

DISCIPLINARY BOARD
OF THE
SUPREME COURT OF TENNESSEE

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November 19, 1980

THERESA A. DORAMUS
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MARY WOODROOF
EXECUTIVE SECRETARY

TO: ALL JUDGES OF COURTS OF RECORD
AND ALL AGENCIES DESIGNATED UNDER
SECTION 18.5, RULE 42 OF THE SUPREME COURT OF TENNESSEE

RE: JOHN ARNOLD FITZGERALD
OF DAYTON, TENNESSEE

Gentlemen:

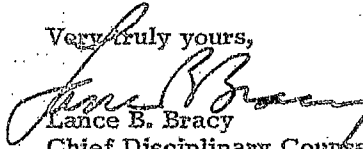
John Arnold Fitzgerald, an attorney of Dayton, Tennessee, has been suspended from the practice of law for a period of one year by order entered in the Supreme Court of Tennessee on November 18, 1980. Mr. Fitzgerald will remain suspended thereafter until a reinstatement order is issued by the Supreme Court.

Mr. Fitzgerald was found guilty of misconduct for a violation of Disciplinary Rules 1-102(A)(1)(2)(3)(4)(5)(6); 7-102(A)(3)(7)(8) and 7-109(C) by offering to attempt to return a stolen diamond necklace back to the victim if she would not prosecute criminal charges against his client and thereafter held the stolen necklace in his possession. He also represented conflicting interests by representing the individual charged with the theft of stolen property and the individual charged with receiving and concealing the stolen property when their interests were adverse.

A Hearing Panel heard the charges brought by Disciplinary Counsel in behalf of the Disciplinary Board and the matter was appealed to the Circuit Court of Rhea County and heard by Honorable William H. Inman, Special Judge, by designation. The Hearing Panel and the Circuit Court ordered a suspension from the practice of law and an appeal was prosecuted directly to the Supreme Court. It was the judgment of the Supreme Court that the findings and suspension decreed by the two tribunals should be affirmed.

A copy of the order is attached.

Very truly yours,


Lance B. Bracy
Chief Disciplinary Counsel

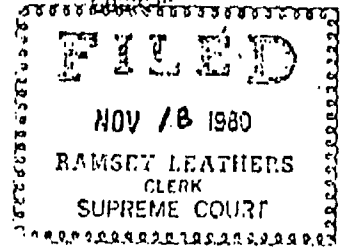
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enclosure

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IN THE SUPREME COURT OF TENNESSEE

IN RE: JOHN ARNOLD FITZGERALD

ORDER

Disciplinary Counsel acting pursuant to Rule 42 of this Court filed a petition for disciplinary action against John Arnold Fitzgerald, an attorney of Dayton, Rhea County, Tennessee. A Hearing Panel heard the matter and a de novo review and determination was made in the Circuit Court of Rhea County by Honorable William H. Inman, Special Judge, by designation. The Hearing Panel and the Circuit Court ordered a suspension from the practice of law for one year based on acts of misconduct and an appeal was prosecuted directly to this Court and considered upon the transcript of the record from the Circuit Court and the transcript of evidence before the Hearing Panel. It is the judgment of this Court that the findings and suspension decreed by the two tribunals should be and is hereby affirmed by the opinion filed on November 3, 1980, which is incorporated herein by reference.

IT IS, THEREFORE, ORDERED that John Arnold Fitzgerald is suspended from the practice of law in this State for a period of one year and thereafter until a reinstatement order is issued by this Court. He is further ordered to comply with Section 18 of Rule 42 of this Court regarding suspended attorneys. The effective date of the entry of this Order shall be and is November 18, 1980.

Entered this 18th day of November, 1980.

William H. Inman

 for the Court

APPROVED FOR ENTRY:

James B. Jones

 Disciplinary Counsel