

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
08/14/2024
Clerk of the
Appellate Courts

IN RE: LARRY E. FITZGERALD, BPR NO. 010953
An Attorney Licensed to Practice Law in Tennessee
(Shelby County)

No. M2024-00267-SC-BAR-BP
BOPR No. 2022-3301-9-EF

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Respondent Larry E. Fitzgerald on December 12, 2022; upon Respondent's Answer to the Petition for Discipline on January 19, 2023; upon a Conditional Guilty Plea entered on October 18, 2023; upon an Order Recommending Approval of Conditional Guilty Plea entered on October 20, 2023; upon service of the Order Recommending Approval of Conditional Guilty Plea on Mr. Fitzgerald by the Executive Secretary of the Board on October 20, 2023; upon Order filed by Supreme Court on March 1, 2024, rejecting the Hearing Panel's recommendation of approval of Conditional Guilty Plea; upon a First Amended Conditional Guilty Plea entered on May 24, 2024; Upon an Order Recommending Approval of First Amended Conditional Guilty Plea entered on June 3, 2024; upon service of the Order Recommending Approval of First Amended Conditional Guilty Plea on Mr. Fitzgerald by the Executive Secretary of the Board on June 3, 2024; upon consideration and approval by the Board on June 14, 2024; and upon the entire record in this cause.

From all of which, the Court approves the Order of the Hearing Panel and adopts the Hearing Panel's Order Recommending Approval of First Amended Conditional Guilty Plea.

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

(1) Larry E. Fitzgerald is hereby suspended from the practice of law for four (4) years pursuant to Tenn. Sup. Ct. R. 9, § 12.2, with two (2) years served as an active suspension and the remainder served as a probationary suspension, the grant of which is conditioned upon the following:

- a. Throughout the probationary period of suspension, Respondent, at his cost, if any, shall engage the services of a Practice Monitor, who shall be selected and approved in accordance with Tenn. Sup. Ct. R. 9, § 12.9(c). The Respondent shall, in utilizing a Practice Monitor, comply with all requirements as contained in Tenn. Sup. Ct. R. 9, § 12.9(c). The Practice Monitor shall meet with Respondent monthly and assess Respondent's caseload, case management, timeliness of performing tasks, adequacy of communication with clients, and accounting procedures. The Practice Monitor shall provide a monthly written report of Respondent's progress to Disciplinary Counsel.
- b. Respondent shall attend one of the next two scheduled Board Trust Account Workshops. This requirement will be in addition to Respondent's annual CLE requirements.
- c. Respondent shall engage a Certified Public Accountant (CPA) to complete an audit and reconciliation of all firm trust accounts and provide the results to the Board within ninety (90) days of the entry of this Order of Enforcement. Respondent shall reconcile all firm trust accounts each month during the period of suspension and engage a CPA to review all trust accounts and Respondent's reconciliation at least every six (6) months to ensure every individual's account is in trust and funds are timely paid to the appropriate person.

(2) Respondent shall comply in all aspects with Tenn. Sup. Ct. R. 9, § 28, regarding the obligations and responsibilities of suspended attorneys.

(3) In the event Respondent fails to meet or maintain any condition of probation, probation may be revoked pursuant to Tenn. Sup. Ct. R. 9, § 14.2.

(4) Mr. Fitzgerald shall comply in all aspects with Tenn. Sup. Ct. R. 9, § 30.4, regarding the procedure for reinstatement.

(5) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Fitzgerald shall pay the Board of Professional Responsibility the expenses and costs incurred to date by the Board in this matter, including any filing fee assessed by the Court, in the amount of \$1,547.00. All costs, fees, and expenses awarded or assessed herein shall be paid within ninety (90) days of the entry of this Order for which execution, if necessary, may issue.

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

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

PER CURIAM