

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

IN THE MATTER OF	§	
EDDIE MICHAEL POPE	§	CAUSE NO. 41472
STATE BAR CARD NO. 16135500	§	

JUDGMENT OF SUSPENSION

On the 4th day of April 2008, the above-styled and numbered disciplinary action was called for hearing before the Board of Disciplinary Appeals. Petitioner Commission for Lawyer Discipline of the State Bar of Texas appeared by attorney and announced ready. Respondent, Eddie Michael Pope, appeared in person and by attorney and announced ready. All issues of fact as well as all questions 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, Eddie Michael Pope, State Bar Card Number 16135500, is currently licensed to practice law in the State of Texas.
- (2) On April 3, 2006, Eddie Michael Pope pled guilty to possession of obscene material with intent to promote in violation of Texas Penal Code 43.23(c) enhanced to a State Jail Felony by Texas Penal Code 43.23(h)(1) in Cause No. 9040440, styled *The State of Texas v. Eddie Michael Pope*, in the 147th Judicial District Court of Travis County, Texas.

- (3) The indictment in said cause to which Respondent pled guilty stated that “EDDIE MICHAEL POPE on or about the 23rd day of October, A.D. 2004, and before the presentment of this indictment, in the County of Travis, and State of Texas, did then and there knowingly and intentionally possess with intent to promote obscene material visually depicting a child younger than eighteen years of age at the time the image of the child was made who is engaging in sexual conduct including deviate sexual intercourse and lewd exhibition of the genitals. Defendant knew that the obscene material depicted the child as described.”
- (4) On or about April 24, 2006, an Order of the Court Deferring Further Proceedings was signed in said cause stating that Eddie Michael Pope pled guilty to the indictment, and finding him guilty of the offense of Possession of Obscene Material, a State Jail Felony, and sentencing him to a term of four (4) years Community Supervision.
- (5) Respondent, Eddie Michael Pope, is the same person as Eddie Michael Pope who signed the Plea of Guilty and is the subject of the Order of the Court Deferring Further Proceedings described above.
- (6) Respondent’s criminal sentence was fully probated.

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

- (1) This Board has jurisdiction to hear and determine this matter. Texas Rules of Disciplinary Procedure (“TRDP”) 7.08(G).
- (2) Respondent, Eddie Michael Pope, having pled guilty to knowing possession of obscene material visually depicting obscene sexual activities engaged in by a child younger than 18 years of age at the time the image of the child was made with intent to promote same has been convicted of an Intentional Crime as defined by TRDP 1.06(T) and of a Serious Crime as defined by TRDP 1.06(Z).
- (3) Respondent has been convicted of an Intentional Crime for purposes of TRDP 8.04.
- (4) Respondent, Eddie Michael Pope, should be suspended for the term of his deferred adjudication probation as originally assessed.
- (5) If the deferred adjudication probation is revoked, Eddie Michael Pope should be disbarred. TRDP Rule 8.06.

It is, accordingly, **ORDERED, ADJUDGED, AND DECREED** that Respondent, Eddie Michael Pope, State Bar Card No. 16135500, be and hereby is **SUSPENDED** from the practice of law in the State of Texas for a period effective as of the date of this judgment and ending April 23, 2010.

It is further **ORDERED, ADJUDGED** and **DECREED** that Respondent, Eddie Michael Pope, during said suspension is prohibited 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 completed prior to the date of this judgment, appearing as counsel 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, Eddie Michael Pope, no later than thirty (30) days from the date 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, Eddie Michael Pope, 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 Statewide Compliance Monitor, 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, Eddie Michael Pope, 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 of this Judgment.

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 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. 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 Statewide Compliance Monitor, 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, Eddie Michael Pope, 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, for transmittal to the Clerk of the Supreme Court of Texas.

It is further **ORDERED** that, in the event that the above-described criminal deferred adjudication probation of Respondent, Eddie Michael Pope, is revoked, Petitioner Commission for Lawyer Discipline may seek disbarment pursuant to TRDP 8.06 by motion supported by certified copies of an order, judgment, or other appropriate court document revoking the deferred adjudication, and this Board shall retain jurisdiction of this cause during the period of suspension.

It is further **ORDERED** that an early termination of the deferred adjudication or community supervision shall not terminate this suspension.

Signed this 21st day of August 2008.



CHAIR PRESIDING