

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
03/11/2021
Clerk of the
Appellate Courts

IN RE: ALBERT FITZPATRICK OFFICER, III, BPR #011629
An Attorney Licensed to Practice Law in Tennessee
(Putnam County)

No. M2021-00232-SC-BAR-BP
BOPR No. 2017-2774-4-WM

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Albert Fitzpatrick Officer, III on October 9, 2017; upon a Supplemental Petition for Discipline filed January 4, 2018; upon Mr. Officer's Answer to the Petition for Discipline filed January 9, 2018; upon Mr. Officer's Answer to the Supplemental Petition for Discipline filed June 6, 2018; upon a Second Supplemental Petition for Discipline filed February 6, 2019; upon Mr. Officer's Answer to the Second Supplemental Petition for Discipline filed August 15, 2019; upon entry of a Conditional Guilty Plea filed by Mr. Officer on January 19, 2021; upon an Order Recommending Approval of Conditional Guilty Plea entered on January 25, 2021; upon service of the Order Recommending Approval of Conditional Guilty Plea by the Executive Secretary of the Board on January 26, 2021; upon consideration and approval of the Conditional Guilty Plea by the Board on February 4, 2021; 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 Conditional Guilty Plea as the Court's Order.

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

- (1) Pursuant to Tenn. Sup. Ct. R. 9, § 12.2, Albert Fitzpatrick Officer, III is suspended from the practice of law for a period of six (6) years with six (6) months served as an active suspension, and the remainder served on probation, subject to the following conditions of probation:

- (a) Mr. Officer shall continue his current TLAP monitoring agreement during the term of his suspension and probation and follow all recommendations of TLAP. Mr. Officer may only apply for reinstatement after his active suspension after being certified by TLAP as suitable to practice law. Further, Mr. Officer shall execute, as needed, an appropriate authorization for TLAP to communicate with the Board regarding his monitoring agreement.
 - (b) Mr. Officer, at his cost, shall engage a practice monitor who shall be selected and approved in accordance with Tenn. Sup. Ct. R. 9, § 12.9(c). The practice monitor shall meet with Mr. Officer monthly and assess his case load, timeliness of tasks, adequacy of communication with his clients, and his accounting procedures. Mr. Officer shall not accept any clients in drug related criminal cases without authorization by the practice monitor. The practice monitor shall provide a monthly written report of Mr. Officer's progress to Disciplinary Counsel.
 - (c) During the period of active suspension and probation, Mr. Officer shall incur no new complaints of misconduct that relate to conduct occurring during the period of suspension and probation and which results in the recommendation by the Board that discipline be imposed.
 - (d) Mr. Officer shall make restitution to Karen Yohe in the amount of \$1,250.00.
- (2) In the event Mr. Officer fails to meet any condition of probation, the probation may be revoked pursuant to Tenn. Sup. Ct. R. 9, § 14.2.
 - (3) Prior to seeking reinstatement, Mr. Officer must have met 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.
 - (4) Additionally, Mr. Officer shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.
 - (5) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective upon entry.

- (6) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Officer shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$397.98 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.

PER CURIAM

