

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**IN RE STEPHEN V. FITZGERALD, JR., BPR #021108**

An Attorney Licensed to Practice Law in Tennessee  
(Gainesville, GA)

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No. M2012-00037-SC-BPR-BP  
BOPR No. 2012-2097-0-KB(17)

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**ORDER**

This matter is before the Court upon the Board of Professional Responsibility's Petition for Reciprocal Discipline pursuant to Tenn. Sup. Ct. R. 9, § 17.

On January 12, 2012, the Court entered a Notice for Mr. Fitzgerald to show cause, if any, why reciprocal discipline tantamount to the disbarment from the practice of law should not be imposed in Tennessee. By Order of the Supreme Court of Georgia in cause number S11Y1445, Mr. Fitzgerald's license to practice law in Georgia was voluntarily surrendered and he was stricken from the rolls of persons entitled to practice law in the State of Georgia. Rule 4-110(f) of the Rules of Discipline for the State Bar of Georgia states that a "voluntary surrender of license is tantamount to disbarment." Mr. Fitzgerald failed to respond to this Notice.

Therefore, after consideration of the entire file, the Court is of the opinion that the Petition is well taken and the reciprocal discipline as requested by the Board of Professional Responsibility is approved.

It is, therefore, ordered, adjudged, and decreed by the Court that:

(1) Stephen V. Fitzgerald, Jr. is disbarred from the practice of law in Tennessee as similarly imposed by Order of the Supreme Court of Georgia in cause number S11Y1445. A copy of the Order of the Supreme Court of Georgia is attached to this Order as Exhibit A.

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 24.3, Mr. Fitzgerald shall reimburse and pay to the Board of Professional Responsibility the costs and expenses of this proceeding in the amount of \$213.34; and, in addition, 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 shall issue, if necessary.

(3) The Board of Professional Responsibility shall cause notice of this disbarment to be published in accordance with Tenn. Sup. Ct. R. 9, § 18.10.

FOR THE COURT:

  
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WILLIAM C. KOCH, JR., JUSTICE

In the Supreme Court of Georgia

Decided: September 12, 2011

S11Y1445 IN THE MATTER OF STEPHEN VINCENT FITZGERALD.

PER CURIAM.

This disciplinary matter is before the Court on the petition for voluntary discipline filed by Respondent Stephen Vincent Fitzgerald (State Bar No. 262298) pursuant to Bar Rule 4-227 (b) prior to the issuance of a Formal Complaint. In his petition, Fitzgerald admits that he violated Rules 1.15 (I) and 1.15 (II) of the Georgia Rules of Professional Conduct, see Bar Rule 4-102 (d), by failing to account for and deliver proceeds of real estate closings to third parties in the approximate amount of \$455,426. Fitzgerald requests that this Court accept his petition for voluntary surrender of his license to practice law as the appropriate discipline for his conduct.

Based on the record before this Court, we agree with the State Bar that Fitzgerald's requested resolution is in the best interest of the public and the profession. Therefore, we accept this petition for voluntary discipline and hereby order that the name Stephen Vincent Fitzgerald be stricken from the rolls

Exhibit A

of persons entitled to practice law in the State of Georgia. Fitzgerald is reminded of his duties under Bar Rule 4-219 (c).

Voluntary surrender of license accepted. All the Justices concur.