



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

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RELEASE OF INFORMATION
RE: JOHN ARNOLD FITZGERALD, BPR #796
CONTACT: A. RUSSELL WILLIS
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

March 29, 2016

RHEA COUNTY LAWYER SUSPENDED

On March 28, 2016, John Arnold Fitzgerald, of Dayton, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for four (4) years. The suspension was made retroactive to Mr. Fitzgerald's Temporary Suspension entered September 10, 2014, and was effective immediately upon entry. Mr. Fitzgerald must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

The Board of Professional Responsibility filed a Petition for Discipline and a Supplemental Petition for Discipline against Mr. Fitzgerald based upon three (3) complaints of misconduct alleging he improperly used his trust account for personal and business purposes, failed to properly handle and protect client and third-party funds provided to him, failed to account for client and third-party funds and failed to comply with a final court order.

Mr. Fitzgerald's actions violated Rules of Professional Conduct 1.15 (safekeeping property and funds); 3.4(c) (fairness to opposing party and counsel); and 8.4(a) and (d) (misconduct).

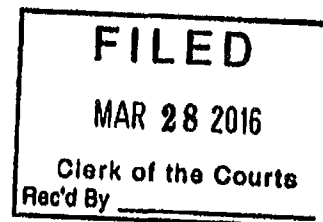
Mr. Fitzgerald must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys.

Fitzgerald 2424-3 rel.doc

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: JOHN ARNOLD FITZGERALD, BPR #796
An Attorney Licensed to Practice Law in Tennessee
(Rhea County)

No. M2016-00588-SC-BAR-BP
BOPR No. 2015-2424-3-AW



ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against John Arnold Fitzgerald on February 20, 2015; upon Answer to Petition for Discipline filed by Mr. Fitzgerald on March 20, 2015; upon a Supplemental Petition for Discipline filed September 25, 2015; upon Mr. Fitzgerald's Answer to Supplemental Petition for Discipline filed October 15, 2015; upon entry of a Conditional Guilty Plea filed by Mr. Fitzgerald on February 22, 2016; upon an Order Recommending Approval of Conditional Guilty Plea entered on February 26, 2016; upon consideration and approval by the Board on March 11, 2016; and upon the entire record in this cause.

From all of which the Court accepts the recommendation of the Hearing Panel and adopts the Hearing Panel's Order Recommending Approval of Conditional Guilty Plea as the Court's Order.

On September 10, 2014, Mr. Fitzgerald was temporarily suspended by this Court pursuant to Tenn. Sup. Ct. R. 9, § 12.3 (Case No. M2014-01694-SC-BAR-BP). To date, Mr. Fitzgerald has not been granted reinstatement from the temporary suspension.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT THAT:

(1) Pursuant to Tenn. Sup. Ct. R. 9, § 12.2, the law license of John Arnold Fitzgerald is suspended for four (4) years retroactive to September 10, 2014, the date Mr. Fitzgerald was temporarily suspended from the practice of law.

(2) Prior to seeking reinstatement, Mr. Fitzgerald must meet all CLE requirements; have remitted all outstanding registration fees and outstanding professional privilege taxes, including those due from the date of this suspension until the date of reinstatement; and have remitted all court costs and Board costs in this matter.

(3) Mr. Fitzgerald shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4 (2014) regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

(4) The Order of Temporary Suspension entered on September 10, 2014, in Case No. M2014-01694-SC-BAR-BP and the corresponding injunction are hereby dissolved.

(5) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1 (2014), this Order shall be effective upon entry.

(6) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d) (2014), Mr. Fitzgerald shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$3,023.13 and shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

(7) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11 (2014).

PER CURIAM