papers, unearned fees paid in advance, and all other monies and properties which are in his possession but which belong to current or former clients, if any, to those respective clients or former clients within thirty (30) days after the date on which this Order is signed by the Board. Respondent is further ORDERED to file with this Board, within the same thirty (30) days, an affidavit stating either (a) that all current clients have been notified of his

suspension and that all files, papers, unearned fees paid in advance, and all other monies and properties belonging to clients and former clients have been returned as ordered herein or (b) that Respondent has no current clients, files, or papers, and that any unearned fees paid in advance or other monies or properties belonging to clients have previously been returned to the appropriate client. If Respondent should be unable to return any file, papers, money or other property to any client or former client, Respondent's affidavit shall state with particularity the efforts made by Respondent with respect to each particular client and the cause of his inability to return to said client any file, paper, money or other property. Respondent is also ORDERED to mail a copy of said affidavit and copies of all notification letters to clients, to the Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711.

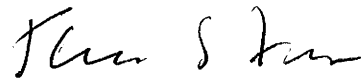
It is further ORDERED that Respondent, Mikel Peter Eggert, immediately surrender his Texas law license and permanent State Bar Card to the Office of the Chief Disciplinary, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

It is further ORDERED that a certified copy of the Petition for Compulsory Discipline on file herein, along with a copy of this Order, be sent to the Chief Disciplinary Counsel of the State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further ORDERED that this Order is interlocutory pending the further orders of this Board upon the conclusion of Respondent's appeal of his criminal conviction. In the event that the conviction of Respondent, Mikel Peter Eggert, is reversed, this Board, upon the filing by Respondent or his attorney of an appropriate motion supported by affidavits or certified copies of court documents showing that the conviction has been reversed, shall terminate the suspension. In the

event that the conviction of Respondent, Mikel Peter Eggert, becomes final, this Board, upon the filing by the Chief Disciplinary Counsel of an appropriate motion supported by affidavits or certified copies of court documents showing that the conviction has become final pursuant to Rule 8.05 of the Texas Rules of Disciplinary Procedure, shall enter a final judgment of disbarment.

Signed this 1 day of December 2005.



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CHAIRMAN PRESIDING  
BOARD OF DISCIPLINARY APPEALS