

**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>DOCKET NO. 35970</b>
<b>STATE BAR CARD NO. 24030354</b>	§	

**JUDGMENT OF DISBARMENT**

On the 20th day of June 2008, the Board of Disciplinary Appeals heard the Motion for Entry of Judgment of Disbarment filed in the above case by Petitioner, Commission for Lawyer Discipline of the State Bar of Texas, against Respondent, Mikel Peter Eggert. The Commission appeared by disciplinary counsel of the State Bar of Texas, and Respondent Mikel Peter Eggert, although duly notified of the Motion and the hearing, failed to respond or appear and wholly made default. This Board has continuing jurisdiction to enter a final judgment in this matter pursuant to Texas Rules of Disciplinary Procedure 8.05 ("TRDP").

The Board finds that:

- (1) The Eleventh Court of Appeals affirmed Respondent Michael Peter Eggert's criminal conviction in Cause No. 11-05-00227-CR and issued its Mandate indicating that the decision was final on or about February 25, 2008;
- (2) Petitioner filed its Motion for Entry of Judgment of Disbarment on or about May 6, 2008, and served same on Respondent in accordance with TRDP 8.05;
- (3) Respondent's conviction for the commission of an Intentional Crime as defined by TRDP 1.06(T) for which he was sentenced in the 266<sup>th</sup> District Court of Erath County, Texas, in Case No. CR12119 has become final and is not subject to appeal; and
- (4) Respondent should be disbarred.

## Interlocutory Suspension

Following a hearing on the Petition for Compulsory Discipline on the 4th day of November 2005, at which Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready and Respondent, Mikel Peter Eggert, appeared *pro se* and announced ready, the Board of Disciplinary Appeals signed an Interlocutory Order of Suspension on December 1, 2005, which included the following findings of fact and conclusions of law:

- (1) Respondent, Mikel Peter Eggert, State Bar 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 266th 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 CR12119 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 the same person as the Mikel Peter Eggert who is the subject of the Judgment described above.
- (5) Respondent has appealed the criminal conviction.
- (6) This Board has jurisdiction to hear and determine this matter. Rule 7.08(G), Texas Rules of Disciplinary Procedure.

- (7) The crime for which Respondent has been convicted is an intentional crime as defined by Rule 1.06(T), Texas Rules of Disciplinary Procedure.
- (8) Having been found guilty and convicted of an intentional crime and such conviction being currently 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.

### **Disbarment**

Having this day heard and considered the evidence and argument of counsel as to final sanction to be imposed, the Board finds that Respondent Eggert should be disbarred. It is, therefore, accordingly, **ORDERED, ADJUDGED, and DECREED** that Respondent Mikel Peter Eggert, State Bar No. 24030354, be and he is hereby **DISBARRED** from the practice of law in the State of Texas, and his license to practice law in this state be and is hereby revoked.

It is further **ORDERED, ADJUDGED** and **DECREED** that Respondent, Mikel Peter Eggert, is hereafter permanently 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, appearing as counsel or in any representative capacity 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 the entry of this judgment, shall notify in writing each and every justice of the peace, judge, magistrate, and chief justice of each and every court, if any, in which Respondent has any legal matter pending, if any, of his disbarment, 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 Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, 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 disbarment. 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 Judgment is signed by the Board. Respondent is further **ORDERED** to file with the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Capitol Station, Austin, Texas 78711, within the same thirty (30) days, an affidavit stating that all current clients have been notified of his disbarment 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. 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 copies of all notification letters to clients to the Statewide Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P.O. Box 12487, Austin, Texas 78711.

It is further **ORDERED** that Respondent, Mikel Peter Eggert, if he has not already done so, immediately surrender his Texas law license and permanent State Bar Card to the Statewide

Compliance Monitor, Office of the Chief Disciplinary Counsel, State Bar of Texas, P. O. Box 12487,  
Austin, Texas 78711, for transmittal to the Clerk of the Supreme Court of Texas.

Signed this 25<sup>th</sup> day of June 2008.

*Pam A. Clete*

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CHAIR PRESIDING