



**BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

10 CADILLAC DRIVE, SUITE 220
BRENTWOOD, TENNESSEE 37027
TELEPHONE: (615) 361-7500
(800) 486-5714
FAX: (615) 367-2480
E-MAIL: ethics@tbpr.org
Website: www.tbpr.org

RELEASE OF INFORMATION
RE: LARRY E. FITZGERALD, BPR# 10953
CONTACT: RANDALL J. SPIVEY
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

June 30, 2011

MEMPHIS LAWYER SUSPENDED

On June 27, 2011, Larry E. Fitzgerald of Memphis, Tennessee was suspended by the Tennessee Supreme Court for a period of ninety (90) days pursuant to Supreme Court Rule 9, Section 4.2. The suspension will begin on August 1, 2011. Mr. Fitzgerald violated disciplinary rules by engaging in a conflict of interest without obtaining a written waiver from his clients and by accepting a referral from an unlicensed bail bondsman. Mr. Fitzgerald's actions violated Tennessee Supreme Court Rule 8, Rules of Professional Conduct 1.4 (Communication), 1.7 (Conflict of Interest), 1.10 (Imputed Disqualification), 1.16 (Declining and Terminating Representation), 5.1 (Responsibilities of a Partner, Managing Lawyer or Supervisory Lawyer), 7.3 (Solicitation and Other Communications Directed to Specifically Identified Recipients) and 8.4 (Misconduct).

Mr. Fitzgerald was furthered ordered to pay the expenses and costs of the disciplinary proceedings against him, pursuant to Rule 9, Section 4.7, of the Rules of the Supreme Court and fully comply in all respects with the requirements and obligations of suspended attorneys as set forth in Rule 9, §18.1 of the Rules of the Supreme Court.

Fitzgerald 1992-9 rel.doc

PLEASE NOTE

YOU MAY SUBSCRIBE TO RECEIVE INFORMATIONAL RELEASES, FORMAL ETHICS OPINIONS, NEWSLETTERS AND ANNUAL REPORTS ELECTRONICALLY BY SIGNING IN AT THE BOARD'S WEBSITE

www.tbpr.org/Subscriptions

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: **LARRY E. FITZGERALD, BPR #10953**
An Attorney Licensed to Practice Law in Tennessee
(Shelby County)

FILED

JUN 21 2011

Clerk of the Courts

NO. M2011-01352-SC-BPO-BP

BOPR No. 2010-1992-9-RS

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed by Disciplinary Counsel against Respondent, Larry E. Fitzgerald, on November 18, 2010; upon a Motion for Default filed by Disciplinary Counsel on January 6, 2011; upon the entering of a Conditional Guilty Plea by the Respondent on May 26, 2011; upon the Order Recommending Approval of Conditional Guilty Plea by a Hearing Panel on June 7, 2011; upon the Board of Professional Responsibility's approval of the Conditional Guilty Plea on June 10, 2011; and upon the entire record in this cause.

From all of which the Court approves the recommendation of the Hearing Panel and accepts the Conditional Guilty Plea.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** by the Court,

1. The Respondent, Larry E. Fitzgerald, shall be suspended for ninety (90) days, pursuant to Supreme Court Rule 9, Section 4.2.

2. Pursuant to Supreme Court Rule 9, Section 24.3, the Respondent shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$375.00 and in addition, shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days from the entry of this order, for all of which execution may issue if necessary.

3. That the Respondent shall comply in all aspects with Rule 9, Section 18 of the Rules of the Supreme Court regarding the obligations and responsibilities of suspended attorneys.

4. The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Supreme Court Rule 9, Section 18.10.

5. Pursuant to Supreme Court Rule 9, Section 18.5, this order shall be effective ten (10) days after the date of its entry.

FOR THE COURT:

Cornelia A. Clark
CORNELIA A. CLARK
CHIEF JUSTICE

2

I, Michael W. Catalano, Clerk, hereby certify that this is a true and exact copy of the original

filed in the case.

This 21 day of June, 2011
CLERK OF COURT

By: [Signature] D.O.

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: LARRY E. FITZGERALD, BPR #10953
An Attorney Licensed to Practice Law in Tennessee
(Shelby County)

FILED
JUN 27 2011
Clerk of the Courts

NO. M2011-01352-SC-BPO-BP

BOPR No. 2010-1992-9-RS

AMENDED ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed by Disciplinary Counsel against Respondent, Larry E. Fitzgerald, on November 18, 2010; upon a Motion for Default filed by Disciplinary Counsel on January 6, 2011; upon the entering of a Conditional Guilty Plea by the Respondent on May 26, 2011; upon the Order Recommending Approval of Conditional Guilty Plea by a Hearing Panel on June 7, 2011; upon the Board of Professional Responsibility's approval of the Conditional Guilty Plea on June 10, 2011; and upon the entire record in this cause.

From all of which the Court approves the recommendation of the Hearing Panel and accepts the Conditional Guilty Plea.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** by the Court,

1. The Respondent, Larry E. Fitzgerald, shall be suspended for ninety (90) days beginning August 1, 2011, pursuant to Supreme Court Rule 9, Section 4.2.

2. Pursuant to Supreme Court Rule 9, Section 24.3, the Respondent shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$375.00 and in addition, shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days from the entry of this order, for all of which execution may issue if necessary.

3. That the Respondent shall comply in all aspects with Rule 9, Section 18 of the Rules of the Supreme Court regarding the obligations and responsibilities of suspended attorneys.

4. The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Supreme Court Rule 9, Section 18.10.

FOR THE COURT:

Cornelia A. Clark
CORNELIA A. CLARK
CHIEF JUSTICE

2

I, Michael W. Catalano, Clerk, hereby certify that this is a true and exact copy of the original

filed in the cause.
This 31 day of June, 2011
CLERK OF COURT

By: [Signature]